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7 March 2023

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 16TH MARCH, 2023 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To confirm Minutes of the meeting of the Committee held on 16 February 2023. **3 - 6**
4. To consider any items that the Chairman agrees to take as urgent business.

#### **Recommended for Approval.**

5. DM/22/1575 - Land West of Selsfield Road, Ardingly, West Sussex, RH16 6TH. **7 - 104**

#### **Recommended for Refusal.**

None.

## Other Matters

None.

6. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

### Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

### Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of District Planning Committee:** Councillors D Sweatman, B Forbes, R Bates, P Coote, A Eves, S Hatton, R Jackson, C Laband, G Marsh, A Peacock, C Trumble and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 16th February, 2023  
from 2.00 pm**

**Present:** D Sweatman (Chairman)  
B Forbes (Vice-Chair)

R Bates	R Jackson	A Peacock
P Coote	C Laband	C Trumble
A Eves	G Marsh	R Whittaker

**Absent:** Councillors S Hatton

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Hatton.

**2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

No declarations were made.

**3. TO CONFIRM MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 19 JANUARY 2023.**

The minutes of the meeting of the committee held on 19 January 2023 were agreed as a correct record and signed by the Chairman.

**4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman confirmed he had no urgent business.

**5. DM/22/2218 - MAXWELTON HOUSE, 41 - 43 BOLTRO ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 1BJ.**

Joanne Fisher, Senior Planning Officer, introduced the application which sought full planning permission for the redevelopment of the site to provide 50 retirement living apartments (Use Class C3 'dwelling houses'), associated parking, landscaping and amenity provision at Maxwellton House and land to the south of the building, Boltro Road, Haywards Heath.

Mr Richard Butler, Agent for the Applicant, spoke in support of the application.

A Member referred to P.70 of the Report and noted that there were no children's play space contributions from the applicant. He also referred to the Ecology Report on P.39 and understood that the applicant would need a special licence from Natural England due to the proximity of a badger sett therefore proposed a condition requiring the licence to be in place.

Steve Ashdown, Planning Team Leader for Major Development & Enforcement, set out the contributions in the report, highlighting the use class of the proposal which he confirmed did not generate a requirement for children's play space contributions. He added that the relevant licence from Natural England can only be sought once a planning application has been approved, and that the Council should not condition something that is required by another piece of legislation.

A Member welcomed the electric vehicle charging points.

A Member asked if there had been any consideration of requiring a signalled crossing point to be included in the proposals..

The Senior Planning Officer replied that crossing points are a matter for West Sussex County Council Highways and they had not suggested such a requirement was needed.

Members sought reassurances over the Section 106 contributions due to the lack of onsite affordable housing provision and the NHS Sussex contributions given the current dire state of the NHS.

The Planning Team Leader for Major Development & Enforcement explained that the affordable housing contribution had been agreed by a Housing Officer and represented full compliance with the Council's policy. As such a review clause would not be appropriate.

The Senior Planning Officer outlined that the NHS Sussex contributions are based on a set standard formula.

A Member believed that the site would be perfect for a car club.

The Planning Team Leader for Major Development & Enforcement advised that the size of the site would not feasibly justify a car club.

Cllr Peacock thought the application to be a big improvement on the previously approved scheme and proposed to move as recommended.

Cllr Trumble stated that the principle of development has been established and seconded Cllr Peacock's motion to move as recommended.

The Chairman took Members to vote on the recommended to approve the application which was agreed unanimously.

#### **RESOLVED**

That planning permission be granted subject to the conditions set out in Appendix A, and the completion of a S106 legal agreement to secure infrastructure contributions and a commuted sum towards affordable housing.

#### **6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

The Chairman confirmed that no questions were received.

The meeting finished at 2.45 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

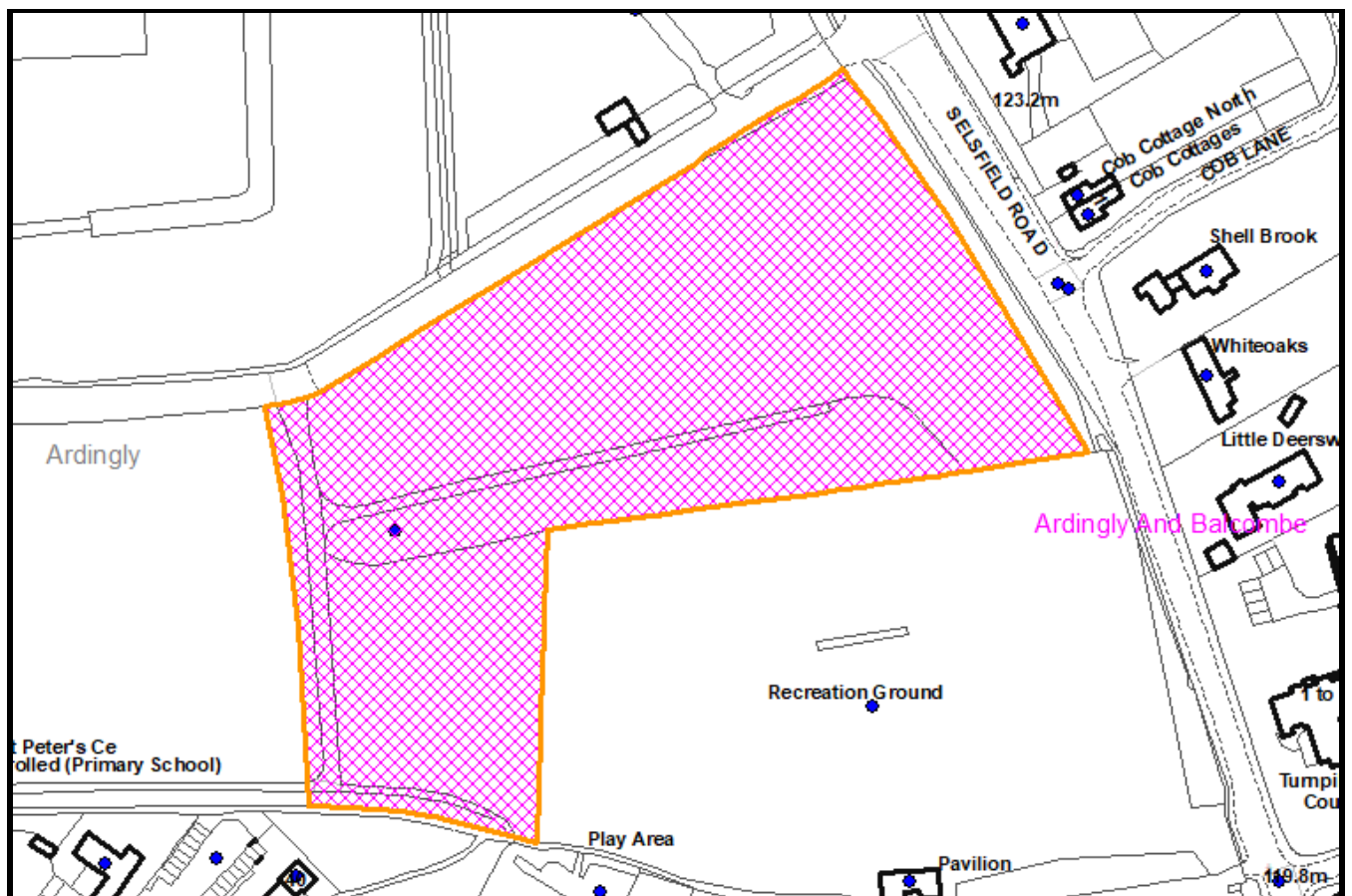
**16 MAR 2023**

RECOMMENDED FOR PERMISSION

**Ardingly**

**DM/22/1575**

**LAND WEST OF SELSFIELD ROAD ARDINGLY WEST SUSSEX  
OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 35  
DWELLINGS, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE,  
WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS  
MR. OLIVER TAYLOR**



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POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC)

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th September 2022

WARD MEMBERS: Cllr Gary Marsh / Cllr Jenny Edwards /

CASE OFFICER: Joseph Swift

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks outline planning permission for 35 houses and the detailed consideration of access only. All other matters are to be reserved and considered under a subsequent reserved matters application.

Planning legislation requires the application be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Sites Allocation DPD and the Ardingly Neighbourhood Plan.

The site is allocated for 35 dwellings with onsite public open space within the Site Allocation DPD (SADPD) under Policy SA25. This DPD is adopted and forms part of the development plan. As a result of the site being allocated for development in the DPD the site has now been incorporated into the built-up area of Ardingly.

As the proposed development is within the built-up area of Ardingly, the principle of additional housing development is also acceptable under Policy DP6 of the District Plan which states:

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

The application is in accordance with the development plan, is acceptable in principle and planning permission should be granted unless other material considerations indicate otherwise.



Provision of the proposed access onto Selsfield Road is considered to be acceptable subject to condition that the development cannot be first occupied prior to the vehicular access being constructed in accordance with the approved details.

It is acknowledged that the proposal would result in less than substantial harm to the setting of the Conservation Areas and the settings of a number of listed buildings. However, as set out in para 202 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

The proposed development is an allocated site within the adopted development plan having been considered acceptable by the independent Inspector. It would provide 35 new dwellings (11 affordable homes) which will assist with meeting the Council's housing requirements and reflects one of the key objectives of the NPPF, together with infrastructure contributions to educations, libraries, highway improvement, play space and formal sports. There would also be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. A Biodiversity Net Gain would be achieved. These factors all weigh positively in the planning balance and should be given significant weight.

There will be a neutral impact in respect of the impact on the Ashdown Forest, drainage, accessibility and archaeology.

As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area and on the nearby listed buildings.

The Council would also receive a new homes bonus from the Government for the delivery of new dwellings.

As the application is in outline form only, consideration on the appearance, layout, scale, landscaping of the site would be considered at the reserved matters stage.

On this basis the proposal is considered to comply with Policies DP6, DP20, DP21, DP30, DP31, DP38, DP41 and DP42 of the District Plan, Policy ARD1, ARD2 and ARD 8 of the Ardingly Neighbourhood Plan, Policy SA25 and SA GEN of the Sites Allocation DPD and the relevant provisions of the NPPF.

## **RECOMMENDATION**

### **Recommendation A**

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

## **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure, affordable housing and Ashdown Forest mitigation payments by the 9th May 2023, then permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031 and Paragraph 180 of the National Planning Policy Framework.'

## **SUMMARY OF REPRESENTATIONS**

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

- Not notified
- Only two site notices
- Not enough information to be able to comment
- Impact on AONB
- No justification for need for housing/does not meet housing need
- Neighbourhood Plan housing number met
- Insufficient infrastructure
- Impact on Conservation Area
- Impact on Listed Buildings
- Irreplaceable greenspace
- Increase in traffic
- No benefits to local community
- Noise and disturbance/noise from showground
- Does not contain sufficient affordable homes/mix
- Not sustainable
- Does not set out landscape strategy
- Ignores public rights of way
- Protected species/biodiversity
- Water run off/flooding
- Overlooking/loss of privacy
- Anti-social behaviour
- Site ownership
- Local community not consulted in sufficient detail
- Impact on Ashdown Forest
- Contamination

- Archaeological concerns
- Inadequate parking
- Water supply
- Future development
- Air pollution
- Restrictive covenants
- Issues over operation of the charity
- Contrary to Mid Sussex District Plan Consultation Draft
- Sewage capacity

## **SUMMARY OF CONSULTEES (full comments in appendix)**

### **Historic England**

We suggest that you seek the views of your specialist conservation and archaeological advisers.

### **Natural England**

No objection subject to securing appropriate mitigation

### **MSDC Housing Officer**

11 affordable housing units on a scheme of up to 35 dwellings will meet our requirements. Advice on mix required.

### **MSDC Conservation Officer**

Less than substantial harm.

### **County Planning Officer**

Requires contributions towards education provision, libraries and TAD.

### **MSDC Planning Policy Officer**

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

### **West Sussex County Council Lead Local Flood Authority**

No objection.

## **Landscape Consultant**

Recommendations and conditions on soft landscaping, hard landscaping, landscape management plan and Arboricultural method statement.

## **West Sussex County Council Highway Authority**

The proposals are considered to provide safe and suitable access. Whilst access to services beyond the village by non-car modes is very limited, those services that are available locally are all within short walking distance. The site therefore takes up those opportunities (albeit limited) to promote sustainable transport.

It's not considered that this proposal would result in any unacceptable highway safety impacts or other such impacts that may be considered severe. No highway objection would be raised.

## **West Sussex County Council Fire, Water and Access**

Advice: Fire hydrant condition

## **West Sussex County Council Waste and Minerals**

No comment

## **Southern Water**

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

## **Sussex Police**

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

## **Environmental Protection Officer**

No objection subject to conditions regarding construction working hours, deliveries, construction environmental management plan, sound proofing, air quality and heat pumps to protect residential amenity.

## **MSDC Drainage Officer**

No objection subject to conditions.

## **MSDC Urban Designer**

Raises a number of concerns over the indicative plans.

### **MSDC Community Leisure Officer**

Requires contributions towards off site leisure provision.**MSDC Street Naming and Numbering**

Informative 29 - formal address allocation required

### **MSDC Contaminated Land Officer**

Approve with phased contaminated land condition and a discovery strategy.

### **High Weald AONB Unit**

If acceptable should meet requirements of the High Weald AONB design guide, incorporate climate change mitigation and adaptation measures, designed to minimise soil disturbances, use the High Weald Colour Study, materials should reflect those used locally, drainage to restore natural functioning of river catchments, local habitats and species should be protected, native locally sources plants used for additional landscaping and controls over lighting imposed.

