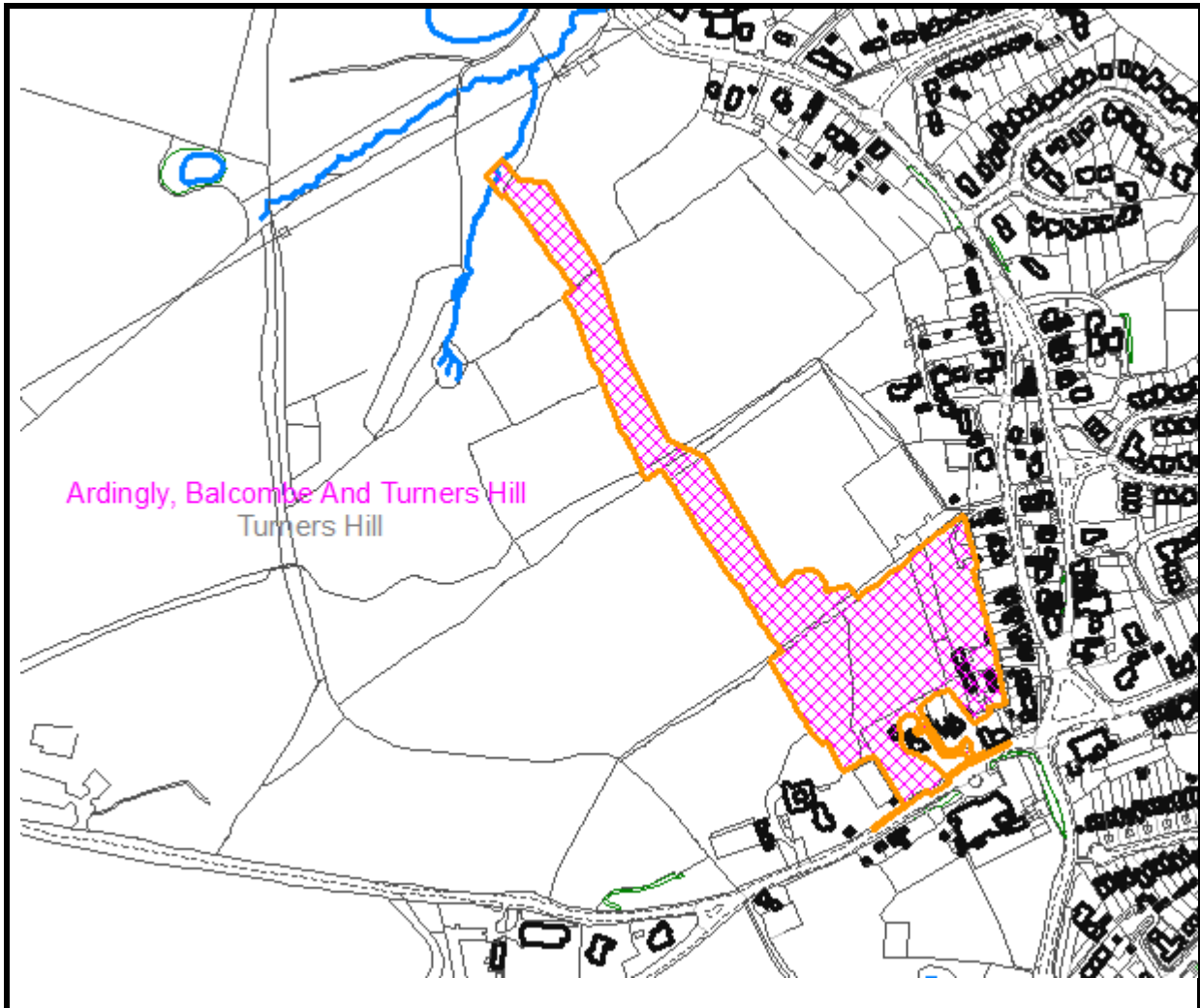


# Planning Committee

Recommended for Permission

12th February 2026

DM/25/1467



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<b>Site:</b>	Land At Old Vicarage Field And The Old Estate Yard Church Road Turners Hill West Sussex RH10 4PA
<b>Proposal:</b>	Demolition of existing buildings and the development of 40 dwellings (including affordable housing) with open space, access, parking, drainage, landscaping and other associated works as well as the creation of a new community car park and replacement parking for Lion Lane residents.
<b>Applicant:</b>	Elivia Homes
<b>Category:</b>	Smallscale Major Dwellings

<b>Target Date:</b>	26th January 2026
<b>Parish:</b>	Turners Hill
<b>Ward Members:</b>	Cllr Jenny Edwards / Cllr Gary Marsh /
<b>Case Officer:</b>	Rachel Richardson

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SXE21WKT0G300>

**1.0 Purpose of Report**

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

**2.0 Executive Summary**

- 2.1 Full planning permission is being sought for the development of 40 dwellings, (including affordable housing) with open space, access, parking, drainage, landscaping and other associated works as well as the creation of a new community car park and replacement parking for Lion Lane residents. The application site is on land at the Old Vicarage Field and Old Estate Yard, Church Road, Turners Hill. This site is allocated for 44 dwellings in the Turners Hill Neighbourhood Plan under Policy THP2.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Turners Hill Neighbourhood Plan (THNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 The NPPF states that planning should be genuinely plan-led. Paragraph 11(c) of the NPPF is clear that development proposals should be approved without delay where they are in accordance with an up-to-date Development Plan. It states further, paragraph 11(d), that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance). Footnote 8 of paragraph 11 clarifies that 'out-of-date' includes for applications the provision of housing in situations where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites.

- 2.5 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.6 Policy THP2 of the THNP is most the important policy for determining the application as it relates directly to the development for which planning is sought and it is considered that policy THP2 is consistent with the NPPF, and can be given full weight in determining the application. However, the Council is currently unable to demonstrate a five year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the tilted balance, as set in paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.
- 2.7 The provision of 40 dwellings (predominantly 1, 2 and 3 bedrooms in accordance with policy THP2) will assist with meeting the Councils housing requirements and in this case, there would be clear social and economic benefits from this development proposal, namely, the positive contribution to the local community through the increase in population of varied ages as a result of small units and the jobs created during construction. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. This is a sustainable location. These factors all weigh in support of the proposals.
- 2.8 In design terms, the proposal has evolved from the pre application stage and amendments have been sought and made to seek to address the MSDC Urban Designers concerns. The MSDC Urban Designer raises concerns over the details in terms of materials and fenestration. However, in terms of the overall design, your Planning Officer considers this to be acceptable and these details can be conditioned. The layout and scale are in keeping and respectful of the locality. Materials are, on the whole considered sympathetic to buildings in the surrounding area, albeit this needs to be carefully managed and an appropriately worded planning condition can ensure this is achieved. The proposal has also provided details of a landscaping scheme which includes a Local Area for Play (LAP), tree planting, and setting the buildings back from Church Road to maintain the green frontage and with the access provisions, as required in THP2, this is all positive in the planning balance.
- 2.9 In terms of heritage assets (the impact on the setting of the Conservation Area, Listed Buildings and Non Designated Heritage Assets), the Conservation Officer has concluded that while the proposed development will result in less than substantial harm in all cases for the designated assets, the cumulative impact on the historic character of the village will be significantly detrimental. The Conservation Officer has not commented specifically in relation to details of the site layout or the design quality as this is for the MSDC urban designer to comment on. However, the Conservation Officer is of the view that the scheme does not comprise the high level of contextual design which would be expected in such a sensitive location which compounds the harm to all heritage assets identified. Your Officer considers that the proposal would result in less than substantial harm to the

setting of the heritage and non-designated heritage assets and therefore the proposal conflicts with policies DP34 and DP35 and this weighs negatively in the planning balance. However, paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including, securing its optimum use. It is therefore necessary to consider whether according to paragraph 215 of the NPPF sufficient public benefits would offset the harm, which must be given significant importance and weight in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. This site is an allocated site in the Neighbourhood Plan, and the Council therefore supports the principle of the development on the application site given that allocated sites form part of MSDC's housing supply. As such, in this case it is considered that the public benefits and the need to secure its optimum viable use, outweighs the less than substantial harm to the heritage assets and non-designated heritage assets.

- 2.10 In terms of residential amenity, nearby residents will clearly be able to see the new development, and it will be a change to the appearance of the site, but significant harm as per policy DP26 of the District Plan is a high bar. Planning Officers do not consider that the significant threshold has been reached. It is acknowledged that whilst there may be some degree of overlooking possible, such a situation is not unusual in a built-up area and the degree of overlooking possible will fall short of breaching the significant harm test. Appropriate mitigation measures (boundary treatment) are also secured through the proposals.
- 2.11 In terms of affordable housing this is positive in the balance given that the proposal will provide 30% provision to be clustered in an appropriate manner about the site. There will be a 75/25% tenure split in favour of affordable rent and the remainder in favour of intermediate homes. The affordable housing provision can be secured through the completion of a S106 Legal Agreement.
- 2.12 There are no objections raised in relation to highways, drainage, contamination or noise, biodiversity, minerals, utilities, or air quality. Archaeology can also be conditioned. As such these points are neutral in the planning balance.
- 2.13 The proposed development will not have a harmful impact on the Ashdown Forest in terms of pollution. SANG and SAMM will be secured through the S106 Agreement as mitigation to protect the forest against recreational disturbance. This is also neutral in the balance.
- 2.14 In weighing up these issues, when taken together, it is not considered that there are adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal. It is considered that the proposal complies with the development plan when read as a whole.
- 2.15 In these circumstances, the NPPF states that permission should be granted and there are no other material considerations that would alter the above planning balance.
- 2.16 The proposed development is therefore compliant with policies DP17, DP20, DP21, DP23, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policy SA38 of the Site Allocations DPD and Policies THP1, THP2, THP3, THP4, THP5, THP10, THP12 and THP19 of the Turners Hill Neighbourhood Plan. The application proposals also accord with the principles of the Mid Sussex Design Guide.

2.17 Therefore, taking all the points into consideration, there are compelling reasons to approve this application. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision, the provision of affordable housing, and the imposition of suitable conditions, the proposed development should be approved as per the recommendation A below.

### **3.0 Recommendation**

#### **3.1 Recommendation A**

3.2 It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions, BNG, SAMM and SANG contributions and affordable housing, and the conditions set in Appendix A.

#### **3.3 Recommendation B**

3.4 It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure contributions, BNG, SAMM and SANG contributions and affordable housing by the 7<sup>th</sup> May 2026, then permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reason:

3.5 'The proposal fails to provide the required affordable housing, the infrastructure, BNG, SAMM and SANG contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP17, DP20, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

### **4.0 Summary of Representations**

4.1 Letters of representation have been received from 30 households throughout the duration of this application, including 28 objections and 2 in support. Since receipt of the amended drawing's it should be noted that 20 households have objected with 1 letter in support.

4.2 All representations are summarised as follows:

#### **Objections**

##### Character and appearance

- Overdevelopment and harmful impact on local character and its charm and eroding the sense of space that defines it.
- No sense of place. The area is defined by a balance of green spaces, modest-scale housing, and a close-knit community atmosphere. This large-scale development risks eroding those qualities that make the area a valued place to live.
- Adding a car park is unnecessary and erodes the green space.
- Poor pedestrian access and connectivity. Surrounding footpaths are in poor condition.

### Heritage Assets

- Turners Hill is a pretty village with lots of listed buildings and in particular in Lion Lane. The application proposes urban style housing, poor in design and close to a conservation area which will harm its setting and conflict with policies which seek to conserve or enhance its special character and historic integrity.

### Residential Amenity

- Additional noise and disturbance
- Significant harmful impact on residential amenity for those living in Lion Lane. The proposed development will be overbearing, dominant, and will result in overlooking/loss of privacy, loss of daylight.
- Detrimental to health and wellbeing to build on land used for recreation
- Demolition of the garages which are rented and some utilised for hobbies will be detrimental to the wellbeing of those owning/leasing them.

### Infrastructure

- Harmful pressure on local services, facilities and infrastructure without any clear evidence of how this will be managed or supported.

### Housing Provision

- Additional housing in the village is not necessary especially when the Paddockhurst Estate is selling off the majority of their houses. The neighbourhood plan was adopted before permission was granted for Clockfields and Paddockhurst housing developments were built.

### Transport

- Increase in traffic and congestion prejudicial to highway safety including the safety of pedestrians/cyclists. The fire station is also located nearby which is a concern with increased traffic and congestion which could delay response times and inhibit access and egress from the Station.
- The location of the access is dangerous and would have poor sight lines and visibility.
- The junction of Church Road and Selsfield Road is already so busy, gets backed up for miles at peak times and is dangerous with so many accidents and near misses happening that adding in this many houses so close will make it more dangerous and disruptive especially considering it is also a main point of crossing for the school.
- Lion Lane offers no viable access for construction.