### **Archaeological Consultant**

Recommend approval subject to conditions

### **Natural England**

No objection to the proposal subject to securing appropriate mitigation.

### **MSDC Tree Officer**

No objection to the development, would require updated AIA and AMS once final layout has been approved.

### **Ecology Consultant**

A condition is recommended.

### **TOWN/PARISH COUNCIL OBSERVATIONS**

Objects to the proposal in relation to the access, would seek further robust details of the screening to the western boundary, would expect to see 11 affordable homes and smaller homes to meet local need, concerns over water supply and wastewater, attenuation pond is not most environmentally friendly and HSE risk, not sustainable, insufficient transport links and will increase traffic.

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## **INTRODUCTION**

This application seeks outline planning permission for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access.

## **RELEVANT PLANNING HISTORY**

None

## **SITE AND SURROUNDINGS**

The site area totals approximately 2.3 hectares and consists of flat open grassland bounded by trees and hedges. The application site is located to the west of Selsfield Road and wraps around the recreation ground to the south and east, with residential dwellings and the school to the south, the South of England Show Ground is to the north, with an area of open grassland to the west.

The application site is designated as being within the built up area boundary of Ardingly, the High Weald Area of Outstanding Natural Beauty and is located within 7km of the Ashdown Forest. Furthermore, the site lies between the Ardingly (east) conservation area, which lies on the eastern side of Selsfield Road and the Ardingly (west) conservation Area to the west of St Peter's CE school.

## **APPLICATION DETAILS**

This application seeks outline planning permission for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access

An illustrative masterplan has been submitted to demonstrate how this amount of development could be accommodated on the site, showing a SUDS pond to the southern part of the site, with the housing located around the access road, together with the existing trees to be retained and additional tree planting together with areas of meadow and amenity grassland.

As well as the drawings, the application is accompanied by a planning statement, tree survey report, ecological appraisal, Southern Water and South East Water connection details, lighting strategy and impact assessment, landscape and visual appraisal, drainage strategy, flood risk assessment and drainage strategy, air quality assessment, design and access statement, noise assessment, statement of community involvement, sustainability statement and an archaeological assessment.

The means of access is to be determined at this stage. The proposal is seeking to upgrade the existing showground access from Selsfield Road, removing the existing tapered access arrangement and replace this with a verge. The upgraded access has been shown to achieve visibility splays of 2.4 metres by 138 metres. The

proposed access will tie into the existing roadside footpaths and a 2 metre wide footpath would be linked from the application site to the existing footpaths leading both south into the village and north around the show ground. The proposed access to the site would be a spur road from the showground access. The proposed new access is two laned with a minimum width of 5.5 metres and providing a 25 metre visibility splay at its junction of the access from the showground.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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.'*

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

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 for this part of Mid Sussex consists of the District Plan, the Sites Allocation DPD and the Ardingly Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

## **LIST OF POLICIES**

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

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

DP4 Housing  
DP6 Settlement Hierarchy  
DP20 Securing Infrastructure  
DP21 Transport  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP28 Accessibility  
DP29 Noise, Air and Light Pollution  
DP30 Housing Mix  
DP31 Affordable Housing  
DP37 Trees, Woodlands and Hedgerows  
DP38 Biodiversity  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage  
DP42 Water Infrastructure and the Water Environment

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

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

Relevant policies:

SA GEN - General Principles for site allocation  
SA25 - Land west of Selsfield Road

### **Ardingly Neighbourhood Plan**

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

ARD 1: The Presumption in Favour of Sustainable Development  
ARD 2: A Spatial Plan for the Parish  
ARD 4: Suitable Alternative Natural Greenspace  
ARD 5: Housing Design  
ARD 8: Biodiversity  
ARD 9: Heritage Assets  
ARD 16: Broadband  
ARD 19: South of England Showground

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

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The



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

*Development Infrastructure and Contributions Supplementary Planning Document (SPD)*

*Affordable Housing Supplementary Planning Document (SPD)*

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

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

*National Design Guide*

*Ministerial Statement and Design Guide*

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

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

*High Weald Housing Design Guide, November 2019*

*Technical Housing Standards Nationally Described Space Standards*

*West Sussex County Council Guidance on Parking at New Development, September 2020*

National Planning Policy Framework (NPPF) (July 2021)

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

Paragraph 12 of the NPPF states:

*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## **ASSESSMENT**

As above, this is an outline planning application for the erection of 35 dwellings with the detailed consideration of only access. All other issues will be considered in detail under the reserved matters application to follow and can only be considered under this application for indicative purposes only.

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

- The principle of development,
- Impact on Landscape and AONB
- Design and character,
- Access, parking and highway safety,
- Affordable Housing,
- Space standards,
- Accessibility,
- Sustainability,
- Neighbour amenity,
- Ecology,
- Flood Risk/Drainage,
- Trees,
- Infrastructure provision,
- Housing Mix,
- Heritage Assets,
- Ashdown Forest, and
- 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.

The site is allocated within the Site Allocation DPD (SADPD) under Policy SA25. This DPD is adopted and forms part of the development plan. As a result of the site being allocated for development in the DPD the site has now been incorporated into the built-up area of Ardingly. Policy SA25 identifies the site for 35 dwellings and in part states:

### *'Objectives*

*To deliver a sympathetic and well integrated extension to the village of Ardingly informed by a landscape led masterplan, which conserves and enhances the landscape character of the High Weald AONB and the setting of nearby heritage assets.*

### *Urban Design Principles*

- *Locate the development at the eastern end of the open land between the South of England Showground and the Recreation Ground, fronting onto Selsfield Road. The proposed development should include strategic landscaping at its western end.*
- *Respect the distinctive character of the village and the existing settlement pattern.*
- *Orientate development to positively address existing and proposed areas of open space.*
- *Orientate development to have a positive edge to all site boundaries and to the adjacent recreation ground, facilitated by and including the removal of the existing bund providing a focal point for the development where sensitively designed higher density housing could be located, close boarded fencing should be avoided where visible from outside the site.*
- *Provide a permeable layout and enhance the connectivity of the site with Ardingly village and existing PRow.*

### *AONB*

- *Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to conserve and enhance the landscape of the High Weald AONB, as set out in the High Weald AONB*
- *Management Plan.*
- *Retain and substantially enhance existing trees and hedgerows incorporating them into the landscape structure and layout of the development and reinstate the historic field boundary through the centre of the site adjacent to the area of open*

- *space to the west, with native species-rich hedgerow and native trees, incorporating the existing mature Oak tree.*
- *Incorporate retained landscape features into a strong new landscape setting, containing the new housing and limiting the impact on the wider landscape.*
- *Protect and enhance the character and amenity of existing PRoW which runs along the northern and southern boundaries and provide connections from the new development.'*

Policy ARD2 of the Neighbourhood Plan directs future housing within the built up area boundaries of the proposal map of Ardingly Village, while ARD19 only supports proposals that expand its range and styles or operations of the show ground and also adhere to the restrictions of the legal agreement within which the Society operates.

In accordance with para 30 of the NPPF, the Sites DPD, which includes proposed housing allocation SA25 is considered to take precedent over NP policy ARD 2 (A Spatial Plan for the Parish) and ARD 19 (South of England Showground).

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

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

In light of the above, the principle of development on this site is established in the Development Plan and the detail of the proposal is required to be assessed against the site-specific requirements of SA25 and other relevant policies of the Development Plan.

### **Impact on landscape and AONB**

A key issue is the effect of the development on the High Weald AONB. 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 176 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.'*

Policy SA GEN of the Sites Allocation DPD requires proposals to:

*'Undertake Landscape and Visual Impact Assessment or Appraisal (LVIA) on any rural and edge of settlement sites. In the AONB the LVIA will utilise the AONB Management Plan components as landscape receptors. The LVIA will need to inform the site design, layout, capacity and any mitigation requirements.*

*Development in the High Weald AONB or within its setting will need to conserve and enhance the natural beauty of the High Weald, as set out in the High Weald Management Plan 2019- 2024 and District Plan Policy DP16: High Weald Area of Outstanding Natural Beauty.'*

Para 177 of the NPPF states:

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

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

This matter was considered within the Sites Allocation DPD Inspector's Report it sets out:

*'I am therefore satisfied that, in the Mid Sussex context, subject to MM1, which reduces the housing quantum of SA25, from 70 to 35 dwellings within a settlement that is in the AONB, that all the housing allocations in the submitted Plan comply with the requirements of District Plan policy DP16, in that they are all modest (minor) schemes which do not cause harm to the AONB.'*

The Inspector took the view that this would be a minor development and not a major development and as such does not need to be assessed against Paragraph 177 of the NPPF.

Although within an Area of Outstanding Natural Beauty, the site is closely related to the existing residential development to the south, together with residential dwelling on the eastern side of Selsfield Road. The site wraps around the recreation ground and also contains the South of England Show Ground to the north, which has a number of mobile homes. Furthermore, as set out within the supporting documents, the site landscape condition is considered 'ordinary'.

The application has been supported by a Landscape and Visual Appraisal which sets concludes:

*'The assessment has shown that development on the site would have no impact upon the landscape character of the AONB at a wider scale but there would be a slight adverse effect at Year 15 at the local scale of the site and its immediate surroundings. There would also be some detrimental visual effects but again these are only in the immediate proximity of the site.'*

The MSDC Landscape Consultant has confirmed that they:  
*'agree that the overall importance of effect on the site as a landscape receptor would not be deemed significant and unlikely to be a determining issue.'*

The MSDC Landscape Consultant goes onto say:  
*'On review, it has been judged that on completion of the development after 15 years, there would be some adverse visual effects but only in the immediate proximity of the site. For example, the appraisal has judged that the importance of effect after 15 years on PRoW 43Ar would be slight/moderate adverse given the change in character to an outlook that's suburban. In general, we agree with the methodology and support the majority of the visual effects judged. Where judgements may differ, these are not deemed significant and would not alter the overall stance on the proposed development.'*

Although, this proposal is only considering access and the detailed landscape impact will be considered at the Reserved Matters stage, the MSDC Landscape consultant has recommended additional landscape features to the western boundary, active frontages to the western, northern and eastern boundaries, built edge pulled away from the northern boundary, avoid close boarded fences where visible from the public realm, minimise urbanising features and the SUDS needs to be carefully considered to maximise amenity value. It is important to note, however, that the principle of the development of this site as proposed is established in the Development Plan and the view of the Inspector that the scheme does not cause harm to the AONB.

The High Weald AONB Unit has not raised an objection to the proposal but has highlighted a number of requirements that the proposal will need to meet. It has produced a Housing Design Guide, while the majority of the principles will be a considered at the reserved matters stage within the design guide it is sets out that Ardingly is:

*'A village in West Sussex with two distinct centres: the older Saxon settlement in the west around the church and the later mediaeval trading settlement around the intersection of two routeways in the east. In common with other 'dual' centre settlements within the High Weald, the continued separation between these two settlements is an intrinsic part of its character and is crucial to being able to 'read' its historic settlement pattern, and how the settlement relates to its immediate landscape context.'*

In accordance with Principle DG1 (Responding to Site and Landscape Context) of the AONB Housing Design Guide it is considered that the proposal would not result in the agglomeration of these two historic dual centres and as such is sensitive to the historic settlement pattern of Ardingly.

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

### **Highways Matters**

The proposal is seeking to upgrade the existing access from Selsfield Road, removing the existing taper from the north and south of the existing access, with the proposal linking into the existing footpath and the main road access coming off the existing showground access to the northern part of the site. The access plans also show that the upgraded access will achieve visibility splays of 138 metres to both the north and south of the access onto Selsfield Road.

Policy DP21 of the District Plan deals with transport matters and sets out criteria against which decisions on development proposals will be assessed. It states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public*

*transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*

*The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians, and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy SA GEN sets out:

*'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 - 2026.*

*Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*

*Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*

*Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*

*Safeguard Public Rights of Way (PRoW) and protect their amenity.*



*Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

SA25 of the SADPD states in respect of this topic:

*'Highways and Access*

- *Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure improvements and demonstrates how the development will integrate with and enhance the existing network providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks in Ardingly.*
- *Mitigate development impacts by maximising sustainable transport enhancements, where addition impacts remain, highway mitigation measures will be considered.*
- *Investigate access arrangements onto Selsfield Road and make necessary safety improvements.*

Paragraph 111 of the NPPF states that:

*'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

No highway objections have been raised by the WSCC subject to conditions on access, a construction management plan, travel plan statement and contributions towards the Travel Plan auditing fee (£1,500) and Traffic Regulation Order Contribution (£7,300) to cover potential waiting restrictions (which are to be secured as part of the S106 Agreement).

In accordance with SA25 and SA GEN, the proposal has been supported by a Transport Statement. The proposal is seeking to link into the existing footpath network which will provide safe and suitable access into Ardingly. No other physical improvements have been identified within the Transport Statement. WSCC consider that the transport impacts for this development are quite low and details to promote sustainable transport options will come through the travel plan which will be secured by condition.

Given the above, the LHA considers that the proposal will not be prejudicial to highway safety and would not result in 'severe' cumulative impacts on the operation of the highway network. As such the proposed development would not be in conflict with policy DP21 or paragraph 111 of the National Planning Policy Framework.

Car parking details would be considered under a subsequent Reserved Matters application.

Overall, it is considered that the details submitted for access are acceptable and comply with the criteria of relevant policies DP21 of the MSDP, SA25 and SA GEN of the Sites Allocation DPD and paragraph 111 of the NPPF.