### Drainage and Flood Risk

- Exacerbates existing surface water drainage problems. The drainage information provided with the application is considered insufficient.

### Ecology

- The buildings that are proposed to be demolished have bats occupying them.
- Harmful impact on wildlife. There are house martins, owls, bats, rodents, squirrels (and one albino squirrel), not to mention the deer that roam the fields and butchers woods.

### Landscaping

- Loss of trees
- Harmful impact on tranquillity and dark skies.

### Pollution

- Increased traffic pollution

### Other

- Not a sustainable location. The nearest shops and amenities are several miles away meaning that future occupants would be reliant on the private car. There is also limited public transport.
- The entrance is also through some historic sandstone rock. Approx 46m away on the same side of the road the soil is considered to be of specific scientific importance, and as we are on the high ridge, I can only assume these rocks are linked.

### **Support**

- There is a need for more housing and parking in the village. Also a need for disabled housing.
- Traffic flow in the village centre needs to be considered and a roundabout at the junction of Paddockhurst Road and Church Road would be helpful.
- Improvements should be made to the bus stops, including better seating and lighting
- Safe, well-lit and accessible pedestrian routes should be provided, including tactile paving.
- A voucher should be provided to nearby residents for travel on the bus.

## 5.0 Summary of Consultees

### MSDC Environmental Health

Recommends conditions. The location appears to be low risk with regard to noise and existing air quality. The conclusions of the submitted noise report are accepted. Construction activities could adversely affect the amenity of existing residents or those of completed sections/phases.

### MSDC Contaminated Land Officer

No objection subject to condition(s).

### MSDC: Housing Officer

No objection subject to the appropriate affordable housing provision and tenure/mix being secured through a S106 Agreement.

### MSDC: Community Facilities Project Officer

- Children's Playing Space: £36,620 for Turners Park Recreation Ground.
- Kickabout: £30,761 for Turners Park Recreation Ground.
- Formal Sport: £42,887 is required toward formal sport facilities at either Turners Hill Cricket Club and/ or Turners Hill Badminton Club at the Ark, Mount Lane.
- Community Buildings: £ 26,227 towards either the Ark, Mount Lane, Turners Hill and/or St Leonards Parish Church, Turners Hill and/ or 1<sup>st</sup> Turners Hill & Crawley Down Scout HQ would be appropriate.
- Local Community Infrastructure: £29,755 is required towards local community infrastructure: either enhancing village footpaths in Turners Hill Parish and/or provision of traffic calming measures in Turners Hill Parish.

### MSDC Conservation Officer

The proposal will directly and indirectly harm the setting and character and appearance of the Turners Hills Conservation Area. The harm would be less than substantial but at the higher end of that scale.

In terms of nearby listed buildings, these include The Old School House, the former forge buildings, the buildings fronting onto the green (115, 116, 117, 118 The Bank, and The Red Lion. The proposed development is considered to be detrimental to their special interests with less than substantial harm caused around the mid range of that scale.

In terms of the Designated and Non Designated Heritage Assets (NDHA's) in Turners Hill, a large number of designated and non-designated heritage assets at the heart of Turners Hill village and on its semi-rural western edge would be adversely affected by the current proposal, either directly, or indirectly through impact on setting. It is considered that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It should be noted that the comments made by the conservation officer are not in relation to any detail on specifics of the site layout or the design quality of the proposed buildings within, as this has been left for MSDC's Urban Designer.

#### MSDC Urban Designer

No objection in principle. However, the most recent changes made do not go far enough to address earlier concerns. Revisions are sought in relation to the informal path in the northeastern corner of the site should be reinforced, revised landscaping including tree planting, boundary treatment inter alia and clarification on detail to omit inconsistencies. The detailed design of the elevations and materials/fenestration needs to be re considered to be more sympathetic to the local vernacular.

#### MSDC Tree Officer

No objection subject to conditions in relation to adherence with the arboricultural impact assessment and landscaping detail.

#### MSDC Waste Management

None.

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

No objection subject to condition.

#### West Sussex County Council (WSCC) County Planning Officer

Requires the following infrastructure contributions:

- Education – primary £164, 906
- Education – secondary £162, 010
- Education – 6<sup>th</sup> Form £34,994
- Libraries £18, 095
- TAD - £187,826

#### WSCC Highway Authority

No objection subject to conditions and S106 to include;

- Travel Plan Statement and monitoring fee - £1695
- Traffic Regulation Order for double yellow lines and Keep Clear markings at site access and on Church Road - £10,205
- Vehicular access and linking footway, footway widening outside Fire Station and tactile paving at existing Fire Station access (if not secured by condition).

#### WSCC Rights of Way

No objection in principle and recommends an informative to remind the applicant of PROW regulations.

#### WSCC FRS Water and Access

No objection subject to conditions.

### WSCC Minerals & Waste Planning Authority

No objection subject to the LPA being satisfied that there is an overriding need for the development that outweighs the safeguarding of the mineral resource, and that it has been demonstrated that prior extraction is not practicable or environmentally feasible.

### MSDC Ecological Consultant

No objection subject to conditions.

### MSDC Historic Environment Consultant (Archaeology)

Recommends conditions given that there are no recorded archaeological investigations in the vicinity of the site.

### Natural England

No objection subject to securing appropriate mitigation.

### NatureSpace Partnership

No objection in principle subject to a recommended informative and recommendations to further reduce the likelihood of impacts on great crested newts.

## **6.0 Parish Council Observations**

6.1 The Parish Council has raised concerns over:

- location of proposed access on Church Road and impact of breaking through the sandstone bank.
- Use of Lion Lane for construction access and impact on traffic and safety
- Traffic congestion and impact on highway safety at crossroads and particularly during peak hours.
- Disappointing that the pedestrian footpath along the eastern boundary to improve access to the school has not been included, albeit safety concerns from the local fire station were noted.

## **7.0 Introduction**

7.1 Permission is sought for demolition of existing buildings and the development of 40 dwellings (including affordable housing) with open space, access, parking, drainage, landscaping and other associated works as well as the creation of a new community car park and replacement parking for Lion Lane residents.

## **8.0 Relevant Planning History**

8.1 None.

## **9.0 Site and Surroundings**

- 9.1 The site is located off the northern side of Church Road and opposite the Turners Hill Church of England Primary School.
- 9.2 The site is an irregular square shaped field with the proposed access coming off Church Road between The Old Vicarage and 121 Church Road. The red edged boundary has a linear rectangular strip to the north which adjoins ancient woodland, Butchers Wood. Further access can be gained from the northeastern corner of the site.
- 9.3 The site is bounded to the north and west by mature trees and hedgerow. Existing residential properties bound the site to the east along Lion Lane. The sites southern boundary is bound by the Old Vicarage, 121 and 120 Church Road, along with Turners Hill fire station towards the southeastern corner of the site.
- 9.4 The site slopes downhill in a northerly direction from the south. There are public rights of way beyond the red edged site boundary to the north (orientated east-west) and to the south on the opposite side of Church Road (orientated north-south).
- 9.5 The site contains buildings/ workshops and hardstanding behind the Fire Station which will be demolished as part of the proposed development.
- 9.6 For the purposes of planning policy the site is located within the built up area boundary as defined in the District Plan and is allocated for housing development within the Neighbourhood Plan.
- 9.7 The Conservation Area lies across the southern part of the site around The Old Vicarage and 120 and 121 Church Road and to the eastern side of the Allotment Gardens at the rear of the Fire Station. There are listed buildings adjoining the application site boundary in the southern eastern corner (The Bank). The Red Lion listed building is close to the northeastern corner of the proposed red edge boundary and there is also a listed building, the Old School House, to the western side of the primary school which is opposite the site to the south. The Crown Hotel lies to the southeastern side of the crossroads. National Landscape and High Weald Area of Outstanding Natural Beauty lies to the southern side of Church Road opposite the site.
- 9.8 The site also lies within the Ashdown Forest 7km Zone of influence and is partly covered by the red impact zone for great crested newts.

## **10.0 Application Details**

- 10.1 The application seeks full planning permission for the provision of 40 dwellings (including affordable housing) with open space, access, parking, drainage, landscaping and other associated works as well as the creation of a new community car park and replacement parking for Lion Lane residents.
- 10.2 The site would provide the following mix of units:
- 6 x 1 bedroom flats
  - 7 x 2 bedroom houses
  - 20 x 3 bedroom houses (including 2 chalet bungalows with ground floor bedrooms)

- 7 x 4 bedroom houses

- 10.3 In terms of layout the scheme has evolved following pre application discussions. The revised scheme proposes 40 units, presented in a range of house types including 30% affordable housing (12 units) integrated within the layout. Plots 1-8 are located to the western side of the site entrance and plots 36, 37, 39 and 40 will be adjacent to the community car park in the southeastern corner of the site.
- 10.4 Plot 1 by the site entrance has been removed to set back the development from the road frontage and create a softer green entrance.
- 10.5 The proposed new access is via Church Road and between The Old Vicarage and plots 1-6. The road spurs off to the east leading into the proposed community car park for the Lion Lane residents. It also leads to the northeast and northwest, in a circular ring road around the edge of the site with housing proposed within, as well as along the eastern boundary to the rear of the existing footpath, which adjoins the houses in Lion Lane.
- 10.6 This single loop layout was designed to allow for greater permeability throughout the proposal. A pedestrian link to the informal path along the northern boundary and countryside beyond has also been created. Pedestrian access has been created from the community car park to the south and footpath along the rear of Lion Lane.
- 10.7 Car parking for the proposed houses is situated amongst and adjacent to each unit. There will be 49 allocated residential spaces, 18 garages, 7 car ports and 10 visitor spaces. The scheme provides 33 private spaces for residents of Lion Lane located on the north and southeastern boundaries of the site and 9 spaces for visitors of the village. This totals 126 spaces. In terms of disabled parking bays, there is 1 dedicated disabled bay in the village car park. In addition, 4 of the visitor parking spaces dotted around the internal loop road are accessible parking bays.
- 10.8 EV charging points are also proposed throughout the site and 65 Cycle spaces are proposed.
- 10.9 In terms of scale, the proposed housing is one and a half, and two storeys in height with single storey garages and car barns.
- 10.10 In terms of appearance, the elevations include the use of traditional materials such as red brick (stock brickwork), clay roofs (grey and plain tiles), white weatherboarding and hanging tiles. White Upvc fenestration is proposed as stated in the design and access statement.
- 10.11 The proposed landscaping includes removal of some low grade trees to create the access, and all of the boundary trees and hedgerows will be fully retained. There will be new hedgerow and native tree planting to reinstate the Church Road boundary. Tree planting is proposed within the street scene and front gardens will include single species hedge planting and or a mixture of ornamentals, grasses and perennials. An equipped local area of play (LAP) is proposed in the northwestern corner of the site. This will comprise a close mown grassed area with sensory boundary planting and timber balance features and boulders for climbing and exploratory, imaginative play. Swale and drainage basins together with wildflower meadow planting is proposed to the north.

- 10.12 The layout allows for refuse to be collected from the front driveways of each property, and it has been designed in accordance with the 'Manual for Streets' document.
- 10.13 The landscape masterplan strategy indicates that the boundary treatments will be defined using a variety of methods. The illustrative boundaries palette includes close boarded timber fencing and timber post and rail fence with hedgerow for the gardens along the south and eastern boundaries, timber bollards and knee rails around the car parks and play areas and brick walls around the more prominent gardens.
- 10.14 This application is accompanied by the following statements:
- Planning Statement
  - Design and Access Statement
  - Heritage Statement
  - Noise Assessment
  - Air Quality Assessment
  - Flood Risk Assessment
  - Arboricultural Impact Assessment and Method Statement
  - Archaeological Desk-based Assessment
  - Landscape and Visual Appraisal
  - Mineral Resource Assessment
  - Sustainability Statement
  - Ecological Impact Assessment
  - Transport Statement and Travel Plan

## **11.0 Legal Framework and List of Policies**

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

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

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

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

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

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

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

- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area, conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (SADPD) and Turners Hill Neighbourhood Plan (THNP).
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

11.8 Mid Sussex District Plan

11.9 Relevant policies:

DP17: Ashdown Forest Special Area of Protection (SPA) and Special Area of Conservation (SAC)  
DP20: Securing Infrastructure  
DP21: Transport  
DP23: Communication Infrastructure  
DP26: Character and Design  
DP27: Dwelling Space Standards  
DP28: Accessibility  
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  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage  
DP42: Water Infrastructure and the Water Environment

- 11.10 Policy DP29 should be afforded full weight in relation to the noise and light pollution. However, in relation to air pollution, it should be afforded no weight as this has been superseded by Policy SA38 in the Site Allocations DPD.

Site Allocations Development Plan Document – SADPD

- 11.11 The SADPD was adopted on 29th June 2022.

11.12 Relevant policy:

SA38 – Air Quality

11.13 Turners Hill Neighbourhood Plan

- 11.14 Turners Hill Neighbourhood Plan 2014 – 2031. The Turners Hill Neighbourhood Plan was made on 24th March 2016.

- THP1 Housing Site Allocations
- THP2 Development of Old Vicarage Field and the Old Estate Yard

- THP3 New Homes Parking
- THP4 New Homes
- THP5 Provision of Public Car Parking
- THP10 Brownfield Sites
- THP12 Visual Perspective
- THP19 Infrastructure

### **11.15 Other Material Considerations**

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

11.17 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31<sup>st</sup> October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change  
 DPS2: Sustainable Design and Construction  
 DPS4: Flood Risk and Drainage  
 DPN7: Noise Impacts  
 DPN9: Air Quality  
 DPC6: Ashdown Forest SPA and SAC  
 DPN10: Land Stability and Contaminated Land  
 DPB1: Character and Design  
 DPB2: Listed Buildings and Other Heritage Assets  
 DPB3: Conservation Areas  
 DPT1: Placemaking and Connectivity  
 DPT3: Active and Sustainable Travel  
 DPT4: Parking and Electric Vehicle Charging Infrastructure  
 DPH1: Housing  
 DPH3: Sustainable Development – Inside the Built-Up Area  
 DPH7: Housing Mix  
 DPH9: First Homes  
 DPH11: Dwelling Space Standards  
 DPH12: Accessibility  
 DPI1: Infrastructure Provision  
 DPI2: Planning Obligations

#### 11.18 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 4<sup>th</sup> 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.

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

*Affordable Housing Supplementary Planning Document (SPD)*

*Development Viability Supplementary Planning Document (SPD)*

## **11.20 National Planning Policy Framework (NPPF) (December 2024)**

11.21 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

11.22 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

11.23 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.24 Paragraph 12 of the NPPF states;

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

11.25 Paragraph 39 of the NPPF states;

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

11.26 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.27 National Design Guide

- 11.28 Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.
- 11.29 Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.
- 11.30 *Technical Housing Standards*

## **12.0 Assessment**

12.1 The main issues for consideration are:

- Principle
- Design and Character
- Landscape Considerations
- Impact on Heritage Assets
- Residential Amenity
- Space Standards / Accessibility
- Housing Mix and Affordable Housing
- Transport (access, parking and highway safety)
- Drainage and Flood Risk
- Contaminated Land
- Infrastructure
- Ashdown Forest
- Sustainability
- Biodiversity & BNG
- Archaeology
- Air Quality
- Trees
- Other (Fire, Water, Access, Minerals and Water Supply)

### **Principle**

- 12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.
- 12.4 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.5 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;
- 12.6 *'For decision-taking this means;*

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

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

*i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*

*ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 12.7 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.8 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.9 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.10 In light of the above, this development needs to be considered in the context of paragraph 11 (c) and (d) of the NPPF, and it is considered necessary to assess whether the policies most important to the determination of the application within the Mid Sussex District Plan are up-to-date or not.
- 12.11 The site is allocated for residential development as part of the Turners Hill Neighbourhood Plan.
- 12.12 Policy THP1 (Housing Site Allocations) states:
- “Development of Old Vicarage Field and the Old Estate Yard will be permitted providing they meet the site specific conditions listed in THP2 below.”*
- 12.13 Policy THP2 (Development of Old Vicarage Field And the Old Estate Yard) states:

***'Development of the two adjoining sites of Old Vicarage Field & the Old Estate Yard must deliver the following:***

*A mix of dwellings, which will address the priorities of the parish including 30% affordable homes. The mix will consist mainly of 1, 2 and 3 bedroom homes which would include 2 bungalows for the elderly and/or disabled as identified in the village survey.*

*The development will provide 44 new homes*

*A Village Car Park must be incorporated within The Old Estate Yard with pedestrian access via The Bank and the Fire Station.*

*The entrance road to this new Estate and Village car park is to be sited to the western side of The Old Vicarage. This position will ensure additional congestion is not created within the Primary School area which, together with the proposed 20mph zone, will not have a detrimental effect on traffic and pedestrian safety. The entrance road is to be a minimum 5.5m to incorporate pedestrian footpath and accommodate free flowing traffic to and from the Village car park.*

*The existing entrance to The Old Vicarage and School View properties must be closed and replaced with a continuous footpath from the new entrance road to the Fire Station. These existing properties will have rear access provision from the new entrance road. The entrance road will serve the new properties and the Village Car Park.*

*New pedestrian footpaths adjacent to roads must provide protection for pedestrians, for instance by way of kerbing.*

*Internal Estate roads must meet the needs of Emergency & utility vehicles as a minimum.*

*New homes must as a minimum comply with nationally described space standards for internal floor space and storage.*

*Where provided, garages should have an internal measurement of 7m x 3m as a minimum in order to accommodate a modern family sized car and some storage space.*

*The development will need to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.*

*S106 / CIL funds from this development will provide a financial contribution to the Village Enhancement Scheme.*

*Development should be designed to preserve or enhance the character or appearance of the Turners Hill Conservation Area and its setting. Proposals should take into account the guidance of the adopted Village Design Statement and any conservation area appraisal which may be adopted by the Council.'*

12.14 The supportive text of policy THP2 states,

*'7.24 Old Vicarage Field off Church Road is considered suitable for a development of some 30 homes on 1.30 hectares. The site is outside the Turners Hill*

*development boundary with built form on the eastern and southern boundaries and defensible boundaries along the northern and western edges of the site. It is considered that development at this location could provide a moderate size development which would be congruous with the townscape and character of Turners Hill. The site is fairly well enclosed and given surrounding mature hedgerows, is unlikely to have major impacts on landscape. Submissions for the site indicate a safe and practical access point can be provided by the landholder to the site through the Old Vicarage which adjoins to the south. The site is well located in relation to local services and facilities and a bus stop, convenience store and school are located in close proximity. Development can be accommodated without significant adverse landscape or visual effects.*

*7.25 The Old Estate Yard to the rear of the Fire Station is also considered appropriate for development. The site is adjacent to Old Vicarage Field. This Brown Field site will provide a much-needed village car park as well as some additional homes. A car park in this vicinity will serve the local shops, school and community facilities. It is well placed with direct access for pedestrians and secure as it is overlooked. The site is 0.30 hectares in size. This is a sustainably-located, previously developed site within the built up area of the village and well related to local services. The site has some vacant buildings and hard standings. A new access road is proposed to the west of the Old Vicarage and the land is within the ownership of the landowner.*

*7.26 It would be a requirement that part of this site is set aside for a village car park. This site is only achievable if it is delivered with Old Vicarage Field site, due to the need for a shared access. See Policy THP2.*

*7.27 Both of these sites are within 7km of Ashdown Forest, a European designated area under the Habitats Directive, and development will require mitigation as set out in emerging District Plan.*

*7.28 Together these two sites can provide up to 44 residential buildings and a Village Car Park. This development will be known as Vicarage Field and treated as one site. We have worked in conjunction with MSDC in assessing these sites and have worked closely with the landowner to reach agreement on the future development of them.'*

- 12.15 With the site being allocated for housing, and within the defined built-up area boundary of Turners Hill, the principle for the residential development of the application site is acceptable.
- 12.16 In terms of the proposed number of units, the scheme is 4 units short of the 44 units specified in THNP policy THP2. The applicants planning statement at paragraph 6.26 states that the proposed 40 new homes is within the 44 unit limit established within the allocation whilst achieving an appropriate layout for the site. Your Officer agrees with this stance given that the overall design of the development proposal should endeavour to satisfy as many objectives and criteria of the relevant policies specified above, to achieve an acceptable proposal when assessing the planning balance.
- 12.17 Paragraph 7.25 of the Turners Hill Neighbourhood Plan describes the Old Estate Yard to the rear of the Fire Station as a brownfield site. Paragraph 125 c) of the NPPF states that, substantial weight should be given to the value of using suitable brownfield sites within settlements for homes unless substantial harm would be caused.

- 12.18 It is considered that the proposed development will provide much needed housing, and is acceptable in principle, subject to the assessment of the detailed considerations in the sections below.

### **Design and Character**

- 12.19 Policy DP26 in the MSDP states that:

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

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

- 12.20 Policy THP4, New Homes, states:

*‘The Design of new homes must take into account the character and style of buildings in the Parish. Applications for new development must demonstrate how they have incorporated the guidance of the adopted Village Design Statement.*

*Developers must use Building for Life 12 to help deliver high quality design. Good design is fundamental to making neighbourhoods sustainable and this is our desire for Turners Hill. We want all future homes to be as energy-efficient and sustainable as possible and the highest standards must always be strived for.’*

- 12.21 THP10, Brownfield Sites, states

*‘Subject to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ( or any order revoking and re-enacting that*

*Order with or without modification) in order to protect the outstanding landscape setting of the parish the reuse of any previously developed land and buildings will be permitted only where the use, scale and design does not result in material harm to the character of the parish and its surrounds.'*

12.22 Paragraph 5.2 of section 5 of the Village Design Statement states the following for 'New Buildings':

*'Guidelines:*

- Alterations, extensions or new buildings must blend in with neighbouring properties, in particular, and with the village as a whole, in general.*
- Given the rural location and high dependency on cars, off-road parking space should be provided for new and re-developed homes whenever possible. This could be in the form of laybys as well as individual spaces.*
- Roofs should be no higher than surrounding buildings.*
- Buildings should normally front streets and follow the existing building line where possible and appropriate.*
- Traditional materials and colours should be used for new buildings, extensions and re-development, certainly in the conservation area and ideally throughout the village.*
- Landscaping and boundaries (hedges, fences, walls) should be sympathetic to the existing environment.*
- The treatment of new road and footpath surfaces must also be sympathetic to the existing environment and traffic calming measures should be included in any new estate development.*
- We should ensure that the village infrastructure (e.g. play and recreation facilities, educational facilities etc) can cope with any new estate development proposed. Funding should be provided by S106 money and the Community Infrastructure Levy (CIL), in due course. \**
- Lower density development which is more in keeping with the village rural setting should be provided.*
- Parking solutions should be found for the Withypitts Estate in partnership with Mid Sussex District Council, West Sussex County Council and Downlands Housing.*
- Residents should be aware of Tree Preservation Orders (TPOs) and the restrictions and responsibilities Tree Preservation Orders impose, in order to prevent illegal trimming and felling.'*

The above wording has a similar ethos to policies THP2 and DP26.

12.23 The Council's Design Guide is also of relevance and a number of sections relate specifically to layout and design features within a proposed development, specifically sections 3, 4, 5, 6 and 8.

12.24 NPPF Chapter 12 seeks to achieve well designed places, by creating high quality, beautiful and sustainable buildings and places. Paragraphs 131 and 135 are of particular relevance.

12.25 It is therefore necessary to consider whether in terms of design, the proposal would be acceptable in relation to the character and appearance of the area having regard to the above objectives and relevant policy criteria in the adopted development plan and SPD. The details and parameters, as submitted, have been reviewed by the Council's Urban Designer whose comments are available in full on the Council's

website. The Council's Urban Designer raises no objection in principle and recommends that any planning permission should include conditions requesting further details and clarity for materials and design aspects of the scheme.

12.26 In terms of layout policy THP2 stipulates that the scheme should provide, inter alia:

- *A Village Car Park must be incorporated within The Old Estate Yard with pedestrian access via The Bank and the Fire Station.*
- *The entrance road to this new Estate and Village car park is to be sited to the western side of The Old Vicarage.*
- *The existing entrance to The Old Vicarage and School View properties must be closed and replaced with a continuous footpath from the new entrance road to the Fire Station. These existing properties will have rear access provision from the new entrance road. The entrance road will serve the new properties and the Village Car Park.*

12.27 The proposed layout includes 9 parking spaces on the old estate yard for visitors to the village and access is shown via the eastern side of the Fire Station.

12.28 The proposed entrance and access for the proposed development is to the western side of The Old Vicarage and the existing entrance would be closed and access to these properties would come off the ring road and into their rear gardens. A pedestrian route is also shown on the proposed site plan which leads off Church Road to the parking area and Fire Station in the southeastern corner of the site. The layout and access route is therefore in accordance with that specified in policy THP2.

12.29 The Council's Urban Designer raised concerns in relation to blocking the established informal desire line (*"The north eastern Lion Lane car park will have a landscaped boundary in the form of a hedge, which will prevent any potential pedestrian desire lines in this part of the site"*) and has commented that this is contrary to Principle DG8 of the Mid Sussex Design Guide: Establish a clear movement network that connects with the surrounding area of the Mid Sussex Design Guide.