## Design and Character

MSDP policy DP26 concerns considerations of character and design and states:

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

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

Policy SA25 of the Sites Allocation DPD set out the following urban design principles:

- *'Locate the development at the eastern end of the open land between the South of England Showground and the Recreation Ground, fronting onto Selsfield Road. The proposed development should include strategic landscaping at its western end.*
- *Respect the distinctive character of the village and the existing settlement pattern.*
- *Orientate development to positively address existing and proposed areas of open space.*
- *Orientate development to have a positive edge to all site boundaries and to the adjacent recreation ground, facilitated by and including the removal of the existing bund providing a focal point for the development where sensitively*

*designed higher density housing could be located, close boarded fencing should be avoided where visible from outside the site.*

- *Provide a permeable layout and enhance the connectivity of the site with Ardingly village and existing PRow.*

At local level Policy ARD5 of the Neighbourhood Plan sets out:

*'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.'*

Chapter 4: Site Layout, Streets and Spaces of Mid Sussex Design Guide SPD contains certain principles which are relevant to this application proposal. These are DG12: to deliver a clear and connected structure of streets and spaces, DG13: provides positive frontages to streets, DG14 provides enclosure, DG15: legibility and image, DG16: creates a positive development edge, DG17: pedestrian friendly streets and street hierarchy, DG18: integrate parking to support attractive streets and spaces, DG19: provision of off-street parking, DG21: consider and allow for servicing, refuse collection and deliveries, DG22: integrate refuse and recycling into the design of new development, DG24: plan for cyclists, DG27: integrate tree planting and soft landscape, DG30: design for everyone and look to the future.

The applicant is expected to meet the requirements of all the relevant principles or provide justification for failure to do so.

Para 130 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities),*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

This is an outline scheme where matters such as appearance, landscaping, layout and scale are not for consideration and are reserved for the detailed consideration under a subsequent planning (reserved matters) application. However, as part of this

application indicative layout drawings have been submitted to demonstrate how the amount of development might be accommodated on the site. The applicants have confirmed that the parameters for all units will be a maximum of two storey as shown on indicative street scenes which will be secured by condition.

Whilst the plans are indicative and do not form part of the formal consideration of this application, the Council's Urban Designer has reviewed the proposal and provided comments. A number of points have been raised in relation to the layout of the proposal, as such further discussion will be had with the agents to address these matters before an application at the reserved matters is submitted, this will be highlighted to the applicant as an informative.

## **Affordable Housing**

Policy DP31 of the District Plan relates to Affordable Housing and states:

*'The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace<sup>14</sup> of more than 1,000m<sup>2</sup>,*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing,*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements,*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix, and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including 'optional requirements' set out in this District Plan (Policies DP27: Dwelling Space Standards, DP28: Accessibility and DP42: Water Infrastructure and the Water Environment), or any such standards which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'*

The Planning Statement sets out that the proposal would provide 10 affordable housing units and 25 market housing with the following mix:

Market Housing:

4 x 2 bed  
9 x 3 bed  
9 x 4 bed  
3 x 5 bed

Affordable Housing:

3 x 2 bed  
4 x 3 bed  
3 x 4 bed

While this is only an indicative mix and the final mix will be determined at the reserved matters stage, the Housing Officer has identified that the following mix of affordable housing is required:

*'3 (or 4) x 1B/2P FOGS, maisonettes or bungalows @ a minimum of 50m<sup>2</sup> (excluding the staircase and entrance hall in the case of any FOGS or maisonettes or 58m<sup>2</sup> including them.)*

*6 (or 5) x 2B/4P houses @ a minimum of 79m<sup>2</sup> (2 storey)*

*1 x 3B/5P house @ a minimum of 93m<sup>2</sup> (2 storey)*

*1 x 4B/6P house @ a minimum of 106m<sup>2</sup> (2 storey)*

*3 (25 %) of the affordable dwellings will need to be First Homes, in the form of 2B/4P houses (there is a Price Cap of £250K after discount for First Homes) and 8 (75 %) will need to be for affordable or social rent.'*

The applicants have agreed to this mix (11 affordable houses) and details of which will be secured through the S106 Agreement and will form part of the details at the reserved matters stage.

The scheme secures a policy compliant level of affordable housing, the proposal thereby meets the requirements of Policy DP31 of the District Plan.

## **Sustainability**

Policy DP39 of the District Plan states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*

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

Policy SA GEN (General Principles for Site Allocations) of the SADPD sets out the following in respect of sustainability,

- *'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.*
- *Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions, and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'*

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

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

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 154 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

This application is accompanied by a sustainability statement which sets out the following proposals:

- Homes will be highly energy efficient, adopting a fabric first approach and with specifications above current Building Regulations for insulation detailing. They will be orientated to maximise solar gain where possible,

- There will be no burning of fossil fuels on site, with no natural gas supplied, it is the intention that heating will be via highly efficient air source heat pumps,
- The development will employ a combination of highly efficient fixtures, fittings and appliances to reduce domestic water use to achieve the 110 l/p/d target,
- Electric vehicle charging points will be provided to every property with on-plot parking in line with emerging policy requirements,
- Construction and operational waste will be managed according to the principles of the Waste Hierarchy with a focus on waste prevention, re-use and recycling,
- Areas of quality open space will be provided, with the existing features of ecological value retained and enhanced with native planting to increase levels of biodiversity,
- Buildings will be designed and specified to adapt to a changed climate: overheating will be managed through good design, the retention of existing trees and additional planting will provide more comfortable microclimates in warmer weather, the landscape design will provide multi-functional benefits, supporting increased biodiversity and enhancing the overall aesthetic.

As such, it is considered that at this outline stage where detail is not required, the intention to comply with policy requirements are met and is therefore in accordance with MSDP policy DP39, policy SA GEN of the Site Allocation DPD, the principles of the Council's Design Guide, as well as the provisions of the NPPF. The proposal is considered to be acceptable in sustainability terms.

Full details will be required under a future submission for the Reserved matters. The development would also need to conform with the requirements of the Building Regulations at implementation stage.

## **Ecology and Biodiversity**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

MSDP policy DP38: Biodiversity states the following:

*Biodiversity will be protected and enhanced by ensuring development:*

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

*offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances), and*

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

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

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

Policy SA GEN of the Sites Allocation DPD in part states:

*'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.*

*Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy'*

SA25 of the SADPD states in respect of this topic:

*'and Green Infrastructure*

- *Undertake an holistic approach to Green Infrastructure and corridors, including retention of existing landscape features and enhancement with new native species-rich hedgerows, native tree planting and wildflower seeding in areas of open space to provide a matrix of habitats with links to the surrounding landscape.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological*



*protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.*

- *Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality.'*

While at local level ARD8 of the neighbourhood Plan states:

*'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'*

The application has been supported by a Preliminary Ecological Appraisal which sets out:

*'Overall, there are no known overriding ecological constraints that would prevent the proposed works going ahead, subject to the recommendations made in this report being correctly implemented.'*

The applicants have provided a baseline assessment using the most up to date biodiversity metric, which sets out what is on site at the moment and that the proposal could achieve an onsite 10.82 per cent biodiversity net gain, together with an 83.68 % hedgerow unit enhancement on site. The applicants are proposing to achieve this by enhancing the existing grass land to a more species rich and less intensively managed habitat type, with the retained native hedgerows enhanced to a native species rich hedgerow.

At present the proposal is showing that the trading rules have been satisfied in relation to biodiversity net gain. However, a Design Stage biodiversity net gain report, in the form recommended by CIEEM (BNG Report Audit Template Version 1) will be required at the reserve matters stage to provide the final metric results and details of this have been secured by a condition requiring a measurable biodiversity net gain.

The MSDC ecology consultant raised no objection in principle to the proposed residential redevelopment of the site, in terms of biodiversity constraints, but has requested conditions that the proposal is carried out in accordance with the mitigation and enhancement measures together with a construction environmental management plan (CEMP), a biodiversity enhancement strategy, biodiversity net gain design, landscape and ecological management plan (LEMP) and a wildlife sensitive lighting design scheme. These conditions are recommended.

As such, it is considered that for the purposes of this application, the proposal meets the criteria of policy DP38 of the MSDP, Policy ARD8 of the Neighbourhood Plan and SA Gen of the Sites Allocation DPD.

## **Dwelling Space Standards**

Policy DP27 Dwelling Space Standards, of the MSDP states the following:

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

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

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

No details have been provided on the gross internal area of each dwelling at this stage, but will form part of the consideration at the reserved matters stage.

## **Accessibility**

MSDP policy DP28: Accessibility states:

*All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*

*With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.*

### *Accessible and Adaptable Dwellings*

*Developments of 5 or more dwellings will be expected to make provision for 20 % of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:*

- 1) Where new dwellings are created by a change of use,*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings,*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means,*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

### *Wheelchair-user dwellings*

*Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of*

*affordable homes, generally 4 %, dependent on the suitability of the site and the need at the time.*

*The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'*

While this is a matter to be considered in detail under a subsequent application A condition in relation to 20 % of the units to be part M4(2) (Adaptable and Accessible) compliant is proposed in Appendix A.

## **Neighbour Amenity**

Policy DP26 seeks to protect residential amenity and states that new development will not be permitted if significant harm to the amenities of existing nearby residents and future occupants of new dwellings, when considering matters such as overlooking, loss of privacy and noise/disturbance, amongst other potential issues.

Policy DP29 deals specifically with noise pollution, as well as air and light, and seeks to protect the quality of people's life from unacceptable levels of noise. It states that the residential development *'will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment, are incorporated within a development'*.

Mid Sussex Design Guide provides guidelines for the protection of residential amenity. Principles DG45 addresses issues of privacy, DG46 - External Amenity Space, DG47 - Daylight and Sunlight, DG48 - Noise, Air and Light Pollution. It acknowledges that the design of new development can have a direct impact on the quality of life.

As the internal layout is for illustrative purposes the detailed neighbour relationships cannot be assessed at this stage and will be dealt with at the reserved matters stage. Notwithstanding this, the layout has undergone careful review and considered against the Mid Sussex Design Guide Principles. The Council's Urban Designer raises no neighbouring amenity objections to the proposal.

Due to the proximity to both the Showground, its associated access road and St Peters C.E. Primary school, the application has been supported by an acoustic report. The Council's Environmental Protection Officer has assessed this information and considers that with good acoustic design the proposal can comply with the relevant guidance and as such has recommended conditions on construction hours, deliveries, construction environmental management plan (CEMP), soundproofing, air quality and heat pumps.

Subject to the final layout and the above mentioned conditions it is considered that this element of MSDC policy DP26 together with Policy DP29 and the principles of the Mid Sussex Design Guide SPD.

## **Flood Risk and Drainage**

The application site is within flood zone 1 and is at low fluvial flood risk (rivers) and at a very low risk of surface water flood risk, with a small area to the eastern boundary of the site at low surface water flood risk. Although the plans are indicative at this stage, the drainage strategy has set out an infiltration basin within the amenity space to the south eastern corner which from the outline calculations would meet the 1 in 100/year plus a 40 % storm event with the foul water drainage being shown connected via a gravity network into the public foul sewer on Selsfield Road.

Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:

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

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

The application is supported by a combined flood risk assessment and foul and surface water drainage assessment. This report concludes that the site is at low risk of flooding from any source.

The application site is not subject to any flood risk area and given the size of the development Sustainable Drainage System will be implemented.

The Council's Drainage Officer has been consulted on this application and has raised no objection to the proposal subject to a proposed foul and surface water drainage condition. The applicants have provided evidence of formal consultation with Southern Water that there is currently adequate capacity in the local sewage network to accommodate a foul flow of 0.32l/s for the development.

In addition, WSCC Lead Local Flood Authority have raised no objections to the proposal.

As such, it is considered that at this outline stage of the planning application process, the proposed development does comply with DP policy DP41 in terms of flood risk and drainage issues.

## **Trees and Hedgerows**

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

The application has been supported by a Tree Survey Report which sets out a total of 12 individual trees and one group of trees will be removed to facilitate the proposal. The trees are not subject to TPOs and are not within a conservation area and as such could be removed without consent. Furthermore, while it is noted that landscaping and layout will be considered at the reserved matters stage, the Councils Tree Officer has agreed that the removal of the category C trees to accommodate the access is acceptable and has raised no objections to the application.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan.

### **Heritage Assets**

The application site is in close proximity to the Ardingly East and West Conservation Areas with a number of Listed Buildings, particularly the Grade I Listed Building St Peters Church together with a number of other Grade II Listed buildings to the west (St Peters Church Centre, Jordans, Jordans Cottage, Knowles Farmhouse, Cobwebbs, and No.1 and 2 Church Cottages)

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

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

This stance is reflected under policy DP34 of the District Plan which states in part that special regard will be given to protecting the setting of a listed building.

Policy DP35 of the District Plan is also relevant. This relates to Conservation Areas and their settings. It requires developments in a conservation area to conserve or enhance its special character, appearance. In addition it states *'Development will also protect the setting of the conservation area and in particular views into and out of the area'*.

Policy SA25 of the SADPD states:

#### **Environment and Cultural Heritage**

- Provide appropriate design, layout and landscaping mitigation to protect the rural setting of the adjacent Ardingly Conservation Areas and nearby listed St Peter's Church (Grade I) and the listed group which surrounds the Church (Grade II), ensure development is not dominant in views from within the conservation areas and the setting of the listed buildings.
- Retain the western end of the site as an undeveloped area of public open space in order to

- protect the rural setting of these assets and maintain separation of the two historic cores of the village.
- Establish the need for Archaeological pre-determination evaluation and appropriate mitigation and undertake a geophysical survey shall be undertaken, the results of which will identify appropriate archaeological mitigation.