12.30 The applicant disagrees that the layout conflicts with Principle DG8. The applicant has commented on why they believe the Council's Urban Designers' suggestion is not achievable:

*"it would result in a reduction of parking for Lion Lane residents which cannot be accommodated and would direct pedestrians and traffic through the private driveways of plots 27 and 28, which for privacy and safety reasons, cannot be accommodated. The northeastern Lion Lane car park will have a landscaped boundary in the form of a hedge, which will prevent any potential pedestrian desire lines in this part of the site."*

12.31 The applicant has attempted to improve desire lines and encourage use of the footpath running the length of the eastern boundary by increasing the width of the northern most entry point and splaying its entry. The Local Highway Authority considers this to be acceptable, and this is discussed in more detail below in the Transport section of the report. Your Officer agrees that this is acceptable and would not constitute grounds to resist the proposal.

12.32 The applicant has also confirmed that any window specification, materials and details of design including palette of materials and brick bonding detail can be

appropriately dealt with by way of planning conditions. They have commented that the proposals have been informed by a contextual analysis of the area. The design and access statement and planning statement does confirm the use of traditional materials such as clay tiles and multi stock brickwork. Amended drawings (20.173-1001-D) have also been submitted to show requested details of plots with chimneys (plots 13, 22, 26, and 38).

12.33 The applicant has also attempted to address the blank side elevations which the Council's Urban Designer expressed as being of concern. Revised elevations have been submitted for plots 14, 15, 16, 18, 19, 20, 21, 28, 31, 32, 33, 35 and 38 to introduce more fenestration. However, the applicants are of the view that Juliet balconies to the apartment building would add visual clutter to a building that has been purposefully designed of traditional character and architectural detail.

12.34 The applicants have commented that,

*'The surrounding area comprises an eclectic mix of houses, along with service buildings and commercial units. A mix of ages are present, displaying a variety of traditional, rural and farmland architectural styles and material palettes. Materials present throughout Turners Hill display a mix of red brick, tile hanging and white weatherboarding. This is demonstrated on page 11 of the above-mentioned DAS.'*

*As part of the pre-application engagement undertaken with Officers (including Urban Design) in 2022, a variety of house types demonstrating the envisaged character and materiality of the proposed dwellings were presented. At the time, no specific concern or feedback was provided in this regard.*

*The proposals as submitted, comprise a high quality and distinctive scheme. The development utilises locally sourced materials consisting of traditional details typical to Turners Hill and the wider West Sussex vernacular. Informed by the extensive contextual analysis undertaken, materials proposed include plain clay hanging tiles, quality red stock bricks, plain clay roof tiles, grey roof tiles and white weatherboarding. As a result, the proposed dwellings are considered to respond in a meaningful way and to the established architectural language and overall character of the village.'*

12.35 The spacing between and around the proposed housing is considered to be in keeping with the pattern and grain of development in the locality and the proposed development is predominantly two storey's in height to reflect the scale of existing housing in the area. There would be 40 houses on a site area of 3.36ha which equates to approximately 12dph which is low density and does not amount to an overdevelopment of the site. The layout has also been designed with the houses facing outwards and onto the street which creates an active frontage that accords with design guidance in relation to a positive street scene.

12.36 Despite the applicants attempts to address the concerns raised by the Council's Urban Designer, she remains concerned over the details concerning materials and fenestration. However, it is considered that this can be addressed with an appropriately worded planning condition and that the design is acceptable.

12.37 In terms of the landscaping proposals, policy DP26 states in part that application proposals will be required to demonstrate that development *'includes appropriate landscaping and greenspace'* inter alia.

- 12.38 On the issue of hard and soft landscaping the Councils' Urban Designer has most recently commented that:

*'There are too many inconsistencies between drawings (3D perspectives show trees that are not on the plans, hard landscape descriptions vary between drawings, hard and soft landscaping is presented in a vague strategy rather than a proposed plan. Long elevations expose close boarding along the streets.*

*The proposed addition of new trees remains unclear and insufficient, and the previous request for additional trees (indicated by blue dots on the earlier sketch) has not been addressed.*

*I believe at present landscaping plans lack sufficient detail and don't demonstrate material choices that will result in securing a meaningful and context driven landscape design.'*

- 12.39 In response to this, the applicant has confirmed that, *'the only plan submitted with any hard landscape description is the landscape strategy plan prepared by Frabrik. The landscape strategy is submitted for approval, and it is expected that detailed landscape conditions would be attached to any approval as would be usual practice. Any such condition deals with all of the detailed landscape queries that have been raised.*

*In terms of additional trees, additional trees have indeed been added as requested. I would however refer you back to our original response, explaining that these have been added but only where they can realistically be achieved, taking into account NHBC Guidance, Below ground services, SuDS and below ground tanking, road easements and visibility splays.'*

- 12.40 Paragraph 10.11 of this report describes the detail of the proposed landscaping. However, the landscape masterplan (as amended and with legend, drawing no. P04) sets out the detailed description of the proposals. These are separated into trees within the development, front gardens, play & recreation, church road frontage and site entrance, boundary treatments and hard landscape. Coloured drawings have also been submitted (drawing no's 1000, sheet 1 and 1001, sheet 2). Sheet 2 gives further information on the proposed trees within the northern parcel, retained vegetation, boundary planting and SUDS provision. The details provide an illustrative planting palette. However, as said above in relation to materials and fenestration, additional landscaping details can be agreed by way of a planning condition.

- 12.41 As such, the design is considered to be acceptable. The proposed development does therefore meet the criteria of relevant policies DP26, THP2, principles contained within the MSDG and national policy contained within the NPPF.

### **Landscape Considerations**

- 12.42 The legal framework for AONBs, (also known as National Landscapes) 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 Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the*

*purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'.*

12.43 A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

12.44 As stated above in paragraph 12.14 of this report, policy THP2 states, inter alia that,

*'7.24 Old Vicarage Field off Church Road is considered suitable for a development of some 30 homes on 1.30 hectares. The site is outside the Turners Hill development boundary with built form on the eastern and southern boundaries and defensible boundaries along the northern and western edges of the site. It is considered that development at this location could provide a moderate size development which would be congruous with the townscape and character of Turners Hill. The site is fairly well enclosed and given surrounding mature hedgerows, is unlikely to have major impacts on landscape.'*

12.45 Policy THP12, Visual Perspective, requires a three-dimensional visualisation of the proposed development, in situ, to be provided as part of any planning application. Such visualisations will enable the impact on the character and landscape of the area to be assessed.

12.46 Policy DP16, High Weald Area of Outstanding Natural Beauty, in part that, *'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of location and design.'*

12.47 Paragraph 189 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.'

12.48 The site is located outside of the AONB and the AONB lies outside of the built-up area boundary, as defined in the MSDP. The designated AONB is situated on the southern side of Church Road. National Planning Practice Guidance (NPPG) explains that the duty to conserve and enhance the natural beauty of AONBs is relevant when considering development proposals situated outside of an AONB, but which might have an impact on its setting.

12.49 The application is accompanied by a landscape and visual appraisal (LVIA) with impact overview, May 2025. The Planning Statement also includes three dimensional illustrative coloured drawings of the proposed development.

12.50 The summary and conclusions of the LVIA, confirms that the site will alter from a grassland field parcel and field boundary to that of a construction site and emerging SuDs built form, to be set beyond the retained and enhanced mature hedgerows, tree belt and supplementary planting. The LVIA comments that effects on these receptors are considered to range from moderate to major adverse, in terms of close proximity, internal and local views. The LVIA goes onto to say that visual effects will diminish over time as the landscape proposals mature.

12.51 Furthermore, *'Views of the current Site from receptors within the High Weald National Landscape (NL) are currently very limited due to the combination of the wooded contextual landscape and the steep ridgelines, with a combination of built form and woodland informing the skyline. It is therefore predicted that the construction and operational stages of the proposed development would similarly remain limited and predominately obscured due to the intervening layers of vegetation, coupled with the fact that the proposed development would be below the tree line and set back from the southern and western vegetated edge by the proposed and enhanced native buffer planting. Overall effects on the character and amenity of the views from the NL are predicted to be negligible. Where views are currently limited and filtered by intervening vegetation, topography or built form, it is predicted that the character and amenity of these views will not significantly alter with the proposed development in place.'*

*As with the development of any part brownfield and greenfield Site, adverse effects will occur. However, views of the new development will be apparent in the immediate local area only, creating a new, high quality, residential element, set in the context of the existing retained boundary trees and hedgerow in views from the north, south, east and west where the character and amenity of the view is a mixture of built form, grassland and woodland. The high quality nature of the proposed development, the landscape proposals and the maturation of the proposed development over time will moderate these adverse effects.'*

12.52 Your Officer agrees with the above conclusions, and it should also be highlighted that this is an allocated site in the Neighbourhood Plan and is also within the built up area boundary as defined in the MSDP. The proposed development would be seen against the backdrop of the existing built form and would not therefore adversely affect views into and out of the AONB by virtue of location or design.

12.53 As such, it is considered that in terms of landscape impact, the proposed development is acceptable and compliant with policy DP16, and national policy contained within the NPPF.

#### **Impact on Heritage Assets**

12.54 The LPA is under a duty by virtue of s.66(1) of the Listed building and Conservation Area (LBCA) Act 1990 (General duty as respects listed building in exercise of planning functions);

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

12.55 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'In the exercise, with respect to any buildings or other land in a conservation*

area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.'

12.56 Case law has stated that;

*'the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

12.57 The Court further stated on this point;

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

12.58 Policy DP34 of the MSDP states, in relation to Listed Buildings and other heritage assets, the following;

*'Listed Buildings*

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

### *Other Heritage*

*Assets Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic. Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.”*

12.59 Policy DP35 of the MSDP, Conservation Areas, states:

*‘Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:*

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

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

*New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.’*

12.60 Policy THP2 states inter alia that, *‘Development should be designed to preserve or enhance the character or appearance of the Turners Hill Conservation Area and its setting. Proposals should take into account the guidance of the adopted Village Design Statement and any conservation area appraisal which may be adopted by the Council.’*

12.61 The Village Design Statement (VDS) at 4.1 states:

*'The following features in particular contribute to the character of the Conservation Area:*

- *the varied mix of building styles and ages;*
- *the attractive grouping of buildings around the village green and along Lion Lane;*
- *the green plus other smaller grassed areas and verges, including in Lion Lane;*
- *the elevated position of several houses in Lion Lane, with their raised front gardens;*
- *attractive street furniture and signs;*
- *several attractive stone walls and a natural sandstone bank in Church Road;*
- *important tree groups;*
- *the setting of New Stone Cottages in East Street.'*

12.62 The (VDS) amongst other aims and guidance seeks to conserve buildings of architectural or historic interest and their settings and to conserve and enhance the special character and appearance of the Conservation Area.

12.63 Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below ;

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

*'210. In determining applications, local planning authorities should take account of:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

*212. 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.*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II\* listed*

*buildings, Grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. *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.*

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

12.64 The application was accompanied by a Heritage Statement and response note.

12.65 The Council's Conservation Officer's full comments are available on the file. In summary she has commented as follows:

*'In summary, a large number of designated and non-designated heritage assets at the heart of Turners Hill village and on its semi-rural western edge would be adversely affected by the current proposal, either directly, or indirectly through impact on setting. I have set out above the levels of harm arising, and although in all cases these are placed at less than substantial for the designated assets, the cumulative impact on the historic character of the village will be in my opinion significantly detrimental. In carrying out the balancing exercise set out in paragraph 215 of the NPPF, we must also be mindful of the requirements of paragraph 213 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, and of paragraph 212 that great weight should be given to an asset's conservation. Paragraph 216 sets out the exercise with respect to NDHAs, and states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

*I have not commented here in any detail on specifics of the site layout or the design quality of the proposed buildings within it as I understand that the Council's Urban*

*Design Officer will be doing so, however I do have concerns that these aspects of the proposal do not in every way comprise the high level of contextual design that we would expect in such a sensitive location, and that this compounds the harms identified above to the adjacent heritage assets.'*

- 12.66 The Conservation Officer also made further comments following receipt of the revised masterplan on 16<sup>th</sup> October which she noted makes some minor changes to layout and landscaping. However, the Conservation Officer concluded that, *'these minor alterations do not materially affect the impact of the proposal in built heritage terms, and as such my previous comments and the levels of harm identified therein remain pertinent.'*
- 12.67 This was also the case for the submitted heritage response note, which did not alter the Conservation Officers' position in respect of the affected heritage assets. Your Officer agrees with the Conservation Officers assessment of the level of harm to these heritage assets, which is discussed further, below.
- 12.68 As the application affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.
- 12.69 In accordance with paragraph 212 of the NPPF 'great weight' needs to be given to the conservation of the designated heritage assets. Although the identified harm to each is less than substantial, it should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.
- 12.70 It is therefore necessary to consider whether according to Para 215 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This includes, where appropriate, securing its optimum viable use.
- 12.71 In terms of the impact on the setting of the Conservation Area, your Officer agrees with the comments of the Conservation Officer and that the proposed development will lead to less than substantial harm and at the higher end of that scale.
- 12.72 The application site is mainly a greenfield site, albeit part brownfield to the north of the Fire Station. It is within the built up area boundary as defined in the MSDP. This site has been allocated for housing for the development of 44 houses in the THNP. At the time of making the THNP, the District Council was consulted and agreed with the principle of development on this site to bring forward housing to contribute to the Council's housing supply. The proposed development was the subject of pre application considerations which has evolved with the guidance of MSDC's urban designers (and other consultees). The point of access and linkages about the site are as stipulated in THP2. The development is set back and behind the building line of existing buildings in Church Road with planting proposed either side of the proposed access. Landscaping is included in the scheme and a LAP. Development of this site will harm the setting of the Conservation Area because it is currently, and in the main, a greenfield site.