While SA GEN states:

*'Respect listed buildings, conservation areas, scheduled monuments, the historic landscape, registered parks and gardens and their settings and look for opportunities to enhance or better reveal their significance. All heritage assets, including those that are undesignated, will need to be conserved and enhanced.'*

*'Provide Heritage Impact Assessments, where appropriate, to establish the significance of heritage assets and their settings, the impact of development on this significance and, if appropriate, mitigation strategies in accordance with District Plan policies DP34: Listed Buildings and other Heritage assets, DP35: Conservation Areas and DP36: Historic Parks and Gardens.'*

At local level ARD9 of the Neighbourhood Plan states:

*'The Neighbourhood Plan requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly.'*

Paragraphs 199 and 202 of the NPPF states:

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

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

The MSDC Conservation Officer consider that the proposal would cause less than substantial harm to both the setting of the Conservation Areas and the Listed Buildings. Although the precise level (low, mid or high level of less than substantial harm) will not be known until the reserve matters stage when we have the final layout and the details of the eastern and western boundary treatments and views into and out of the Conservation Areas and from the Listed Buildings are known, details of which will be dealt with as part of the reserve matters application.

This proposal is therefore considered to result in less than substantial harm to the setting of the conservation areas and the setting of the listed buildings, such that the criteria set out in paragraph 202 of the NPPF would apply. The public benefits of the proposal have been weighed up against the impact of the heritage assets in the

planning balance. These are considered to be significant and compelling and outweigh the less than substantial harm caused to the designated heritage assets identified above. A further assessment will be required at reserved matters stage but this is not considered to be matter that would prevent the development going forward to the detailed stage.

## **Infrastructure Provision**

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision,*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings), the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

Policy SA GEN of the Site Allocations DPD sets out in respect of social and community that developments are required to:

- *Contribute towards education capacity (early years, special education needs, primary, secondary and sixth form) in accordance with District Plan Policy DP20: Securing Infrastructure, the Mid Sussex Site Allocations IDP and the*

*requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.*

- *Contribute towards public open space, recreational and community facilities in accordance with District Plan policy DP24: Leisure and Cultural facilities, DP25: Community Facilities and Local Services, the Mid Sussex Site Allocations IDP, the Draft Mid Sussex Play and Amenity Greenspace Strategy, Draft Playing Pitch Strategy, Draft Community Buildings Strategy and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.*
- *Contribute towards health care provision, where appropriate, in accordance with District Plan Policy DP20: Securing Infrastructure and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.'*

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

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

The NPPF sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

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

and:

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

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) (as amended by the CIL amendment Regulations 2019).

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision.

### **Mid Sussex District Council**

- £27,730 towards **local community infrastructure provision**
- £69,265 is required to make improvements (**children's playing space**) to play equipment (£37,644) and kickabout provision (£31,621) for older children.



- £43,112 is required toward **formal sport** facilities at the sport pitches at Ardingly Recreation Ground.
- £24,726 is required to make improvements to Hamstead Hall/Ardingly Recreation Pavilion (**community buildings**).

The 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.

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.

### **West Sussex County Council**

The West Sussex County Council Education and Libraries contributions (and total access demand) are formula-based due to it being an outline application. The full amounts will be calculated at the point when the payments become due as per the terms of the Section 106 Agreement.

The education (primary, secondary and sixth form) and libraries contributions will be put towards additional facilities at the catchment schools / nearest library to the development - this can encompass any adjustments such as additional equipment/classroom reconfiguration/additional stock etc, required to mitigate the impact of the additional children/residents generated by the development on the local services.

For education WSCC has commented that:

*' The contributions generated by this proposal shall be spent on additional facilities at St. Peter's C of E Primary School, Ardingly.*

*The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.'*

For library infrastructure, WSCC has commented that:

*' The County Librarian advises that the proposed development would be within the area served by Haywards Heath 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. '*

For the Total Access Demand (TAD), WSCC have said that:

*'The contributions generated by this proposal shall be spent on providing traffic calming within the Parish and/or cycle improvements linking Ardingly to Haywards Heath in accordance with the County Council's walking and cycling strategy.'*

Given the above 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 (as amended by the CIL amendment Regulations 2019).

As such, it is considered that on this issue alone the proposed development is compliant with the criteria of the relevant policy DP20 of the DP and the provisions contained within the NPPF.

A S106 obligation is in preparation to secure these payments and subject to its completion, the scheme is considered to accord with relevant Development Plan policy in this respect.

### **Housing Mix**

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Within the Planning Statement it has set out that the proposal would provide the following mix:

#### Market Housing:

4 x 2 bed  
9 x 3 bed  
9 x 4 bed  
3 x 5 bed

#### Affordable Housing:

3 x 2 bed  
4 x 3 bed  
3 x 4 bed

It is considered that this is a reasonable mix on this relatively small site and that policy DP30 is met. Furthermore, at this stage the mix is only indicative and the final mix will be determined at the reserve matters stage.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex

District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application is within the 7km zone of influence and generates a net increase of 35 dwellings, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £40,950, and if the approved scheme provides for a strategic SANG contribution, this would be £183,855.

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 strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ('Planning Obligation').

The Planning Obligation securing the SAMM and SANG contributions is being progressed. Subject to this being completed it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and have raised no objection to the proposal subject to securing appropriate mitigation

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

#### Conclusion of the Habitats Regulations Assessment screening report

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

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA subject to the completion of the S106 agreement.

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

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

## **Other Matters**

### **Historic legal agreement**

The wider Ardingly Showground is subject to a historic legal agreement, within the planning statement it has suggested that the Section 52 legal agreement which has put operating restrictions on the land can be dealt with at the same time as the S106 agreement. However, the applicant will be required to submit a separate application to amend the Section 52 Legal Agreement.

### **South East Water Connection**

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

*'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate,*

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and*
- that there is adequate water supply to serve the development.'*

While SA GEN in part states:

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

The agent has provided details of correspondence with South East Water to confirm a connection can be made.

### **Archaeological Impact**

SA GEN in part sets out that applicants are required to:

*'Undertake pre-determination evaluation of potential archaeological features on the site prior to any planning application being submitted, unless it can be demonstrated that such an evaluation is not appropriate for this site. Appropriate mitigation may be required depending on the outcome of that evaluation.'*

The application has been submitted with an Archaeological desk based assessment, and in accordance with the Specialist Archaeological Advice an Archaeological evaluation and excavation condition will be attached.

## **Contamination**

The site has been identified as potentially contaminated land due historic agricultural use and relationship to a historic unlicensed waste disposal site. The Councils Contaminated Land Officer raises no objection subject to conditions regarding contamination.

## **Planning Balance and Conclusion**

This is an outline application for 35 houses and the detailed consideration of access only. All other matters are to be reserved and considered under a subsequent planning application.

Planning legislation requires the application be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Sites Allocation DPD and The Ardingly Neighbourhood Plan.

The site is allocated within the Site Allocation DPD (SADPD) under Policy SA25. This DPD is adopted and forms part of the development plan. As a result of the site being allocated for development in the DPD the site has now been incorporated into the built-up area of Ardingly.

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

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

It is considered that the application is in accordance with the development plan and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF) in determining this planning application.

Provision of the proposed access onto Selsfield Road is considered to be acceptable subject to condition that the development cannot be first occupied prior to the vehicular access being constructed in accordance with the approved details.

It is acknowledged that the proposal would result in less than substantial harm to the setting of the Conservation Areas and the settings of a number of listed buildings. However, as set out in para 202 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

The proposed development is an allocated site and will provide 35 new dwellings (11 affordable homes) which will assist with meeting the Council's housing requirements and reflects one of the key objectives of the NPPF, together with infrastructure contributions to educations, libraries, highway improvement, play space and formal sports. There would also be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. A Biodiversity Net Gain would be achieved. These factors all weigh positively in the planning balance and should be given significant weight.

There will be a neutral impact in respect of the impact on the Ashdown Forest, drainage, accessibility and archaeology.

As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area and on the nearby listed buildings.

As the application is in outline form only, consideration on the appearance, layout, scale, landscaping would be considered at the reserved matters stage.

On this basis the proposal is considered to comply with Policies DP6, DP20, DP21, DP30, DP31, DP38, DP41 and DP42 of the District Plan, Policy ARD1, ARD2 and ARD 8 of the Ardingly Neighbourhood Plan, Policy SA25 and SA GEN of the Sites Allocation DPD and the relevant provisions of the NPPF.

Officers consider that in the context of the adopted District Plan, Sites Allocation DPD and Neighbourhood Plan, the proposal complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly the application is recommended for approval.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of 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.

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

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

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

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

Reason: Archaeological deposits are both fragile and finite, the condition will preserve any identified archaeological remains in accordance with the National Planning Policy Framework, paragraph 205



4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site and unless otherwise agreed in writing by the Local Planning Authority,
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site, and, unless otherwise agreed in writing by the Local Planning Authority,
  - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

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

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

7. Prior to the commencement of the development, details showing the proposed location of the fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The FandRS Act 2004

8. Prior to the first occupation of any dwelling/unit forming part of the proposed development the applicant will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The FandRS Act 2004

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

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

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

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

11. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing titled Site Access and numbered 196651-002.

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

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

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

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

13. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan.

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

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

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

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

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

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan.

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

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

18. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

19. No development shall take place, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) 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:

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

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

20. No development shall take place, including any works of demolition, until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- Purpose and conservation objectives for the proposed enhancement measures,
- detailed designs to achieve stated objectives,
- locations of proposed enhancement measures by appropriate maps and plans,
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development,
- persons responsible for implementing the enhancement measures,
- details of initial aftercare and long-term maintenance (where relevant).

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

21. No development shall take place, including any works of demolition, until a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be 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:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

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

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

23. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of for fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

24. No development shall take place, including any works of demolition until a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the local planning authority. The report should be submitted concurrent with the Reserve Matters application and should provide a minimum of 10 % measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The proposed development shall be carried out in accordance with the report unless otherwise agreed in writing with the Local Planning Authority.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site,
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity,
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality,
- Details of the implementation measures and management of proposals,
- Details of the monitoring and auditing measures.

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021).

25. At the reserved matters stage, no building shall exceed two storeys in height in accordance with the parameters set out within the email dated the 30th August 2022.

Reason: To preserve the character of the wider landscape and to comply with policies DP16 and DP26 of the Mid Sussex Distract Plan 2014-2031.

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. You are advised that the comments of the Urban Designer will need to be fully addressed at the reserved matters stage.
3. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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

4. The Landscape Consultant has requested conditions on soft landscaping, hard landscaping, landscape management plan and an Arboricultural method statement. However, as landscaping forms part of the reserved matters, it is not considered necessary to attach them to the outline consent. Nonetheless, this information should be submitted as part of the reserved matters application, if not it can be conditioned at that stage.
5. In accordance with MSDC Tree Officers comments an updated and detailed AIA and AMS (along with a tree protection plan) is required as part of the reserve matters application once the final layout has been decided upon.

Furthermore due to the number of trees being removed, replacement native trees would be recommended to mitigate their loss. Native trees would be expected and should be agreed with the submission of a landscape plan, giving detailed specifications of the trees along with a five year maintenance plan as part of the reserved matters application.

6. 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.
7. As per condition 25 a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), should be submitted concurrent with the Reserved Matters application.
8. In order to ensure condition 16 is approval, we strongly recommend that the Air Quality scheme is agreed in advance with the Council's Air Quality Officer.
9. The applicant will be required to do a separate application to amend the Section 52 Legal Agreement.



### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Biodiversity Checklist	Part 1-4		17.05.2022
Site Plan	19_1496_TPP _NT	C	17.05.2022
Tree Survey			17.05.2022
Planning Statement			17.05.2022
Lighting Layout/Light Pollution	187-01-LIA- LIA-C		17.05.2022
Landscaping	Part 1-2	A	17.05.2022
Drainage Details	196651-001	A	17.05.2022
Flood Risk Assessment	Part 1-2		17.05.2022
Access Plan	196651-002		17.05.2022
Transport Assessment/Travel Plan	196651-02		17.05.2022
Air Quality Assessment	196651-03		17.05.2022
Location Plan	SK001		17.05.2022
Design and Access Statement		B	17.05.2022
Landscaping			17.05.2022
Noise Impact Assessment/Sound			17.05.2022
Site Plan			17.05.2022
Heritage Statement			17.05.2022
Location Plan	MP001		17.05.2022
Block Plan	MP004	C	17.05.2022
Other	POIF		17.05.2022
Other	Statement Comunity Involvement		17.05.2022
Sustainability Checklist/Energy Stment			17.05.2022
Other	Archaeological Assessment		17.05.2022

## APPENDIX B – CONSULTATIONS

### MSDC Conservation Officer Comments

The application site is an L shaped parcel of open land, a field, to the west side of Selsfield Road largely between the Ardingly Recreation ground and the South of England showground, to the north of the centre of Ardingly village. It is outside the Ardingly Conservation Area, which is in two parts, but considered to be within its setting. The boundary of the eastern part of the Area lies along Selsfield Road at the south eastern corner of the site, the boundary of the western part lies a short distance to the west and south west of the western edge of the site, separated from it by a further field. The site is also considered to be within the wider setting of the listed buildings grouped around St Peter's Church, at the junction between Church Lane and Street Lane, a short distance to the west, and of Knowles Farm and the pair of adjacent cottages (Knowles Cottage and Cobwebs), located to the south west on Street Lane, as well as possible non designated heritage assets (NDHAs) at New Knowles Farm, also on Street Lane.

Public rights of way (PROWs) run east-west from Selsfield Road across the northern and southern sides of the site. These paths link the two parts of the Conservation Area, and also lead towards the listed buildings and NDHAs centred around the church and Knowles Farm respectively.

Ardingly Conservation Area is in two parts, reflecting the historical development of the village which had (and still has) two nuclei, one around the church to the west and known as Ardingly (or Ardingley) and one around and to the north of the junction of College Lane, Lindfield Road, Street Lane and the High Street to the east, and known historically as Hapsteadgreen. These areas retain their own individual characters and a degree of separation. In my opinion, the significance of the two parts of the Conservation Area lie broadly in their nature as originally separate, now associated, rural Sussex settlements which have grown up over many centuries in close connection with the surrounding rural landscape. Although there is no adopted character appraisal of the Conservation Area, the Council's document 'Conservation Areas in Mid Sussex' provides a brief assessment of its key features, including the views from the Area across the surrounding countryside. In my opinion, for these reasons the rural setting of the Conservation Area, which would include the proposed development site, makes a strong positive contribution to its significance as a heritage asset.

The current proposal, which is only in outline, is for 35 dwellings, with associated landscaping and infrastructure, with all matters reserved except for access. We have only limited details before us, including an illustrative masterplan, details of the proposed access from Selsfield Road, and an LVIA. However, even on this basis it is clear that the proposed development will have a fundamental impact on the character of the site, which will become suburbanised. For this reason, the positive contribution which the site currently makes to the surviving rural setting of the Conservation Area would be removed and reversed. Both parts of the Conservation Area will be affected, although the development would be closer to the eastern half. The adverse impacts would include the nature of views from both parts of the Area towards and across the site, and the character of the approaches to both parts along the above mentioned PROWs. I would consider the harm caused, through setting, to be less than substantial in terms of the NPPF - on the basis of an outline scheme it is not possible to assign a more precise level of harm within that scale. Paragraph 202 of the NPPF will therefore apply.

The listed buildings around St Peters Church include the following:

- St Peters Church itself- Grade I listed, dating from the 14th century with a 15th century tower. This building is likely to be considered an exceptional example of a

rural Sussex church of its type and period. It is likely to possess historical evidential and illustrative values on this basis, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn, and communal value. As such, the surviving village and broader rural setting of the church (which would include the development site) will make a significant positive contribution to its special interest and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

- 1 and 2 Church Cottages, Street Lane - This is a Grade II listed 18th century building. It is likely to be considered to possess historical evidential and illustrative values as a good example of a rural Sussex village building of its type and period, as well as aesthetic value again based in part on the use of vernacular materials. Again, the surviving rural setting of the cottages, including the site, will make a strong positive contribution to the special interest of the listed building.
- Jordans Cottage, Street Lane - A Grade II listed 17th century or earlier refronted timber framed cottage. As for the buildings above, this is likely to be considered to possess historical evidential and illustrative values as a good example of a rural Sussex village building of its type and period, as well as aesthetic value based in part on the use of vernacular materials. Again, the surviving rural setting of the cottages, including the site, will make a strong positive contribution to the special interest of the listed building.
- St Peters Church Centre, Street Lane - This former National School is Grade II listed and dates from the mid-late 19th century, and will be likely to be considered to possess historical evidential and illustrative values as a good example of a rural Sussex village school building of this period, as well as aesthetic value. The surviving rural setting including the site will be considered to make a strong positive contribution to the special interest of the listed building, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The listed buildings at Knowles Farm comprise the following:

- Knowles Farmhouse is a Grade II listed 18th century building, a former farmhouse, located to the southern side of Street Lane.
- Knowles Cottage and Cobwebs are an attached pair of dwellings also Grade II listed and dating from the 18th century and presumed, from historic map regression to be former farmworkers cottages. All of these assets form part of the Old Knowles historic farmstead, which is recorded in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the medieval period. As such they are likely to be considered to possess historical evidential and illustrative value as good examples of rural Sussex farm buildings of their period, as well as aesthetic value based in part on the use of vernacular materials, and group value with each other, and with New Knowles Farm to the west. As such the surviving rural setting of the buildings would be considered to make a strong positive contribution to the special interest of the assets. The site forms part of the wider setting of the listed buildings, and in particular influences the character of the views in which they are appreciated in views looking east along Street Lane, and of the approach to it along the PROW running along the southern side of the site.

The potential NDHAs at New Knowles Farm include:

- The farmstead at New Knowles Farm, which is directly to the west of the listed former farmhouse and cottages at old Knowles Farm, includes a further former farmhouse, as well as what appears (from historic map regression) to be a fairly complete assemblage of farm buildings, centred around a pair of yards. Map regression suggests that these buildings date from around the mid 19th century or earlier. The West Sussex Historic Farmstead and Landscape Character Assessment records the

farmstead as a historic farmstead of the post Medieval period. The buildings would be considered to possess historical evidential and illustrative value as good examples, within the local context, of a farm buildings of their type and period, as well as aesthetic value based on the use of vernacular materials, and group value with each other and with Old Knowles Farm. As such, the surviving rural setting of the NDHAs would make a strong positive contribution to their significance. The site is part of the wider setting of the farmstead, and in particular influences the character of the views in which it is appreciated in views looking east along Street Lane, and of the approach to it along the PROW running along the southern side of the site.

As noted above, the proposed development will have a suburbanising affect on the site. Its current contribution to the special interests of the above listed buildings and NDHAs will be removed and reversed. In some instances, particularly the buildings on Street Lane, views from the buildings will be affected, in others it will be an impact more on the wider setting. The character of the approaches along the PROWs to the cluster of buildings at the junction of Street Lane and Church Lane will also be affected. This will result in a degree of less than substantial harm to the special interests of the listed buildings. It is not possible to assign a more specific level in the absence of a fully detailed scheme, and this will also vary according to the position of the affected building and the degree of potential intervisibility with the site. Paragraph 202 will again apply. In terms of the NDHAs at New Knowles Farm I would consider the proposal will be likely to result in a low-mid level of harm to assets of a mid level of interest in the local context.

In terms of proposed mitigation measures, due to the outline nature of this application we would expect only limited detail to have been provided. However I note the manner in which the built form of the development is set away from the PROW to the south by the intervening attenuation pond. The submitted illustrative landscape masterplan also indicates some new planting of trees and hedging, including around the site boundaries. Although these measures may go some way to soften and screen the development, in my opinion they are unlikely to significantly reduce the level of harm caused by the proposal, particularly given the seasonal and potentially ephemeral nature of screening provided by vegetation. I would recommend that if the current outline application is granted, a condition requiring a fully detailed landscaping scheme should be required. This should include significant and appropriately high/dense new planting of appropriate native species to the boundaries of the site, including the western boundary, to increase screening in views from the western part of the Conservation Area and the listed buildings within it. Details of any change of materials to the reconfigured access layout should also be required by condition.

In summary, it is my opinion that the proposed development will cause a degree of less than substantial harm to the affected heritage assets, as set out in more detail above. This will be contrary to the requirements of District Plan Policies DP34 and DP35. Paragraph 202 and the balancing exercise set out within it will apply.

I note that the applicant has submitted a Heritage Statement with this application. Although I have read and considered its contents, I do not agree with the conclusions drawn in terms of the impact on the assets named above.

## **High Weald AONB Unit**

### **Legal and Policy Background**

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

designated area. A summary of the national planning policy for AONBs is appended to this letter.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan includes a commitment from the Joint Advisory Committee partners (including the Local Planning Authorities) that they will use the Management Plan as a 'checklist' against which to assess the impact of policies and other activities on AONB purpose to fulfil the requirements of the Countryside and Rights of Way Act 2000, s85. A template to assist with this assessment is provided in the Legislation and Planning Advice Note.

#### Analysis Against the High Weald AONB Management Plan

The AONB Landscape Components represented on and around the application site can be viewed on the Parish Information maps available at <https://highweald.org/downloads/publications/parish-information.html> . The Management Plan key characteristics, objectives and proposed actions considered relevant to this proposal are in Appendix 1.

#### Recommended Requirements/Conditions

In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met:

- The High Weald AONB Design Guide should be used to ensure that the design of the development is landscape-led, locally distinctive and conserves and enhances the setting of the AONB,
- The development should incorporate climate change mitigation and adaptation measures through building design, water management, and retaining and enhancing natural habitats (Management Plan objective G3),
- The development should be designed to minimise soil disturbance and changes to landform and conditions should be applied to control the movement of soil and its treatment during construction in compliance with Defra's Code of practice for the sustainable use of soils on construction sites, (Management Plan objective G2)
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the High Weald AONB landscape,
- Materials should reflect those used in the local area and be locally sourced to support local distinctiveness and the management of AONB habitats such as woodland for timber production, (Management Plan objective S3),
- Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting watercourses, especially where these flow through the AONB downstream of the application site (Management Plan objective G1),
- Local habitats and species should be protected and enhanced as appropriate, creating networks connecting into the High Weald AONB (Management Plan objectives G3, R2, W1, W2, FH2, and FH3),
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3), and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4).

The above comments are advisory and are the professional views of the AONB Unit's Planning Consultant on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

### **Ardingly Parish Council**

Ardingly Parish Council's overall view is that every aspect of this application should support the rural nature of the village, its location in AONB, conservation area and existence within 7 km of the Ashdown forest protection area. That being noted please see below the Parish Council's comments in relation to DM/22/1575:

Road Layout/Junction at the Exit/Entrance to the proposed development site  
Ardingly Parish Council wishes to make a strong objection to the proposed road layout/junction at the exit/entrance to the proposed development site at DM/22/1575  
The proposed road layout/junction in relation to the development will be serving a mixed access site, needs to support the residential traffic entering/exiting the proposed development site, whilst also serving the needs of the traffic created by the day to day running of the Ardingly Showground who share said entrance/exit. This will be particularly important when the showground is hosting events.

To this point the Parish Council feels that larger vehicles accessing the showground will need to 'swing out' to access said junction putting the safety of pedestrians and road users at risk on a consistent and regular basis. This fact alone is reason to review the 'real time' workability of the proposed junction.

The removal of the acceleration lane is also a major concern to the Parish Council. The current speed limit of the road that runs past the development is 40mph and the removal of the existing acceleration lane will mean the traffic exiting the site will be unable to reach the speed required to safely join the flow of traffic. This will result in traffic congestion and slow vehicle exit from the junction increasing the risk to pedestrians and vehicles exiting/entering the site.

As a result, Ardingly Parish Council believes that the proposed road layout/junction is incompatible for the mixed access site and should be reviewed.

### Screening of the proposed development at the Western Boundary

Ardingly Parish Council notes the screening at the Western Boundary of the proposed development on the application but would expect to see further robust detail around this on the detailed planning application, with particular consideration given to the conservation of the area of natural beauty in which the proposed development is located.

### Affordable Housing

Ardingly Parish Council would like to echo the comments made by Helen Blakith of MSDC in that they would expect to see 11 affordable homes not the suggested 10 in the application. They would also expect to see smaller units vs larger units within the development to better meet the local housing need.

The Council feel it pertinent at this stage to draw the Planning Officer's attention to the current demographic of the village. Currently the majority demographic of the village is over 60 years old. There are only 331 residents in the 20-29 age range, who are unlikely to be able to afford the larger units. Therefore Ardingly Council feels that a housing mix favouring smaller units would boost the younger demographic and be in keeping with DP16 which looks to identify proposals that support the economy.

### Water and sewerage infrastructure

Ardingly Parish Council wishes to raise its concerns around the water supply and wastewater treatment in relation to the proposed development.

The village of Ardingly sits at the end of the water supply network within a known water stress area. This development would increase the number of houses drawing on an already tenuous network and during peak supply periods would put the supply network at risk of failure to supply. You may re-call that Warninglid had water supply failures last summer due to demand exceeding supply.

Ardingly Parish Council strongly suggests that a review is undertaken on the water and wastewater infrastructure ability to cope with the proposed development. This would include the capacity of the local wastewater treatment, works prior to any planning permission being granted, outline or otherwise.

### Energy and Sustainability

Ardingly Parish Council would like to highlight to the MSDC Planning Officer that the current attenuation pond featured in the outline plan designed to deal with 'run off' is not the most environmentally friendly option. Further, the attenuation pond proximity to the village playground also presents a HSE risk to local children.

Ardingly Parish Council's own environmental policy suggests that a more environmentally conscious alternative option to attenuation ponds is grey/rainwater harvesting and they strongly feel this option should be promoted over drainage ponds in regards to the proposed development.

Ardingly Parish Council applaud MSDC's comments made against Energy and Sustainability in relation to the proposed development and expect these to be honoured at the detailed planning stage.

### Transport

The current transport service that serves the village of Ardingly is infrequent and not supportive of commuting residents. It is simply not sustainable 'as is' and an increase in population will place this already insufficient service under further strain. Assessment and improvement of this service needs to be considered as part of the planning process. Due to the insufficient transport links residents from the proposed development will likely require a vehicle to access work, health care, shopping and entertainment options. To promote their social wellbeing, this will mean an increase in the traffic in and around the village centre and externally to surrounding developments such as Haywards Heath this needs to be accounted and mitigated as part of the planning process.

### **MSDC Community Facilities Project Officer**

Thank you for the opportunity to comment on the plans for the development of 35 residential dwellings on Land West Of Selsfield Road, Ardingly on behalf of the Head of Corporate Resources.

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

### CHILDRENS PLAYING SPACE

Ardingly Recreation Ground, owned and managed by the Parish Council, is the nearest locally equipped play area adjacent to the development site. This facility will face increased demand from the new development and a contribution of £69,265 is required to make improvements to play equipment (£37,644) and kickabout provision (£31,621). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

### FORMAL SPORT

In the case of this development, a financial contribution of £43,112 is required toward formal sport playing pitches and ancillary facilities at Ardingly Recreation Ground (tennis, cricket and / or football).