- 12.73 The proposal is considered to have public benefits including affordable housing on a site that is allocated for such development in the THNP. The proposal would also provide economic benefits including construction jobs and additional spending in the locality. These benefits are considered to outweigh the less than substantial harm to the setting to the Conservation Area in accordance with paragraph 215 of the NPPF.
- 12.74 In terms of the impact on listed buildings, the Conservation Officer has said that the harm to these buildings is less than substantial at the mid-range of that scale. Your Officer agrees with this.
- 12.75 The proposed development is within proximity to these buildings in terms of being within the local area. However, the development is set back from Church Road and to the rear of existing houses, The Old Vicarage and School View Cottages (which are not listed but are NDHA's). The development will also be to the rear of and backing onto properties in Lion Lane. It will be a development that will read as a separate site to existing historic buildings. The proposed access will be offset and to the east of The Old School House and on the opposite side of Church Road. The former forge buildings are on a corner plot at the junction of Church Road, Selsfield Road and Lion Lane. They are surrounded by existing buildings and there will be separation between these buildings and the proposed housing given the car parking proposed, albeit it is accepted that the outlook to these buildings will be detrimentally changed because of the proposed development of The Old Estate Yard and compared to the ancillary buildings and rural character of the existing site. The Conservation Officer is concerned that the buildings in The Bank will be seen in views from the Green and North Street against the backdrop of the development and that this will suburbanise their setting. However, any development on this site will suburbanise the setting of The Bank. The Conservation Officer also considers that the harm to The Red Lion will be less than substantial at around the mid range of that scale and that the development will impact on the setting of its garden and the character of the approach along the adjacent PROW. This is accepted but with the use of traditional materials and appropriate landscaping both of which can be conditioned, the impact can be softened and reduced to the lower range of less than substantial harm.
- 12.76 As said above, the proposal is considered to have public benefits including affordable housing on a site that is allocated for such development in the THNP. The proposal would also provide economic developments including construction jobs and additional spending in the locality. These benefits are considered to outweigh the less than substantial harm to the setting to the Conservation Area in accordance with paragraph 215 of the NPPF.
- 12.77 The Conservation Officer has also commented on NDHAs. The Old Vicarage and School View Cottages are of a low level of interest and the level of harm caused is considered by the Conservation Officer as being mid-high. Your Officer does not dispute this, but it is considered for the reasons mentioned above, that the scheme has evolved to mitigate any harm to these NDHA's.
- 12.78 Turners Hill C of E Primary School is also recognised as a NDHA. The Conservation Officer has drawn the same conclusion for this building as for the Old School House. Her comments are that the semi-rural village setting of this building will be adversely impacted by the creation of a new access directly opposite, which will result in a mid level of harm to a mid-high level of interest within the local context. Again, and as said above, your Officer agrees with the level of harm resulting from the proposed development and especially the position and

relationship of the proposed access with the Primary School. However, the position of the proposed access and development is in accordance with Policy THP2 for housing to be allocated on this site. The Primary School is also set back and behind the building line which flanks its site, it is also on higher ground and in an elevated position, so it maintains some street presence. The point of access will also be landscaped and planting is proposed, which in time will mature and create a soft edge to the frontage opposite the School building.

- 12.79 Finally, Providence Terrace is named as a NDHA and the Conservation Officer is of the view that the impact on this pair of townhouses will be similar to the listed buildings at The Bank. She considers there will be a marked impact on their rear outlook, as well as potentially the backdrop against which they are appreciated in views from The Green. The Conservation Officer has said this will result in a mid-level of harm to an NDHA of a low-mid level of interest within the local context. As above, your Officer accepts and agrees with the level of harm anticipated by the Conservation Officer but also recognises that this pair of townhouses will remain in the same street view and will maintain their street presence because of their period features. The proposed development will be to the rear of these NDHA buildings. However, your Officer considers that the physical impact of the proposed development will not compete with these existing characterful NDHA.
- 12.80 When considering the balanced judgement of the harm to the NDHA's it is considered that while there would be some harm, the scale of that harm is not so significant to resist the proposal given the public benefits of the scheme and securing the optimum viable use of the site. This is in accordance with paragraph 216 of the NPPF.
- 12.81 Given the above, it is considered the adverse impacts to the setting of the listed buildings and the historic landscape and setting of the Conservation Area and NDHA's, would not on their own significantly and demonstrably outweigh the benefits of the scheme (even when given considerable importance and weight in accordance with the legislation in the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 12.82 The proposal is considered to have public benefits including affordable housing on a site that is allocated for such development in the THNP. The proposal would also provide economic benefits including construction jobs and additional spending in the locality. These benefits are considered to outweigh the less than substantial harm to the setting to the heritage assets outlined above.
- 12.83 It should also be noted that it is an inevitable consequence of the site being allocated for development in the Neighbourhood Plan that there would be a significant change in the character of the site and consequently, the setting of the heritage and non-designated assets referred to above. As such, while the harm to heritage assets is negative in the planning balance, the proposed development is considered to be acceptable and complies with the NPPF.

### **Residential Amenity**

- 12.84 Policy DP26 in the MSDP seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

12.85 Policy DP29 of the MSDP deals with lighting and noise pollution, while policy SA38 deals with air quality. The issues of noise and air quality will be considered separately, but in respect of light pollution, DP29 states;

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Light pollution:*

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'*

12.86 Further guidance on how design and layout of the scheme can impact on residential amenity can be influenced by the design and layout of scheme can be found within the Design Guide SPD, specifically principles DG45 (Privacy of existing and future residents), DG46 (external amenity space), DG47 (Provide homes with sufficient daylight and sunlight) and DG48 (Design to minimise the impact on noise, air and light pollution). The latter three principles are aimed at the amenity of future residents.

12.87 As stated above in section 4 of this report, and in no order of importance, concerns from interested parties in relation to residential amenity are summarised as follows:

- Significant harmful impact on residential amenity for those living in Lion Lane. The proposed development will be overbearing, dominant, and result in overlooking/loss of privacy, loss of daylight.
- Additional noise and disturbance
- Detrimental to health and wellbeing to build on land used for recreation and demolish garages which are rented with some used by the occupants of nearby houses to carry out their hobbies.

12.88 The proposed houses backing onto the eastern boundary (Lion Lane) are 3 bedroom two storey semi-detached/terraced houses. The back to back separation distances between the proposed and existing houses in Lion Lane is a minimum distance of approximately 22m. There would also be a footpath between the rear boundaries of existing and proposed houses. This is considered to be an acceptable distance with this back to back relationship in a built up residential area. It is not therefore considered that there would be an overbearing or dominant effect which would amount to significant harm to the residential amenity for the occupants of houses in Lion Lane.

12.89 Given the orientation and distances between these houses on the eastern side of the site, it is also the case that there would be no significant harm resulting from the proposed development in terms of overlooking and a loss of privacy, or overshadowing/loss of daylight and or sunlight.

12.90 The other existing nearby houses adjoining the site are located to the south and are 120 and 121 School View, Church Road and The Old Vicarage, Church Road. Immediately north of these properties (but separated by the ring road) will be 2 no. two storey four bedroom houses. A two storey building containing 6 no. one

bedroom flats will be situated to the western side of The Old Vicarage. The proposed access road will run between The Old Vicarage and the flatted development. The orientation and juxtaposition are considered to be an acceptable relationship in terms of residential amenity and having regard to spacing and layout of the site and the existing nearby built form. As such, it is considered that there would not be any significant harm in terms of residential amenity resulting from the proposed development for the occupants living in houses to the south of the site. This is a typical relationship between houses in a built-up residential location.

- 12.91 The layout and spacing between and around the proposed development have been carefully designed and evolved as a result of extensive pre application discussions and amendments during the course of this application. Rear gardens are at least 10m deep and the houses are orientated so that there would not be any significant harm resulting for the residential amenity of future occupiers.
- 12.92 In terms of noise and disturbance, there will be short term noise and disturbance during construction, but this is not grounds to resist the proposed development. MSDC Environmental Protection has acknowledged this and recommended a planning condition for details to be submitted and approved by the LPA for a construction and environmental management plan (CEMP). The applicants have submitted a noise assessment (Hawkins Environmental) and acknowledged, at section 7 of the report, that to minimise construction noise impacts best practicable means must be followed. The report also assesses whether the site is suitable for residential use for future occupants, due to its proximity to a number of busy roads and makes recommendations to achieve suitable internal noise levels. MSDC Environmental Protection have also recommended conditions in relation to this issue. Therefore, the level of noise and/or disturbance resulting from the development is considered to be acceptable in this location.
- 12.93 In terms of well-being, paragraph 135 (f) of the NPPF refers to decisions ensuring that developments '*create places that are safe, inclusive and accessible and which promote health and well-being etc and do not undermine the quality of life or community cohesion and resilience.*' Paragraph 1.7.3 of the MSDG also refers to wellbeing and how good design can help to transform places and enhance people's lives. It refers to the orientation and height of buildings; the materials, enclosure, soft landscaping/trees and amount of sunlight within a public space.
- 12.94 The proposed development, in terms of design, layout and landscaping, which also includes a LAP, is considered to meet these requirements for the future occupiers and also nearby properties and the wider area.
- 12.95 Given the above, it is considered that the proposed development would cause no significant harm for the occupants of existing or future homes and, in this respect, is compliant with Policy DP26, the principles of the MSDG and national policy provisions contained within the NPPF.

### **Space Standards / Accessibility**

- 12.96 Policy DP27: Dwelling Space Standards states:

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

*Open market dwellings and affordable housing;*

*The full range of dwelling types; and  
Dwellings created through subdivision or conversion.  
All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'*

12.97 Policy DP28 Accessibility states;

*'Developments of 5 or more dwellings will be expected to make provision for 20per cent 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 4per cent, dependent on the suitability of the site and the need at the time.'*

*The proposed development will have to comply with access under building regs, i.e. level or ramped access to all areas.*

*A condition that 20per cent of the dwellings will meet the requirement of Part M of the building regulations can be added to any planning permission. Essentially this means that 20per cent provision across the development needs to be made to ensure that 3 dwellings are wheelchair accessible M4(2). The planning statement at paragraph 5.25 states that the proposal will prove 20% of the total proposed apartments to comply with Part M which meets policy criteria under DP28.'*

12.98 THNP Policy THP2 states, inter alia that, 'New homes must as a minimum comply with nationally described space standards for internal floor space and storage'.

12.99 In respect of space standards, the proposed units (as detailed in the accommodation schedule) comply with the Nationally Described Technical Housing Standards and MSDP policy DP27. Please see table below.

Unit Type	Technical Standards (and storage)		Proposed
1 bed flat	50sqm	1.5 sqm	50 sqm
1 bed house	58sqm	1.5 sqm	57 sqm
2 bed house	79sqm	2 sqm	79 sqm
3 bed house	93 sqm	2.5 sqm	95 sqm
4 bed house	115 sqm	3 sqm	150-210 sqm

- 12.100 The planning statement confirms at paragraph 6.47 that the proposed residential units will be compliant with Part M4(2) accessible and adaptable, in accordance with policy DP28.

### **Housing Mix and Affordable Housing**

- 12.101 Policy DP30 of the MSDP in part deals with housing mix and states;

*'To support sustainable communities, housing development will:*

- Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- Meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;....'*

- 12.102 Policy DP31 of the MSDP deals specifically with 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 other such standard 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.'*

- 12.103 THNP policy THP2 states, inter alia, that the proposed development shall provide, *'A mix of dwellings, which will address the priorities of the parish including 30% affordable homes. The mix will consist mainly of 1, 2 and 3 bedroom homes which*

would include 2 bungalows for the elderly and/or disabled as identified in the village survey.'