### 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 £24,726 is required to make improvements to Hapstead Hall and / or Ardingly Recreation Pavilion.

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 Contaminated Land Officer**

This application looks to construct 35 dwelling.

The site has had historical use as agricultural land which may have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc.

There are also concerns with relation to a historic Unlicensed Waste Disposal Site approximately 30m south of the application site.

Due to the above, and the size and sensitivity of the proposed development, 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 prior to construction and works, 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 the following conditions:

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



a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

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

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site,

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

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

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

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

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

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

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

## MSDC Drainage Officer

Application Number	<b>DM/22/1575</b>
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-06-07
Site Location	Land west of Selsfield Road, Ardingly
Development Description	Outline application for the development of up to 35 dwellings, associated landscaping, and infrastructure on Land to the west of Selsfield Road, Ardingly, with all matters reserved except for means of access
<b>Recommendation</b>	<b>No objection subject to condition</b>

The flood risk and drainage acknowledge that this is an outline application with all matters reserved except for means of access. Our consultation response is based on information held by Mid Sussex District Council and the information provided as part of the planning application with consideration of the outline nature of the application.

### FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers).

The site is shown to be at very low surface water flood risk. However, there is a small area of increased (low) surface water flood risk located on the eastern boundary adjacent the recreation ground.

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

The application is supported by a combined flood risk assessment and foul and surface water drainage assessment (Ref. 196651-01, Rev A, Ardent, May 2022). This report concludes that the site is at low risk of flooding from any source.

### SEWERS ON SITE

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

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

### SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The application is supported by a combined flood risk assessment and foul and surface water drainage assessment (Ref. 196651-01, Rev A, Ardent, May 2022). This report states ground investigations have been undertaken, including infiltration testing. The results of the ground investigation are stated to be that infiltration is possible within the southern portion of the site.

The drainage strategy for the development incorporates an infiltration basin located within the proposed amenity area in the south-eastern corner of the site. Outline sizing calculations for the proposed basin have been undertaken based on an assumed impermeable area of 1.01ha (60 % of site plus 10 % for urban creep) and the lower infiltration rate obtained in the location of the basin. Outline calculations show no flooding on the site for the 1 in 100/year plus 40 % storm event. An additional 300mm freeboard has also been factored into the basin.

The proposed drainage system is considered acceptable in principle. The flood risk and drainage team would however advise the applicant to consider the use of smaller drainage features and source control across the site in a SuDS train to help reduce the scale of the infiltration basin and increase the amenity value of the open space.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. Detailed drainage design will be required to address the recommended drainage condition.

## FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage via a gravity network into the public foul sewer located in Selsfield Road. It will be necessary for two properties in the south-west of the site to be raised to facilitate the gravity connection.

The proposed foul water drainage approach is considered acceptable in principle.

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

## CONDITION RECOMMENDATION

### C18F - Multiple Dwellings/units

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

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

General drainage requirement guidance

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

## SURFACE WATER DRAINAGE

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

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

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

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

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

## FOUL WATER DRAINAGE

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

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

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

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

Table 1: Detailed drainage design requirements - surface water

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan <sup>1</sup>	
<b><i>For soakaways</i></b>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<b><i>For discharge to watercourse</i></b>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<b><i>For discharge to sewer</i></b>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>3</sup>	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system	

<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>2</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>3</sup> Formal approval via S106 etc is not required.

is sized appropriately	
<b><i>For connection to main foul sewer</i></b>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection <sup>4</sup>	
<b><i>For non-mains system with drainage field</i></b>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted	
<b><i>For non-mains system with discharge to open water</i></b>	
Evidence that either: a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted	
Outfall location and construction details	

## Ecology Consultants

**25.07.2022**

Application: DM/22/1575

Location: Land West Of Selsfield Road Ardingly West Sussex

Proposal: Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access

Thank you for consulting Place Services on the above outline application.

Recommended Refusal

No ecological objections

Recommended Approval subject to attached conditions

Yes

Recommended Discharge of condition

### Summary

We have reviewed the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022) and the Location Plan (Urban Design Studio, May 2022) supplied by the applicant, relating to the likely impacts of development on protected and Priority habitats and species, particularly bats, breeding birds and reptiles and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

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

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<sup>4</sup> Formal approval via S106 etc is not required.

The mitigation measures identified in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species, particularly bats, breeding birds and reptiles. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

The proposed enhancement measures, including new pond/wetland creation in conjunction with the sustainable drainage system (SuDS), new native species planting, areas of marginal land to be left intentionally 'wild', and green/brown roofs and living walls should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised offset of loss of green-space. The specifications and locations of the tree and wall-integrated bird and bat boxes on 30 % of the new buildings should also be identified in the LEMP. The LEMP should be secured by a condition of any consent.

We also agree with the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

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

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

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

Recommended conditions

#### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

'All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

## 2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

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

The CEMP (Biodiversity) shall include the following.

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

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

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

## 3. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

- a) Purpose and conservation objectives for the proposed enhancement measures,
- b) detailed designs to achieve stated objectives,
- c) locations of proposed enhancement measures by appropriate maps and plans,
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development,
- e) persons responsible for implementing the enhancement measures,
- f) details of initial aftercare and long-term maintenance (where relevant).

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



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

#### 4. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

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

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

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

#### 5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

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

**19.01.2023**

Thank you for requesting additional comments on Biodiversity Net Gain (BNG) for the above application. We have reviewed the Existing and Proposed Area Typologies( Savills), BNG Summary letter (Greenlink Ecology Ltd., December 2022) and Biodiversity Metric spreadsheet 3.1 and have the following comments.

Broadly, we welcome the proposed BNG increase of 10.82 % in habitat units and the increase of 82.68 % in hedgerow units. This clearly shows that the trading rules have been satisfied. However, the LPA will need a Design Stage BNG report in the form recommended by CIEEM (BNG Report and Audit Template Version 1 (July 2021) in order to fully assess the final Metric results. We recommend that this design stage report is secured by a condition of any consent for submission at Reserved Matters stage.

The summary letter provided by Greenlink Ecology Ltd (December 2022) is helpful, but does not provide a full report to confirm ecological functionality and demonstrate compensation for all losses before any net gain.

Our more detailed comments include:

1. The summary letter confirms that the surveyor (Marcus Fry) is suitably qualified as a full member of CIEEM, but there appears to be no information on the time of year that the survey was undertaken and if it was an appropriate time of year. Grassland is difficult to assess accurately and so it should be made clear how the assessment has been done e.g. if his skills are at least in line with level 3 Field Identification Skills Certificate (FISC).
2. The design stage BNG report should indicate how the management will be maintained over the required 30 years. This means that any compensation measures within private gardens cannot be included as their continuity cannot be guaranteed.
3. We assume that the pond specified in the BNG Metric is the SUDS area as shown on the Proposed Area Typology Plan ( Savills). Will the SUDS be 'green' i.e. grassland which can hold surface water for part of the year or is it 'blue', which will either in part or whole retain water all the year round and can have additional capacity to store flood water?
4. There's no indication of where the 'Areas of marginal land to be left intentionally 'wild' as specified as enhancement in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., May 2022) will be implemented.
5. The types of trees to be planted need to be specified i.e. native trees or street trees.
6. It isn't clear which habitat is proposed to compensate for the loss of ruderal habitats (shown on the Existing Typology Plan (Savills).

Recommended condition

**1. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY NET GAIN DESIGN STAGE REPORT**

'A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of 10 % measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site,
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity,
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality,

- Details of the implementation measures and management of proposals,
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.'

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)

### **MSDC Environmental Protection Officer**

The proposed housing development is located close to busy roads, the South of England Agricultural Showground and its associated access roads and St Peters C.E. Primary School.

An acoustic report has been supplied by Acoustic Associates Sussex Ltd dated 27/04/2022 which concludes that with good acoustic design and/or suitable mitigation measures, the proposed dwellings will be able to meet the criteria for internal noise levels specified in BS 8233:2014. The report states that, should the worst case noise scenario occur in the area, with simultaneous noise from the roads, from activities at the school and from an event at the showground, some properties will not be able to meet the guidance noise levels during the day if they choose to open their windows for ventilation. In addition, some dwellings may not be able to open their windows at night due to noise from road traffic and from activity on the access roads to the showground. The report suggests that to meet guidance noise levels, noise sensitive rooms could be located on less noisy facades, and that if this is not possible, that the worst affected dwellings could be supplied with enhanced glazing together with through wall passive ventilation or mechanical extract ventilation.

The acoustic report is based on monitoring carried out in the area in 2019, and noise modelling software has been used to predict the potential impact on receptors. Although it is accepted that this area is generally relatively quiet, particularly at night, and that the main source of noise is road traffic, it should be noted that many, varied events take place at the showground, some of which generate significant levels of noise, for example concerts or other activities involving music or fireworks which attract thousands of visitors. Noise from some of these events can be controlled to some degree via the Council's Licensing regime however, future residents should be aware that at times, noise emanating from events held at the showground will be audible and may impact their amenity. In addition, people should be aware that activity at the showground during the set up and dismantling of events, and use of the access roads, can generate noise both during the day and at night. Noise from children taking part in outside activities at the nearby school is also likely to be audible periodically.

Environmental Protection's opinion is that it is undesirable for people to live with closed windows for notable periods, and we would therefore like to stress that any permission granted should require an approved scheme to protect residents from noise which incorporates good acoustic design rather than closed windows with alternative means of ventilation. For the avoidance of doubt, bedrooms should be located on the least noisy facades of dwellings.

It should also be noted that should certain future occupants of this development choose to open their windows to aid ventilation, this could lead to noise complaints being made to the Council which could ultimately have an impact on the showground and the school. I would therefore like to highlight the agent of change principal which encapsulates the position that anyone who introduces a new land use is responsible for managing the impact of that change. In addition, it should be noted that the Council has no power to control noise generated by road traffic.

The report also concludes that guidance noise levels in external amenity spaces to the development are likely to be exceeded. However, they make the point again that this is only likely to occur during a worst case scenario with all noise sources being experienced simultaneously. BS8233:2014 makes reference to standards for external amenity areas and suggests that 50dB LAeq over a 16 hour period marks the onset of moderate annoyance for users of these areas, and that 55dB LAeq over 16 hours marks the onset of serious annoyance. The report states that the attenuation pond area to this development will be an amenity space, and that noise here is predicted to be at the lower level ie at the level where moderate annoyance can be expected. In addition, some of the gardens to the proposed dwellings are likely to experience noise levels between 50 and 55dB LAeq, despite the provision of significant fences around the site (between 1.8m and 3m high).

In conclusion, although it's difficult to predict noise levels at this site with certainty, it is likely that future residents will at times be exposed to noise levels that may affect their amenity. However, with good acoustic design, it should be possible to ensure that internal noise levels comply with the guidance outlined in BS8233:2014.

Should this development be granted permission, I recommend conditions to protect future residents of the development from traffic noise and other external noise sources in the area. In addition, given that these dwellings will be provided with air source heat pumps, and that these can generate significant noise, an additional condition is recommended to further protect the amenity of future residents. Conditions are also recommended to protect existing residents from the effects of noise and dust during the demolition and construction phases. In addition, given that 35 dwellings are proposed, a condition is recommended requiring suitable mitigation measures to preserve the amenity of local residents in terms of air quality. Construction hours: Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

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

Reason: to protect the amenity of local residents.

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

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

Reason: to protect the amenity of local residents.

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

Reason: to protect the amenity of local residents and businesses

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

Reason: to protect the amenity of local residents.

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

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

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

Reason: to protect the amenity of local residents.

### **WSCC Fire and Access Manager**

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

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

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

### **Historic Environments Consultee**

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

Recommended refusal

No historic environment objections

Recommended Approval subject to attached conditions

**X**

Further information required

Recommend discharge condition

As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area where very little archaeological fieldwork has been carried out previously. As a result, satisfactorily and accurately determining the archaeological potential of the site is a difficult prospect.

A known line of a Roman road to the west of the proposed development, and the nearby medieval core of Ardingly to the south-east (containing a grade I listed 14th/15th century church) both suggest the possibility of archaeological remains in the vicinity, but the lack of any nearby archaeological fieldwork to confirm this supposition is problematic.

What is clear, however, is that any archaeological remains that are present on the site are likely to be negatively impacted by the proposed development. Accordingly, this office agrees with the desk-based assessment's suggestion that further information about the archaeological potential of the site needs to be established prior to the commencement of development. Once the archaeological potential of the site has been established, it would allow for a program of mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate.

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

## RECOMMENDATION: Archaeological Evaluation and Excavation

- i (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
- i (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.
- i (iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- i (iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- i (v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

### **Landscape Consultants**

Thank you for consulting the Landscape Advisor to Mid Sussex District Council on the above outline application.

With reference to the above-named application and submitted documents received by Place Services on the 19/05/2022, asking for Landscape comments, as per the agreed timescale, our comments are made below.

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

- Planning Statement (Savills, 2022)
- Design and Access Statement (Savills, 2022)
- Landscape Masterplan (Dwg ref. HBA-825-001)
- Illustrative Masterplan (Dwg ref. MP004)
- Landscape and Visual Appraisal (Ref: 825)
- Tree Protection Plan (Dwg ref. 19\_1496\_TPP\_NT\_C)
- Tree Survey Report (Ref: 19\_1496\_ReportX02\_NT\_OT)

## Site Context

The site and surrounding area, lie within the High Weald Area of Outstanding Natural Beauty (AONB). The site covers an area of approximately 2.3 hectares of greenfield land to the south of the England Event Centre and showground and to the west of Selsfield Road in Ardingly. It is an irregular 'L' shape, wrapping around the northern and western side of the village recreation ground and is located outside the Built-up area boundary.

## National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government (MHCLG) and last updated in July 2021. The NPPF includes for the conservation and enhancement of the natural environment by protecting and enhancing 'valued landscapes' and sites of biodiversity or geological value / soils. Recognise the intrinsic character and beauty of the countryside, and the wider benefits of natural capital and other ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

## Local Planning Policy

The development plan consists of the Mid Sussex District Plan (adopted 2018) and the Ardingly Neighbourhood Plan 2013 - 2031 (adopted 2014). The site is also allocated as part of the MSDC Site Allocations DPD - Main Modifications 2021 under allocation SA25.

## Mid Sussex District Plan (MSDP)

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

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

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

Other policies of considered relevance include Policy DP12: Protection and Enhancement of Countryside, Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), Policy DP37: Trees, Woodland and Hedgerows, and Policy DP38: Biodiversity.

## Ardingly Neighbourhood Plan

Though there are no landscape specific policies within the Neighbourhood Plan, however the application should have consideration for Policy ARD 2: A Spatial Plan for the Parish, which states:

'The Neighbourhood Plan directs future housing, economic and community-related development within the parish to within the revised built -up area boundary shown on the



Proposals Map of Ardingly village, to build and bolster its role as a resilient Parish community.

Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.'

Other policies include: Policy ARD 4: Suitable Alternative Natural Greenspace, Policy ARD 8: Biodiversity, and Policy ARD 19: South of England Showground.

MSDC Site Allocations DPD - Main Modifications 2021

Allocation SA25 requirements include [but are not limited to]:

- Locate the development at the eastern end of the open land between the South of England Showground and the Recreation Ground, fronting onto Selsfield Road.
- The proposed development should include strategic landscaping at its western end.
- Respect the distinctive character of the village and the existing settlement pattern.
- Orientate development to positively address existing and proposed areas of open space.
- Orientate development to have a positive edge to all site boundaries and to the adjacent recreation ground, facilitated by and including the removal of the existing bund providing a focal point for the development where sensitively designed higher density housing could be located, close boarded fencing should be avoided where visible from outside the site.
- Provide a permeable layout and enhance the connectivity of the site with Ardingly village and existing PRow.
- Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, and mitigation requirements, in order to conserve and enhance the landscape of the High Weald AONB, and minimise impacts on its special qualities, as set out in the High Weald AONB Management Plan.
- Retain and substantially enhance existing trees and hedgerows incorporating them into the landscape structure and layout of the development and reinstate the historic field boundary through the centre of the site adjacent to the area of open space to the west, with native species
- rich hedgerow and native trees, incorporating the existing mature Oak tree.
- Incorporate retained landscape features into a strong new landscape setting, containing the new housing and limiting the impact on the wider landscape.
- Protect and enhance the character and amenity of existing PRow which run along the northern and southern boundaries and provide connections from the new development.

## The High Weald AONB

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

Key objectives include [but are not limited to]:

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

#### Review of submitted information

The application has been supported by a Landscape and Visual Appraisal (LVA) undertaken by Huskisson Brown Associates. The LVA has been carried out in accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA). It also refers to the LI Technical Guidance Note 06/19 'Visual Representation of Development Proposals' (2019). The assessment includes a desktop study, a review of the landscape and visual baseline, Geographic Information System (GIS) mapping, including a Zone of Theoretical Visibility (ZTV), and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and an assessment of potential direct and indirect effect on landscape and visual environment.

#### Landscape character

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities and Local Government (MHCLG) and last updated in July 2021, which states that planning policies and decisions should contribute to the natural environment by: 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services'. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct (i.e., on the character area / landscape type that the site is located within), and indirect (i.e., changes to characteristics or perceptions of character that occur beyond the boundary of a character area / landscape type). In addition, effects on landscape character may be positive or negative (i.e., strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character).

The LVIA (Section 4.0) has identified the landscape baseline of the site as including the National Character Area (NCA) as defined by Natural England, the West Sussex Landscape Character (2003) Assessment, Strategy for the West Sussex Landscape (2005), The Sussex Historic Landscape Characterisation (2010) and Ardingly Character Assessment (2012). The Site and its surroundings are considered in several different landscape character assessments, which from our record, have all been referenced in the baseline review. That said, only the character of the site and its immediate surroundings has been assessed as a landscape receptor, whereas we would expect other landscape receptors, such as the landscape character areas included in the baseline review to also be included.

Nonetheless, we do agree that though the site and the surrounding landscape is designated at the national level (AONB), in isolation, the site's landscape condition is considered 'ordinary' and not representative of the historic pattern of the settlement (LVA Para 4.25). We also agree that the overall importance of effect on the site as a landscape receptor would not be deemed significant and unlikely to be a determining issue.

## Visual Amenity

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to], Selsfield Road, PRow 9Ar, PRow 43Ar and users of the Recreation Ground.

On review, it has been judged that on completion of the development after 15 years, there would be some adverse visual effects but only in the immediate proximity of the site. For example, the appraisal has judged that the importance of effect after 15 years on PRow 43Ar would be slight/moderate adverse given the change in character to an outlook that's suburban. In general, we agree with the methodology and support the majority of the visual effects judged. Where judgements may differ, these are not deemed significant and would not alter the overall stance on the proposed development.

## Further actions

Overall, we do recognise the policy position and that the principle of residential development in this location as identified with the MSDC Site Allocations DPD - Main Modifications 2021 is anticipated.

Notwithstanding this and the matters raised above, if minded for approval, the following landscape matters should be addressed as part of the design development. These include:

- Given the transition to public open space to the west, additional landscape features such as a native species-rich hedgerow, native trees and an extended landscape buffer on this boundary would be encouraged.
- A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, though the use of naturalised trees and shrubs, which are not necessarily native but are the correct tree for site conditions and would add landscape and arboricultural value could be used where appropriate and justified.
- Active frontages should be proposed on the western, northern, and eastern boundaries. Though indicative, the illustrative masterplan shows dwellings side-on, creating long stretches of garden boundaries that will not be supported.
- The built form edge should be pulled away from the northern boundary and existing trees to align with the proposed built form edge to the east of the proposed access road. This would ensure the character and amenity of the existing PRow is retained and enhanced.
- Where visible and where abutting the public realm, close boarded fencing should be avoided and other boundary treatments such as brick walls should be proposed
- Every effort should be made to minimise the urbanising influences (i.e., kerbing, widening, domestic paraphernalia) to ensure that the proposals are sympathetic to the rural surroundings. The proposed surfacing should also be considered and opportunities for block paving across the development would help to create a characterful approach from the public highway.

- The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland.

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

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

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

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

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

**3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN**

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

**4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT**

Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

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

## **Natural England**

Thank you for your consultation on the above dated and received by Natural England on 05 October 2022.

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

### **DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

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

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

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

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

## Protected Landscape - High Weald

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

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

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

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

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

### **MSDC Planning Policy**

Thank you for consulting the planning policy team on the planning application for: 'Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access'. The policy team would like to make the following comments which focus on the principle.

The first thing to note is that planning applications should be determined in accordance with the Development Plan unless other material considerations dictate otherwise. The Development Plan comprises the Mid Sussex District Plan 2031, which is currently under review and the Ardingly Neighbourhood Plan (Made 2015), along with the emerging Site Allocations Development Plan Document (DPD).

### National Planning Policy Framework

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

The District Plan was adopted in March 2018 and is currently under review, the process of which commenced in 2021 and is anticipated for submission in 2023, the published draft Plan demonstrates a direction of travel at this stage. The review process is a method to

ensure that a plan and the policies within it remain effective. At the fifth anniversary of the adoption of the Plan (2023), the District Plan will not be out-of-date automatically, as policies age at different rates.

It is important to note that, whilst the emerging District Plan contains updated policies - no decision has been made as to whether any policy in the adopted plan is currently considered 'out-of-date'. The adopted District Plan policies therefore afford full weight in the decision making process.

Paragraph 30 of the NPPF states: Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict, unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

#### Relevant Local Plan Policies

##### Emerging Mid Sussex Site Allocations Development Plan Document (Sites DPD)

The emerging Sites DPD is at an advanced stage. Following Examination hearings held in June 2021, the Inspector's Main Modifications were consulted upon between November 2021 and January 2022. On 30 May 2022 the Inspector issued his Report finding the Sites DPD Sound and Legally Compliant, subject to the inclusion of the Main Modifications (MM).

As a result of the publication of this report, the policies within the Sites DPD can now be afforded significant weight in the decision making process. Full Council are currently due to consider the Plan for adoption later this month (29 June 22) and subject to approving the DPD, it will then receive full weight. The Inspector's Report also confirms the Council's Five Year Housing Land Supply as 5.59 years.

The application site forms Housing Allocation SA25: Land West of Selsfield Road, Ardingly which originally proposed a yield of 70 dwellings however the Inspector's MM1 reduced the yield to 35 and includes additional wording under the Urban Design Principles section in the policy as follows:

- Locate the development at the eastern end of the open land between the South of England Showground and the Recreation Ground, fronting onto Selsfield Road. The proposed development should include strategic landscaping at its western end.

Full reasons for the modification can be found in Inspector's MM table and at paragraph 192-205 of His report.

Following receipt of the Inspector's Report, significant weight can be given to the Sites DPD in the decision making process and account should be given to the site specific policy for SA25 in this plan, as well as relevant policies in the Development Plan as a whole.

Focusing on the principle of development and key constraints of the site, the following development plan policies are also considered relevant to the decision making process, the list is not therefore exhaustive:

##### Mid Sussex District Plan 2014-2031:

- DP4: Housing
- DP6: Settlement Hierarchy
- DP12: Protection and enhancement of the countryside

- DP16: High Weald Area of Outstanding Natural Beauty
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21: Transport
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- DP31: Affordable Housing
- DP34: Listed Buildings and Other Heritage Assets
- DP35: Conservation Areas
- DP37: Trees, Woodland and Hedgerows
- DP38: Biodiversity

#### Ardingly Neighbourhood Plan (NP) Made March 2015

- ARD 1: The Presumption in Favour of Sustainable Development
- ARD 2: A Spatial Plan for the Parish
- ARD 4: Suitable Alternative Natural Greenspace
- ARD 5: Housing Design
- ARD 8: Biodiversity
- ARD 9: Heritage Assets
- ARD 16: Broadband
- ARD 19: South of England Showground

#### District Plan Policies:

Policy DP6: Settlement Hierarchy and Policy DP12: Protection and enhancement of countryside

The site forms a proposed housing allocation in the emerging Sites DPD (SA 25), which carries significant weight in the decision making process and the development therefore meets the relevant requirements of District Plan policy DP6 and DP12 and is supported in principle, subject to meeting other Development Plan policies.

#### General comments

A key constraint of the site relates to the sites location within the High Weald AONB. In addition there are heritage constraints associated with the sites proximity to the Ardingly Conservation Areas which are located to the east and west, the latter of which contains the Grade I listed St Peter's Church and listed group of Grade II listed properties which surround the church. It is noted the application is outline at this stage and seeks permission for access only with all other matters reserved and the detail submitted is therefore indicative. It is also noted advice is being sought from relevant consultees in this regard.

The site is also within Ashdown Forest Special Protection Area and account will need to be taken of the requirements of policy DP17 and appropriate mitigation sought as part of any approval. It is noted the Council's Housing Enabling Officer has commented on the proposal regarding Policies DP30 and DP31.

#### Ardingly Neighbourhood Plan Policies:

In accordance with para 30 of the NPPF, the Sites DPD, which includes proposed housing allocation SA25 is considered to take precedent over NP policy ARD 2 (A Spatial Plan for the Parish) which directs future housing within the built-up area boundary. In accordance with the Development Plan the scheme will need to demonstrate it conserves and enhances the AONB and addresses the provisions of the High Weald Management Plan.



The status of the Sites DPD would equally take precedent over policy ARD 19: South of England Showground, which supports the expansion and range of the showgrounds operations taking account of a number of criteria. A number of the key constraints highlighted in this policy are however addressed by other Development Plan policies and will need to be taken account of in the decision making process.

#### Summary

In summary and in principle, the proposed development complies with the relevant policies of the Development Plan, taking account of the weighting which can be afforded to the emerging Sites DPD. It will be for Development Management to determine whether the proposal meets the wider policy requirements of the Plan in their consideration and balancing of the scheme.

#### **Southern Water**

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

To make an application visit Southern Water's Get Connected service:

[developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

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

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

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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

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

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

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

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

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

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

### **MSDC Street Naming and Numbering**

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

Linda Symes  
Street Naming and Numbering Officer

#### Informative (Info29)

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

Planning applications requiring SNN informative

DM/22/1575

DM/22/0954

DM/22/1532

DM/22/0682

DM/22/1462

DM/22/1448

### **Sussex Police**

Thank you for your correspondence of 19th May 2022, advising me of an outline planning application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access at the above location, for which you seek advice from a crime prevention viewpoint.

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

Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

In general terms I support the proposed layout which has a single access road with no through route. The orientation of the dwellings in the main being outward facing, will allow for overlooking and good natural surveillance of the road and footpath layout and communal areas. Good provision has been made for car parking within garages, on-curtilage, parking courts and a number of visitor parking bays. Robust boundary treatment of 1.8metre high close board fencing and gate will be required to secure rear gardens.

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

Where cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 and 54 for increasing security of the garage vehicle door-set.

There are numerous pedestrian links into and out of the development shown on the masterplan submitted in support of this application. When introducing public footpaths into developments caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed.

Chapter 8.3 of SBD Homes 2019 V2 states, Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.

Chapter 8.10 Footpath Design.

SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as.