- 12.104 The Council's Housing Enabling and Development Officer has no objection to the proposed provision of affordable housing. In his final comments he states:

*'The affordable housing provided will need to be split 25% First Homes (or where agreed Shared Ownership) (3 units) and 75% Social Rented or Affordable Rented housing (9 units). My comments of 27/06/25 stated that we would not agree to a mix of First Homes and Shared Ownership as proposed here, however after speaking to the developer's agent, we have been advised that the developer have been in conversation with a RP who would be willing to take this development on with this mix. In light of this, I am happy to proceed with this mix on the grounds that the developer provides a letter of intent from the RP. Should the developer fail to onboard the RP who has requested this mix, we will look to change it to a mix in line with the previous comments (2 x 1B/2P houses & 1 x 2B/4P house for First Homes as discussed with the developer's agent) in the S106 agreement.*

*Whilst the housing mix stated is not what we would typically look for, the RP has been in discussions with a RP regarding it and they seem satisfied with it. As such, I am happy with the mix of units shown. The plans adhere to our clustering and parking requirements.'*

- 12.105 Page 27 of the planning statement confirms that the proposal will deliver 6 x 1 bed flats, 7 x 2 bed houses, 20 x 3 bed houses (including 2 chalet bungalows with ground floor bedrooms) and 7 x 4 bedroom houses.
- 12.106 Page 28 of the planning statement (at para 6.48) confirms that the proposal will provide 12 (30%) affordable homes on the site at 75/25% tenure split in favour of affordable rent and the remainder in favour of intermediate homes. In terms of the intermediate provision, the Council's Housing Officer originally sought 2 x 1B/2P houses & 1 x 2B/4P house as First Homes. However, the developer has confirmed that the proposal will include 2 First Homes and 1 shared ownership dwelling. The Housing Officer is prepared to accept this now that the developer has submitted a letter of interest from the registered provider (RP), Town and Country Housing (TCH), which confirms their willingness to take on the shared ownership and affordable rented units. The agreed mix can also be secured with appropriate wording and through the completion of a S106 Legal Agreement. Should the developer fail to take onboard the RP who has agreed to the acquisition of this mix, the Council will revert to 3 First Homes as originally advised. It is understood that it will be delivered in one phase, but this can be managed in the detail of the agreement.
- 12.107 It is considered that the provision and clustering of the proposed affordable housing meet the policy requirements. As such, the proposed housing mix and affordable housing tenure is considered to be acceptable and is policy compliant.

### **Transport (access, parking and highway safety)**

- 12.108 Policy DP21 in the MSDP states;

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

- A high quality transport network that promotes a competitive and prosperous economy;*

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

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

12.109 Policy THP2 in relation to transport is set out in paragraph 12.13 and reads as follows:

*'A Village Car Park must be incorporated within The Old Estate Yard with pedestrian access via The Bank and the Fire Station.*

*The entrance road to this new Estate and Village car park is to be sited to the western side of The Old Vicarage. This position will ensure additional congestion is not created within the Primary School area which, together with the proposed 20mph zone, will not have a detrimental effect on traffic and pedestrian safety. The entrance road is to be a minimum 5.5m to incorporate pedestrian footpath and accommodate free flowing traffic to and from the Village car park.*

*The existing entrance to The Old Vicarage and School View properties must be closed and replaced with a continuous footpath from the new entrance road to the Fire Station. These existing properties will have rear access provision from the new entrance road. The entrance road will serve the new properties and the Village Car Park.*

*New pedestrian footpaths adjacent to roads must provide protection for pedestrians, for instance by way of kerbing.*

*Internal Estate roads must meet the needs of Emergency & utility vehicles as a minimum.'*

12.110 Policy THP3, New Homes Parking, states:

*'New residential development must provide the following minimum levels of off-street parking (including garages) as detailed in the table below.*

- *1-2 bedroom dwellings 2 on-plot car parking spaces*
- *3+ bedroom dwellings 1 on-plot car parking space per bedroom'*

12.111 Policy THP5, Provision of public car park states,

*'Applications for a centrally-placed, accessible community car park on the Old Estate Yard will be actively supported. Incorporating a small well designed office unit with undercroft parking in order to help maximise the number of new spaces will also be actively supported.'*

12.112 With regard to the NPPF, section 9 deals with 'promoting sustainable transport' and paragraphs 115-118 directly relate to the 'consideration of development proposals', and they are set out below;

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

*116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

*117. Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with*

*layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

*118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'*

12.113 The application is supported by a Transport Statement and Travel Plan. However, at the request of the local highway authority (LHA) amended transport plans, technical note no.4 and travel plan (Rev B) have been received and then further information and amended drawings. The LHA now raises no objection subject to planning conditions and a Section 106 to secure financial contributions, the detail of which will be set out below in the infrastructure section. In summary though, it will secure monies for monitoring of the travel plan and traffic regulation order (TRO), and for double yellow lines and keep clear site access markings. The LHA also recommends planning conditions should planning permission be granted.

12.114 The comments received from the LHA can be viewed in full on the Council's website. However, in relation to access and parking they are as follows:

*'Swept Path Tracking*

*'The Technical Note (TN) clarifies that the existing Fire Station access will be enhanced by providing localised widening of footway outside Fire Station and tactile paving across the existing bellmouth. Swept path tracking shows all anticipated vehicles can still manoeuvre the access point. The footway widening and tactile paving should be provided by the developer as part of the wider off-site access works via s278 agreement. LHA advise the Local Planning Authority (LPA) secure this via s106 agreement but a suitably worded condition is also included below if the LPA prefer this mechanism of securement.*

*Internal Layout*

*The TN further clarifies that Lion Lane Car Park is for residents of Lions Lane and thus no reason to provide a through pedestrian route here (and to protect privacy of plots 27 & 28).*

*The TN clarifies that the path rear of properties 28-35 will not provide rear access to rear gardens and thus no wheelie bins will obstruct. The footway will have width of 2m which is appropriate for anticipated users. It is also noted that if pedestrians did want to link from Lions Lane car park/ PROW TUH/68W/1 to within the site and through to Church Road, they could do using this path, where it routes out to shared surface in proximity to plots 39-40. The applicant is also open to providing lighting*

*for this path and LHA consider that the LPA could secure this via condition if they consider appropriate. Enhancements to the vehicle access to Lions Lane car park will in effect improve the surfacing of the PROW. It is understood this is to be delivered through existing land ownership.*

### Car Parking

*The applicant was asked to consider providing additional access aisle space within visitor parking spaces. None are provided in the Lions Lane residents car park and the applicant states that this is as a result of resident requirements. One accessible space has been provided in the village car park and it is stated that visitor spaces on the looped estate road benefit from surrounding grass verges where additional access aisle hatching and lining for 4 x spaces could be provided if required. The LHA are in agreement with this. The LPA may wish to seek this further information before determining the application or could secure these modifications via a suitably worded car parking condition.'*

- 12.115 Your Officer agrees with the comments. Therefore, in terms of pedestrian and vehicular access the proposal is considered to be acceptable and in accordance with the above relevant policies.
- 12.116 In terms of vehicle access, and as per policy THP2, the proposed vehicle access will be to the western side of The Old Vicarage and off Church Road. It is double width (5.5m) and has a footway alongside it for pedestrians. It will have keep clear markings at the junction to ensure that any queueing at Church Road/East Street/North Street/Selsfield Road crossroad's does not harmfully impact upon the operation of the proposed site access. Visibility splays of 2.4m x 59m are achievable which is in keeping with the speeds recorded in the automated traffic count (ATC).
- 12.117 The existing vehicular access between The Old Vicarage and 120 and 121 School View properties, will be reduced in width to 2m for pedestrian access only. This is illustrated on the proposed site access arrangement drawing no. PL101 B. Pedestrian connectivity between Lion Lane and Church Road is explained at paragraph 4.11 in the TN 04. While there will not be a direct pedestrian link from Lion Lane resident's car park due to site constraints, there is a footway along the eastern boundary of the site which maintains access to the rear of Lion Lane properties as well as providing an additional pedestrian route through the site to Church Road.
- 12.118 Swept path analysis of a refuse and emergency vehicle entering and leaving the site and manoeuvring throughout the internal roads are contained within the application submissions.
- 12.119 There will be a total of 126 spaces, providing 74 resident spaces on each plot, which includes 49 spaces, 18 garages and 7 car ports. There will be 10 spaces for visitors along the loop road, 13 private spaces in the northeastern corner of the site for existing Lion Lane residents, and a further 20 private spaces in the southeastern corner also for Lion Lane Residents. There will be 9 spaces also in the southeastern corner of the application site for visitors of the village. There are currently no accessible bays provided for Lion Lane residents, and none were requested as part of the pre application consultation with residents, so this is not included in the proposals.

- 12.120 The proposed car parking level is within the 10% buffer that is deemed acceptable within the WSCC guidance for new developments (Sep 2020). As noted in the Travel Plan it is also the case that the application encourages the use of sustainable transport and not the private car, so the proposed car parking provision is considered to be acceptable as reflected in the final comments received from the LHA. Your Planning Officer does not therefore consider that an additional 4 visitor bays around the loop road of the estate is necessary.
- 12.121 In terms of increased traffic and safety, this is summarised at section 7 of the TN 04. However, details of trip generation, future traffic scenarios and junction capacity analysis can be read in full in the Transport Assessment. The application is also accompanied by a stage 1 road safety audit (June 2025) in relation to the junction of the site access.
- 12.122 Table 5.5 in the transport assessment details the total vehicle number of trips during am peak, pm peak and daily. Junction capacity analysis of the proposed site access can be found at table 7.1. The transport assessment confirms that the proposed development will have minimal impact on Church Road. A total of 20 two-way movements can be expected during the morning peak hour (08:00-09:00) and 18 during the evening peak hour (17:00-18:00). A daily total of 190 two-way movements is anticipated for the proposed development. The junction modelling demonstrates that the proposed site access will operate well within capacity, with minimal delays and very low levels of traffic demand. As such, the associated impact on the local and wider highway network is anticipated to be negligible. The TN 04 also supports this and confirms that traffic generated by the proposed development will not result in any significant adverse impact on the operational capacity of the nearby road network.
- 12.123 It is therefore considered that, in terms of transport considerations, the proposed development is acceptable and complies with the criteria of the relevant transport policies and national guidance contained within the NPPF.

### **Drainage and Flood Risk**

- 12.124 Policy DP41 of the MSDP states;

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

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

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development<sup>22</sup> unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

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

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

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

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

- 12.125 Policy THP2 states, inter alia, *'The development will need to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.'*
- 12.126 The application is accompanied by a flood risk assessment and surface water drainage strategy report. The Local Lead Flood Authority (LLFA) at WSCC has raised no objections subject to planning conditions should permission be granted.
- 12.127 The site is located within Flood Zone 1 and is considered to be at low risk of flooding from all assessed sources (fluvial /tidal, reservoir, surface water, groundwater and artificial sources).
- 12.128 All surface water generated by the site will be dealt with through a restricted discharge (Greenfield QBar Rate) to the watercourse to the north of the development. Surface water will be collected within new drainage basins and subsequently discharged to the stream/watercourse downhill to the north and via a new drainage ditch. The existing site has no formal foul drainage connection to the public sewer network, but records show that there are foul water sewers to the south and east within Church Road and Lion Lane. The proposed development will connect to the Southern Water foul sewer to the east of the site via a new private foul sewer connection. A pre application enquiry by the applicant confirms that there is capacity to do so.
- 12.129 Your Planning Officer has no reason to disagree with the conclusion of the LLFA on this matter. As such, in terms of drainage and flood risk, the proposed development is considered to be acceptable and complies with the above relevant policies.

### **Contaminated Land**

- 12.130 In respect of the NPPF, paragraph 196 states:

*'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any*

- proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

12.131 The Council's Contaminated Land Officer has been consulted on the application, who states:

*'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.*

*Additionally, within the Southeast Corner of the site, our records indicate that the area was originally part of the fire station and that it transitioned into industrial use circa 1987.*

*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 through the desktop study is found, works stop until such time that a further assessment has been made, and further remediation methods are put in place if needed.'*

12.132 On the basis of the above comments, it is considered that matters concerning contamination can be addressed by way of planning condition to satisfy planning policy requirements.

### **Infrastructure**

12.133 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

12.134 Policy DP23 encourages the incorporation of digital infrastructure, including fibre, to premises, in new major housing, employment and retail development. Policy THP4 states; *'S106 / CIL funds from this development will provide a financial contribution to the Village Enhancement Scheme.* Policy THP19, Infrastructure, states that, *'S106 and CIL funds will be used by THPC to provide improvements to the local infrastructure working with both MSDC and WSCC to complete the community projects listed in our schedule within the timeframe of this plan. These include:*

- *The Village Enhancement Scheme;*
- *Improvements to the Recreation Ground facilities; and*

- *Improvements to The Ark Community Centre.*

12.135 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which states:

*'56 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:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

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

12.137 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework' the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses including the housing officer of the Council, and West Sussex County Council, are available on the planning file.

#### West Sussex County Council Infrastructure Requirements:

- Education – primary £164, 906. This will be spent on additional facilities Turners Hill CofE Primary School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- Education – secondary £162, 010. This will be spent on additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- Education – 6<sup>th</sup> Form £34,994. This will be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- Libraries £18, 095. This will be spent on additional facilities at East Grinstead Library.
- TAD - £187,826. will be spent on active travel and/or public transport improvements linking Turners Hill to the surrounding towns/villages and local infrastructure.

#### Mid Sussex District Council Infrastructure Requirements:

- Formal sport £42,887 is required toward formal sport facilities at either Turners Hill Cricket Club and/ or Turners Hill Badminton Club at the Ark, Mount Lane.
- Children's play space £67,381. Turners Park Recreation Ground is the nearest locally equipped play area to the development site. The contribution is required to make improvements to play equipment (£36,620) and kickabout provision (£30,761). These facilities are within a reasonable distance of the proposed development and would be accessible to future residents.

- Community buildings £26,227 towards either the Ark, Mount Lane, Turners Hill and/or St Leonards Parish Church, Turners Hill and/ or 1<sup>st</sup> Turners Hill & Crawley Down Scout HQ would be appropriate.
  - Local Community Infrastructure £29,755 is required for either enhancing village footpaths in Turners Hill Parish and/or provision of traffic calming measures in Turners Hill Parish.
- 12.138 SMM and SANG contributions are also required as well as monitoring fees for BNG and to the LHA for the Travel Plan.
- 12.139 It is considered that the infrastructure requirements set out above are necessary to mitigate the impact of this development and therefore comply with the above policies and guidance.
- 12.140 A significant number of representations objecting to the scheme have referred to existing infrastructure deficiencies. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development. It is recognised that the additional population from this development will impose additional burdens on existing infrastructure and the requirements/monies identified above will help mitigate these impacts.
- 12.141 Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, THP4 of the THNP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

### **Ashdown Forest**

- 12.142 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.143 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.144 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

### Recreational disturbance

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

- 12.146 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.147 This planning application is within the 7km zone of influence and generates a net increase of 40 dwellings, and as such, mitigation is required.
- 12.148 An appropriate scale of SAMM mitigation for the proposed development is £46,800, and if the approved scheme provides for a strategic SANG contribution, this would be £210,120.
- 12.149 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.150 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.151 The financial contributions for SAMM and SANG mitigation will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.152 The Planning Obligation securing the SAMM and SANG contributions is in the process of being completed so 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.
- 12.153 Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing appropriate mitigation.

#### Atmospheric pollution

- 12.154 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.155 The proposed development was modelled in the Mid Sussex Transport Study as a site allocated through the Turners Hill Neighbourhood Plan 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

- 12.156 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.
- 12.157 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.158 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.159 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.

#### **Sustainability**

- 12.160 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states;

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

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

- 12.161 Paragraph 164 of the NPPF seeks to ensure that new developments are planned to help 'reduce greenhouse emissions, such as through its location, orientation and design'. Paragraph 166 expects new development to, 'take account of landform

*,layout, building orientation, massing and landscaping to minimise energy consumption.'*

- 12.162 It is important to recognise that in respect of policy DP39 of the MSDP, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.
- 12.163 The application is supported by sustainability statement by Elmhurst Energy. It sets out the applicants' intentions with regard to the sustainability for the development. These include;
- 100% of new internal fixed lighting and external lighting will be low energy
  - Air Source Hot Water Heat Pumps will be installed for hot water.
  - Space heating to have advanced electric heating controls including zoned time and temperature controls.
  - Where provided, all white goods will be A-rated energy efficient
  - Glazing will be argon-filled, low-e with a proposed U-value of 1.2w/m<sup>2</sup>K.
  - The proposed boilers will be selected to have a dry NOX level (mg/kWh) of less than 70.
  - Air permeability is designed to be 5m<sup>3</sup> h.m<sup>2</sup> @50 Pa
  - Materials will be sourced responsibly and recycled or reclaimed
  - Indoor water usage will be no greater than 110 litres per person per day and fittings restricted with lower flow rates
  - Main rooms will have good levels of day-lighting to avoid artificial lighting
  - Home user guidance will be provided to future occupants to ensure the efficient use of their home
  - Electric vehicle charging will be provided per dwelling in accordance with Part S of the Building Regulations
- 12.164 Given the above, it is considered that the proposed development would meet the environmental objectives to meet the requirements of sustainable development.
- 12.165 The community will also benefit from the occupation of these units and their social contribution to the area.
- 12.166 Economically, the proposed development will generate employment opportunities during the course of its construction.
- 12.167 The site is located within the built-up area boundary as defined in the development plan and is therefore in a sustainable location close to services and public transport.
- 12.168 As such, it is considered that the application complies with policy DP39 of MSDP and the relevant paragraphs of the NPF.

### **Biodiversity and BNG**

12.169 Policy DP38 in the MSDP states:

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

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

12.171 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless*

*there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

- 12.172 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.
- 12.173 In support of the application the applicant has submitted an Ecological Impact Assessment prepared by Sam Watson Ecology. These relate to likely impacts of the development on protected and priority species and habitats, and identification of proportionate mitigation.
- 12.174 The Councils Ecology Consultants have reviewed these submissions which include the Ecological Impact Assessment (Sam Watson, May 2025), Statutory Biodiversity Metric – Calculation Tool (Sam Watson Ecology, May 2025) and Biodiversity Net Gain Statement (June 2025), relating to mandatory biodiversity net gains. The Councils Ecology Consultants have no objection subject to any planning permission including their recommended conditions and their full comments can be found on the Councils website.
- 12.175 In summary the ecology issues are:
- Impact on Hazel Dormouse
  - Impact on bats following removal of garage, workshop and storage building.
  - Appropriate compensation required in advance of works for trees to be felled with potential roost features for bats
  - BNG
- 12.176 To deal with each in turn, the Ecological Impact Assessment (Sam Watson Ecology, May 2025) confirms that a European Protected Species Mitigation Licence (EPSML) for the Hazel Dormouse will be required before commencement of any works. This is because one Hazel Dormouse nest was found in May 2022 and four nests were found in October 2022, including one nest containing an adult Hazel Dormouse, and hedgerow H3 (approximately 75m in length) will be removed, together with an area of secondary woodland and bramble scrub. Your Officer agrees with the Ecology consultants no objection subject to a planning condition included in any planning permission to ensure that a European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse be obtained before commencement of any works.
- 12.177 In terms of bats and the ancillary buildings to be removed, it was found that all buildings have negligible bat roost potential. Also, that of the trees inspected there was no evidence of bats found. The EIA also concluded that the remaining trees to be removed have negligible or low bat roost potential and as such the Councils ecology consultant has concluded that no further bat surveys are required. Your Officer agrees with this view given the conclusions and recommendations of the EIA and subsequent comments from MSDC ecology consultants.

12.178 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.179 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

*'The condition is that the development may not be begun unless—  
(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and  
(b) the planning authority has approved the plan (see paragraph 15).'*

12.180 The proposed development is subject to the mandatory 10% BNG as also stated by the applicant on the application form.

12.181 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.182 At section 7 of the Ecological Impact Assessment it confirms that in order to achieve 10% net gain in biodiversity a further 2.11 habitat units will be required. These units are to be delivered off-site on separate land. The land referred to and to be utilised in order to achieve the 2.11 units required, is as edged blue on drawing no. 20.173 02 B. The land is also within Mid Sussex District Council's jurisdiction. The off-site BNG land is under contract in tandem with the main development site, and is owned by the same landowner (the Paddockhurst Estate – as confirmed on the planning application form). The BNG land will be secured via the s106 agreement, in conjunction with discharging any necessary BNG condition attached to a decision.

12.183 Paragraph 7.61 of the Ecological Impact Assessment comments that the development would result in an overall loss of 0.99 habitat units and a net gain of 2.61 hedge units but that this is equivalent to an 8.83% net loss in habitat based biodiversity and a 49.28% net gain in hedge based biodiversity.

12.184 Although not required for legislation compliance, the NPPF at paragraph 180(d) states;

*'opportunities to improve biodiversity in and around developments should be integrated as part of their design'*. The application proposes the following enhancements in order to meet this recommended policy requirement:

- Install 5 bird boxes on the new building or retained trees within the development.
- Install 5 bat boxes on the new building or retained trees within the development.
- Install 2 insect boxes/habitats within the development.

- Each enclosed garden should include at least one gap at the base of a boundary fence, 13x13cm in diameter, to allow hedgehogs to permeate the development.

12.185 NatureSpace Partnership has confirmed that;

*'There is a low risk that great crested newts (GCN) may be present at the application site. Mid Sussex District Council considers it to be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies in the red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).'*

12.186 An informative will be added to any planning permission to remind the applicant of ways in which they can reduce the impacts on this species.

12.187 Given the above, your officers are satisfied that the proposal complies with policy DP38 of the MSDP, and the relevant sections of the NPPF.

### **Archaeology**

12.188 As set out in policy DP34 of the MSDP, a heritage asset may be archaeological, architectural, artistic or historic, and the Council will seek to conserve it in a manner appropriate to its significance (significance can be defined as the special interest of a heritage asset).

12.189 Paragraph 218 of the NPPF is of relevance, and states;

*'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'*

12.190 The application is accompanied by an archaeological desk-based assessment given that the site lies partly (to the south and eastern areas) within an area of archaeological notification. The report summarises its results as:

*'Parts of the proposal site fall within the Archaeological Notification Area associated with the medieval hamlet of Turners Hill, though there are no known heritage assets on the site along with the Turners Hill conservation area. The HER search suggests that proposal site lies in an area of very limited archaeological potential for periods earlier than the medieval, but there has been virtually no archaeological investigation of the area, so that the absence of known archaeological remains from earlier periods cannot necessarily be taken at face value. The site also covers a large area which raises the possibility of archaeological remains of some period being present simply by chance in what is a largely undeveloped site.*

*Therefore, a programme of archaeological work is anticipated.'*

- 12.191 The Council's Historic Environment Consultant has commented that there is no record of archaeological investigation on the site and has therefore recommended that appropriate planning conditions be included in the decision. Having regard to the above, the development accords with policy DP34 of the MSDP and the relevant section of the NPPF.

### **Air Quality**

- 12.192 Policy SA38 in the SADPD states:

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

*Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.*

*Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality*

*Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.*

*Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.*

*In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'*

- 12.193 The site application is accompanied by an Air Quality Assessment prepared by Hawkins Environmental (May 2025).
- 12.194 The report considers the air quality impact of the development during both the construction stage, and once operational. In terms of the site suitability section 6 of the report identifies that air pollutant concentrations at the proposed development site are compliant with all short and long term objectives, and should not therefore be a constraint on the development of the site for residential purposes. It also states at section 7, that the level of trip generation is sufficiently low, such that the impact of the proposed development on the local environment is negligible. It concludes that the effects will be insignificant and therefore no mitigation is required.

- 12.195 The Council's Environmental Protection Officer has reviewed the submissions and considers that while the location appears to be low risk, a suitable condition is recommended to mitigate any impact to improve air quality and protect residential amenity.
- 12.196 As such and given the above, it is considered that in terms of air quality, the application proposal is acceptable and meets policy requirements in SA38 of the SADPD, as specified above.

### **Trees**

- 12.197 Policy DP37 in the MSDP states:

*'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*
- *Proposals for works to trees will be considered taking into account:*
  - *the condition and health of the trees; and*
  - *the contribution of the trees to the character and visual amenity of the local area; and*
  - *the amenity and nature conservation value of the trees; and*
  - *the extent and impact of the works; and*
  - *any replanting proposals.*
- *The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*
- *Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

Paragraph 136 of the NPPF states;

*'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined(52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

*(Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate)'*

- 12.198 An Arboricultural Impact Assessment and Method Statement (Barrell Tree Consultancy, May 2025) have been provided with the application. The AIA identifies that there are no grade 'A' trees to be removed, but there will be 4 no. 'B' (moderate quality) category trees, and 20 'C' category (low quality) trees which also includes some tree groups and hedgerows, to be removed. Tree T95 is in such poor condition that in order to manage it (category U), it will be removed.
- 12.199 Section 1.2 of the AIA discusses the impact on tree removal on local character and visual amenity. As said above most trees to be removed are of low quality and those to the southern side of the site are necessary to make provision for the access. The AIA has advised that these trees will not have an adverse visual impact beyond the very short term and will have no detrimental impact on landscape character. Section 1.6 comments on new tree planting to enhance the local character and the application proposal includes a comprehensive tree planting scheme to be implemented in accordance with BS 8545 (2014) *Trees: from nursery to independence in the landscape –Recommendations*.
- 12.200 The Council's Tree and Landscape Officer has no objection to the application, subject to a planning condition for the development to be carried out in accordance with the recommendations of the AIA and Method Statement.
- 12.201 Your Planning Officer has no reason to disagree with the conclusion of the Tree Officer on this matter. As such, the proposal is considered to meet the criteria of policy DP37 of the MSDP and national policy provisions contained within the NPPF.