- Straight as possible.
- Wide.
- Well lit (within BS 5489-1:2020).

- Devoid of potential hiding places.
- Overlooked by surrounding buildings and activities.
- Well maintained so as to enable natural surveillance along the path and its borders.
- 

Where footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers to prevent easy unauthorised access.

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

I thank you for allowing me the opportunity to comment.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

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

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

### **MSDC Tree Officer**

I have reviewed the Tree Survey Report (including AIA/AMS) and the Tree Protection Plan. I note a number of trees are to be removed to enable the proposed development, and I understand the layout is at present an indicative one.

The majority of the trees are located around the boundaries of the site and the trees being removed are classified as category C trees which is generally due to physiological condition or because of age and ability to replace.

With this in mind I would be unlikely to object to the development and note the access from the current 'road' to the north is acceptable due to the loss of lower category C trees, rather than higher value trees. I would ask however that an updated and detailed AIA and AMS (along with a tree protection plan) is provided and approved once the final layout has been decided upon.

Furthermore due to the number of trees being removed, replacement native trees would be recommended to mitigate their loss. Native trees would be expected and should be agreed with the submission of a landscape plan, giving detailed specifications of the trees along with a five year maintenance plan.

### **MSDC Urban Designer**

I have the following initial comments:

- The layout plan is sketchy and appears inconsistent with the DAS:
  - (a) The primary tree lined street on p33 of the DAS is described as incorporating semi-detached and terraced properties to create active frontage yet the masterplan shows predominantly terraced houses - there also appears to be little obvious variation of building types in the masterplan.
  - (b) The corner building that features on p53 of the DAS has a quite different configuration in the masterplan and generally the building layouts in the masterplan do not suggest the corners are being addressed on both return frontages.
  - (c) The street types on p65-67 of the DAS look generic and don't appear to reflect the masterplan, the face to face distance of the buildings of the primary street is inappropriately wide. These also need to be clearly cross referenced (ie. with relevant section lies on the masterplan).
  - (d) The masterplan shows no footpaths adjacent to the carriageway which is not suggested on p65-67 of the DAS. Indeed the DAS shows footpaths on both sides of the carriageway even on a so-called shared surface lane!!
  - (e) The turning requirements for refuse and emergency vehicles do not appear to have been fully considered.

The plots need to be numbered so I can clearly cross-reference the layout plan in my comments, and there is no point in showing proposed trees in back gardens as this is outside the control of a planning application and only confuses the drawing.

The removal of the bund needs to be stated on the masterplan.

The west side of the scheme does not accord with the principles DG12-14 of the MSDG as the houses back-on to the access road and therefore do not address it and resulting in a lack of on street surveillance and exposed rear gardens, this can be addressed by looping the access road around and adjacent to the western boundary.

To the west of the site entrance, the buildings do not do enough to address the northern boundary and this is not helped by the dominance of the garages/parking - this could be helped in part by looping the perimeter road around and adjacent to the western boundary. The rear parking courts on the east side of the site unnecessarily expose surface parking along the street frontage, this can be addressed by extending the buildings as Flats over garages (FOG's) across the frontage and accommodating parking in the undercrofts.

The proposed attenuation pond needs to be designed so that it contributes positively to the scheme. I would therefore like to see a landscape plan cross section to demonstrate that it does not appear engineered. Also is this to be wet all year or just in the winter.

### **WSCC Infrastructure Officer**

Planning Application details: Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access

## S106 Contributions Sought

Primary Education  
Secondary Education  
Sixth Form Education  
Libraries  
Total Access Demand

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 CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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, 2019.

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 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) 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:-

$ACP \times \text{number of year groups} = TPR \text{ (Total Places Required)}$

TPR x (DfE figure (Primary) = Primary Education Contribution) + (DfE figure (Secondary) x TPR = Secondary Education Contribution) + (DfE figure (Further Secondary) x TPR = Further Secondary Education Contribution) = Education 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 Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

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 latest published occupancy rates from the census statistics published by the Office for National Statistics 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 %age of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2022/2023 is £20,229 - Primary, £30,480 - Secondary, £33,056 for Further Secondary, 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 facilities at St. Peter's C of E Primary School, Ardingly.
- 1.4 The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Haywards Heath 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, 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:-

$L \times AP =$  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 Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates 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 = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2022/2023 are [30/35 sq.m] and £5,928 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on providing additional facilities at Haywards Heath 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) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates 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

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

E = Standard multiplier of £773

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1,549



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

3.2 The contributions generated by this proposal shall be spent on providing traffic calming within the Parish and/or cycle improvements linking Ardingly to Haywards Heath in accordance with the County Council's walking and cycling strategy.

#### 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.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

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.

## WSCC Highways

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	9 June 2022
<b>LOCATION:</b>	Land West Of Selsfield Road Ardingly West Sussex
<b>SUBJECT:</b>	DM/22/1575 Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access
<b>DATE OF SITE VISIT:</b>	n/a
<b>RECOMMENDATION:</b>	No Objection
<b>S106 CONTRIBUTION TOTAL:</b>	Yes, see comments below

In preparing this response, the following information has been reviewed.

- Transport Statement (reference 196651-02), dated May 2022
- West Sussex County Council, in its role as a Highway Authority, has previously issued pre application advice in respects of this proposal. The advice given was in respects of a larger scale of development (70 dwellings). However the advice previously given remains applicable to the current development proposals. The vehicular access arrangements also are identical between the pre application and current proposals.

It is noted that the site is included within the draft Mid Sussex District Council Site Allocations Development Plan Document. The draft DPD whilst not adopted is relatively far advanced. The 'Highways and Access' requirements within the DPD for this site are duly recognised.

### Access

Vehicular access is proposed via an existing junction onto B2028 Selsfield Road. The existing junction, which serves the Ardingly Show Ground, presently has large tapers. The tapers are typically required to enable long vehicles to turn onto the main arm without encroaching into the opposing lane. Although the junction will continue to be used the Show Ground, and therefore will still be used by larger vehicle, it is proposed to modify the junction and remove the tapers. The proposed arrangement will still be suitable to accommodate long vehicles but reflects the changing nature of use of the junction to accommodate the residential traffic.

The junction is recognised as being situated close to a change in speed limits (30/40mph). A speed survey has consequently been undertaken to determine actual vehicle speeds to assess whether adequate visibility can be achieved. The visibility splays indicated on drawing 196651-002 as included in the TS are adequate for the recorded 85th %ile vehicle speeds. The visibility splays are contained entirely within the existing public highway. All of the proposed changes to the junction are reviewed by way of a Stage One Road Safety Audit. All of the problems raised by the RSA and the solutions to these proposed by the applicant have been reviewed and accepted by WSCC Highways. It is noted that there is

a difference in the drawing numbers on the plans included within the RSA and the TS. The layouts shown on both drawings are identical so there is no requirement to update the RSA. There is one matter within the RSA that will require further action, namely the potential implementation of waiting restrictions to prevent parking on Selsfield Road adjacent to the site junction. The intention is that this will be covered by way of a financial contribution made to WSCC. Should a parking issue be identified, WSCC can then draw on the contribution. If no issues are identified, the contribution will be returned to the developer. It's recommended that this contribution (of £7,300) is paid upon first occupation and held for a period of 5 years.

Access for non-motorised road users is achieved via a proposed footway onto Selsfield Road. This footway then connects with the existing route leading southwards into the village. The indicative illustrative masterplan indicates a further route onto right of way 9Ar that runs along the southern boundary of the site.

It's considered that the proposed arrangements will allow for safe and suitable access for future residents.

#### Highway Capacity Impacts

The methodology to estimate trip generation from the site has been reviewed and accepted by WSCC through pre application discussions. The methodology uses a combination of TRICS and local Census data to estimate potential trip generation and modes of transport. Based on the agreed approach, the site is forecast to generate 21 two way trips in the AM peak period (0800-0900) and 18 two way trips in the PM peak period (1700-1800). The impact has been considered for the peak hours as these are considered the most sensitive to change. Trips will result throughout the day but traffic flows are generally lower with the consequences of increased traffic less noticeable.

The estimated traffic flows are such that no further detailed assessment is considered necessary. Development traffic is expected to disperse quickly across the local highway network and as such is unlikely to be noticeable from daily variations in traffic flows.

#### Access by Sustainable Modes

It's accepted that there is a very limited range of services within the existing village and that the significant majority of servicing requirements will be met by travelling beyond the village. Those services that are available are though all within reasonable walking distance with there being existing suitable provisions in place to accommodate the potential low increase in trips.

For cycling, there are no existing facilities and none are proposed by the development, although the scale of the proposal would not justify any significant changes. There are limited potential destinations for cyclists within a reasonable distance (considered as 5km). Haywards Heath slightly exceeds this threshold.

The nature of the roads that would need to be used, as well as the topography, may well be such that cycling is unlikely to appeal to anyone other than experienced cyclists. Balcombe railway station is within 5km but again there are some quite significant gradients on the most direct route.

There are bus stops within short walking distance. The only regular service that uses these is 272. Journey times towards Haywards Heath are not unreasonable, however the daytime frequency is limited.

The MSDC Site Allocations DPD for this site includes a requirement to 'Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure

improvements and demonstrates how the development will integrate with and enhance the existing network'. It is recognised that for a development of this scale, the transport impacts are quite low. What improvements may be needed should therefore be viewed proportionately against these impacts.

Overall, the site offers good access to those facilities present within the immediate area with the existing network considered suitable to accommodate the increased demands. No physical improvements have consequently been identified within the Transport Statement. The applicant is though seeking to implement a travel plan statement. This will include certain measures (primarily the distribution of information) to promote sustainable travel options to future residents. The travel plan statement should be secured via condition. The applicant should note that WSCC apply an auditing fee for travel plans and travel plan statements. A fee of £1,500 would be applicable in this instance given the proposed travel plan statement.

It should also be noted that whilst no improvements are to be delivered by the applicant, separate to the current comments, WSCC may seek contributions towards other proposed infrastructure improvements in the immediate local area. Such improvements would be delivered by WSCC.

#### Layout, including Car Parking

The layout is not being approved at this stage. As such the illustrative master plan has not been reviewed. The internal layout will be reviewed as part of any detailed planning application. Car parking (including electric vehicle charging) would also form part of any detailed proposals.

#### Summary

The proposals are considered to provide safe and suitable access. Whilst access to services beyond the village by non-car modes is very limited, those services that are available locally are all within short walking distance. The site therefore takes up those opportunities (albeit limited) to promote sustainable transport.

It's not considered that this proposal would result in any unacceptable highway safety impacts or other such impacts that may be considered severe. No highway objection would be raised.

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

#### Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing titled Site Access and numbered 196651-002.

Reason: In the interests of road safety.

#### Construction Management Plan

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

the anticipated number, frequency and types of vehicles used during construction,

- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- 

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

Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.  
Matters for the s106

Traffic Regulation Order Contribution to cover potential waiting restrictions - £7,300  
Travel Plan Statement Auditing Fee - £1,500

**WSSC Local Lead Flood Authority**

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSSC – Lead Local Flood Authority
<b>DATE:</b>	6 <sup>th</sup> June 2022
<b>LOCATION:</b>	Land West Of Selsfield Road Ardingly West Sussex
<b>SUBJECT:</b>	DM/22/1575  I Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access
<b>RECOMMENDATION:</b>	Advice – No objection

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

## Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments:</p> <p>Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Watercourses nearby?	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no watercourses running close to/across the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	
Records of any surface water flooding within the site?	No
<p>Comments:</p> <p>We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

## Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment and Drainage Strategy for this application proposes that an infiltration basin would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with many of the policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

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

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

## WSCC Waste and Minerals

<b>TO:</b> I	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Waste & Minerals Safeguarding
<b>DATE:</b>	6 June 2022
<b>LOCATION:</b>	Land West Of Selsfield Road Ardingly West Sussex
<b>SUBJECT:</b>	DM/22/1575 Outline application for the development of up to 35 dwellings, associated landscaping and infrastructure, with all matters reserved except for means of access
<b>DATE OF SITE VISIT:</b>	n/a
<b>RECOMMENDATION:</b>	Advice

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngrpsrntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

### **MSDC Housing Officer Comments**

Thank you for your e-mail. Please can you respond as follows

" I can confirm that 11 on site affordable housing units will be required on a scheme comprising 35 units, since as our slogan says "Every Affordable Home Matters". Also whilst I appreciate that this is only an outline application, the affordable housing units will need to meet the needs of the village of Ardingly and consequently at reserved matters stage it is still likely that the mix below will be required.  
3 (or 4) x 1B/2P FOGS, maisonettes or bungalows @ a minimum of 50m<sup>2</sup> (excluding the staircase and entrance hall in the case of any FOGS / maisonettes or 58m<sup>2</sup> including them.)  
6 (or 5) x 2B/4P houses @ a minimum of 79m<sup>2</sup> (2 storey)  
1 x 3B/5P house @ a minimum of 93m<sup>2</sup> (2 storey) or 99m<sup>2</sup> (3 storey).  
1 x 4B/6P house @ a minimum of 106m<sup>2</sup> (2 storey) or 112m<sup>2</sup> (3 storey)  
3 (25 %) of the affordable dwellings will need to be First Homes, in the form of 2B/4P houses (there is a price limit of £250K after discount for First Homes, and 8 (75 %) will need to be for affordable or social rent. "

### **Historic England**

TandCP (Development Management Procedure) (England) Order 2015 and Planning (Listed Buildings and Conservation Areas) Regulations 1990

LAND WEST OF SELSFIELD ROAD ARDINGLY WEST SUSSEX  
Application No. DM/22/1575

Thank you for your letter of 8 February 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.