**Other (Fire, Water, Access, Minerals and Water Supply)**

- 12.202 In terms of fire, water and access, WSCC Fire and Rescue Service has no objection and recommended planning conditions to ensure the site has the required fire hydrants in place.
- 12.203 The application site is located within the building stone Mineral Safeguarding Consultation area, and as such WSCC as the Mineral and Waste Planning Authority have been consulted on the application. Policy M9 of the West Sussex Joint Minerals Local Plan (WSJMP) states:

*'Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against*

*sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:*

- i. Mineral sterilisation will not occur; or*
- ii. it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or*
- iii. the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.'*

- 12.204 The application is accompanied by a Mineral Resource Assessment. The report concludes that mineral sterilisation need not occur as a result of the development, and extraction would not be practical given that it is interbedded with thick clay beds, is extremely weak, there is poor access and it is within close proximity to existing properties. The sandstone is so weak and of poor quality that it would not be suitable as a building stone.
- 12.205 WSCC has no objection subject to MSDC being satisfied that there is an overriding need for the development that outweighs the safeguarding of the mineral resource.
- 12.206 It is considered that the mineral resource is of poor quality and it is not practical to extract it and as this is an allocated site for residential development, this outweighs the safeguarding of the mineral resource. As such, in terms of minerals, the proposed development is acceptable and is in accordance with the above mentioned relevant policy and national policy provisions contained within the NPPF.
- 12.207 In terms of Policy DP42 and water infrastructure, this states in part that proposals that increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that there is an adequate water supply to serve the development. The applicant has provided a letter from South East Water which gives a quote for a supply to the site which therefore indicates that there is supply connection into the site.

### **13.0 Planning Balance and Conclusion**

- 13.1 Full planning permission is being sought for the development of 40 dwellings, (including affordable housing) with open space, access, parking, drainage, landscaping and other associated works as well as the creation of a new community car park and replacement parking for Lion Lane residents. The application site is on land at the Old Vicarage Field and Old Estate Yard, Church Road, Turners Hill. This site is allocated for 44 dwellings in the Turners Hill Neighbourhood Plan under Policy THP2.
- 13.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the MSDP, the SADPD and the THNP.
- 13.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.4 The NPPF states that planning should be genuinely plan-led. Paragraph 11(c) of the NPPF is clear that development proposals should be approved without delay

where they are in accordance with an up-to-date Development Plan. It states further, paragraph 11(d), that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance). Footnote 8 of paragraph 11 clarifies that 'out-of-date' includes for applications the provision of housing in situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites.

- 13.5 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.6 Policy THP2 of the THNP is most the important policy for determining the application as it relates directly to the development for which planning is sought and while it is considered that policy THP2 is consistent with the NPPF, and can be given full weight in determining the application, the Council is currently unable to demonstrate a five year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the tilted balance, as set in paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.
- 13.7 The provision of 40 dwellings (predominantly 1, 2 and 3 bedrooms in accordance with policy THP2) will assist with meeting the Councils housing requirements and in this case, there would be clear social and economic benefits from this development proposal, namely, the positive contribution to the local community through the increase in population of varied ages as a result of small units and the jobs created during construction. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. This is a sustainable location. These factors all weigh in support of the proposals.
- 13.8 In design terms, the proposal has evolved from the pre application stage and amendments have been made to seek to address the MSDC Urban Designers concerns. The MSDC Urban Designer raises concerns over the details in terms of materials and fenestration. However, in terms of the overall design it is considered to be acceptable and these details can be conditioned. The layout and scale is in keeping and respectful of the locality. Materials are, on the whole, considered sympathetic to buildings in the surrounding area albeit this needs to be carefully managed and an appropriately worded planning condition can ensure this is achieved. The proposal has also provided details of a landscaping scheme which includes a LAP, tree planting, inter alia and setting the buildings back from Church Road to maintain the green frontage and with the access provisions, as required in policy THP2, this is all positive in the planning balance.
- 13.9 In terms of heritage assets (the impact on the setting of the Conservation Area, Listed Buildings and Non Designated Heritage Assets (NDHA's), the Conservation Officer has concluded that while the proposed development will result in less than substantial harm in all cases for the designated assets, the cumulative impact on

the historic character of the village will be significantly detrimental. The Conservation Officer also notes that she has not commented specifically in relation to details of the site layout or the design quality as this is for the MSDC urban designer to comment on. However, the Conservation Officer is of the view that the scheme does not comprise the high level of contextual design which would be expected in such a sensitive location which compounds the harm to all heritage assets identified. Your Planning Officer considers that there would be harm caused to the setting of the heritage assets and NDHAs and that this harm would be classified in the NPPF as falling into the less than substantial category and therefore the proposal conflicts with policies DP34 and DP35 and this weighs negatively in the planning balance.

- 13.10 However, paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including, securing its optimum use. It is therefore necessary to consider whether according to paragraph 215 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. This site is an allocated site in the Neighbourhood Plan and the Council therefore supports the principle of the development on the application site given that allocated sites form part of MSDC's housing supply. The proposal would also bring economic benefits, including employment during the construction phase and additional spending in the economy from the additional population. As such, in this case it is considered that the public benefits and the need to secure its optimum viable use, outweighs the less than substantial harm to the heritage assets.
- 13.11 In terms of residential amenity, nearby residents will clearly be able to see the new development, and it will be a change to the appearance of the site, but the test of significant harm is a high bar. Planning Officers do not consider that the significant threshold has been reached. It is acknowledged that whilst there may be some degree of overlooking possible, such a situation is not unusual in a built-up area and the degree of overlooking possible will fall short of breaching the significant harm test. Appropriate mitigation measures (boundary treatment) are also secured through the proposals.
- 13.12 In terms of affordable housing this is positive in the balance given that the proposal will provide 30% provision to be clustered in an appropriate manner about the site. There will be a 75/25% tenure split in favour of affordable rent and the remainder in favour of intermediate homes. The affordable housing provision can be secured through the completion of a S106 Legal Agreement.
- 13.13 There are no objections raised in relation to highways, drainage, contamination or noise, biodiversity, minerals, utilities, or air quality. Archaeology can also be conditioned. As such these points are neutral in the planning balance.
- 13.14 The proposed development will not have a harmful impact on the Ashdown Forest in terms of pollution. SANG and SAMM will be secured through the S106 Agreement as mitigation to protect the forest against recreational disturbance. This is also neutral in the balance.
- 13.15 In weighing up these issues, when taken together, it is not considered that there are adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

- 13.16 In these circumstances, the NPPF states that permission should be granted and there are no other material considerations that would alter the above planning balance. It is considered that the proposal complies with the development plan when read as a whole.
- 13.17 The proposed development is therefore compliant with policies DP17, DP20, DP21, DP23, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policy SA38 of the Site Allocations DPD and Policies THP1, THP2, THP3, THP4, THP5, THP10, THP12 and THP19 of the Turners Hill Neighbourhood Plan. The application proposals also accord with the principles of the Mid Sussex Design Guide.
- 13.18 Therefore, taking all the points into consideration, there are compelling reasons to approve this application. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision, BNG, the provision of affordable housing and the imposition of suitable conditions, the proposed development should be approved as per the recommendation A below.

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## APPENDIX A – RECOMMENDED CONDITIONS

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
  
Reason: For the avoidance of doubt and in the interest of proper planning.
3. No development above ground floor slab level can commence on 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), and notwithstanding the proposed elevation drawings and street scenes as listed below, until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration and roofs (including rainwater downpipes) of the approved development has been submitted to and approved in writing by the Local Planning Authority. This shall include 1:20 section and elevation drawings of the following shown in context: (i) entrance doors;(ii) roof/eaves detail ;( iii) windows and doors. Also including the submission of 1:50 elevations and section drawings of all entrances to the building. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
  
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy THP2 of the Neighbourhood Plan.

4. No development above ground floor slab level can commence until detailed design drawings of the LAP Play area have been submitted and approved by the Local Planning Authority, this area shall be provided in accordance with the approved plans prior to the occupation of any of the residential units or in accordance with a programme to be approved with the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy THP2 of the Neighbourhood Plan.

5. No development above ground floor slab level can commence until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; phasing 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 first occupation of the development (or within such extended period or phasing as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To achieve a development of visual quality and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

6. No development above ground floor slab level can commence until details of a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); means of enclosure; details and samples of hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, benches and any other street furniture, lighting and street lighting specifications 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).

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

Reason: To achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. Prior to the first occupation of development a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation, monitoring and review of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority ( or within such extended period as may first be agreed in writing with the Local Planning Authority).

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

Reason: To achieve a development of visual quality and to protect neighbouring residential amenity and to accord with Policy and DP26 of the Mid Sussex District Plan and the NPPF.

8. Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

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

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

9. **PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE**

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

a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

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

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998. Also in accordance with policy DP38 of the Mid Sussex District Plan and the NPPF.

10. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drawings (Surface / Foul Water Drainage Strategy Report Project No. AC20188 Doc No. AC20188-ABS-XX-XX-RP-C-5800 Revision P05 May 2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure the development achieves a high standard of sustainability, the design meets the National Standards for SuDS and does not increase flood risk elsewhere and to accord with policy DP41 of the Mid Sussex District Plan and national policy provisions contained within the NPPF.

11. Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. The calculated figure of £7,154 submitted in the Hawkins Environmental Air Quality Assessment (Report No: H4314 - AQ - v2) is accepted and agreed. 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 in accordance with policy SA38 of the Site Allocation DPD and national policy provisions contained within the NPPF.

12. 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 (the principles outlined in the Hawkins noise assessment are accepted as an appropriate basis); artificial illumination; dust control measures in accordance with best practice (the principles outlined in the Hawkins air quality assessment are accepted as an appropriate basis). 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 preserve the amenity of local residents regarding air quality and emissions in accordance with policy SA38 of the Site Allocation DPD and national policy provisions contained within the NPPF.

13. 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,
- o the anticipated number, frequency and types of vehicles used during construction,
  - o the method of access and routing of vehicles during construction,
  - o the parking of vehicles by site operatives and visitors,
  - o the loading and unloading of plant, materials and waste,
  - o the storage of plant and materials used in construction of the development,
  - o the erection and maintenance of security hoarding,
  - o 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),
  - o details of public engagement both prior to and during construction works.
  - o measures to deal with surface water run-off from the site during construction
  - o contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: In the interests of highway safety, the amenities of the area and amenity of local residents to accord with policies DP21 and DP26 of the Mid Sussex District Plan and the NPPF.

14. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal Report (Sam Watson Ecology, May 2025)), 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 or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended). Also, in accordance with policy DP38 of the Mid Sussex District Plan and the NPPF.

15. Prior to occupation, a "lighting design strategy for biodiversity" for external lighting in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). Also, in accordance with policy DP38 of the Mid Sussex District Plan and the NPPF.

16. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Hazel Dormouse - Natural England Method Statement Template to Support a Licence Application (submitted 14th October 2025) and Ecological Impact Assessment (Sam Watson Ecology, May 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

17. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 within the Mid Sussex District Plan.

18. Construction and Deliveries (during the construction phase): Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be delivered or collected within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with DP26 and DP29 of the Mid Sussex District Plan and national policy provisions contained within the NPPF.

19. All recommendations outlined in the Hawkins Environmental Noise Assessment H4314 - NV - v3 shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained, unless otherwise agreed in writing by the LPA.

Reason: In the interests of residential amenity and in accordance with DP29 of the Mid Sussex District Plan and national policy provisions contained within the National Planning Policy Framework.

20. Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and policy DP41 of the Mid Sussex District Plan.

21. No part of the development shall be first occupied until such time as the vehicular access, linking footway, footway widening outside Fire Station and tactile paving at existing Fire Station access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement (PL101 Rev. B) and Potential Pedestrian Improvements B2110 Church Road (SK01 Rev A).

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

22. No part of the development shall be first occupied until visibility splays of 2.4 metres by 59 metres have been provided at the proposed site vehicular access onto Church Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

23. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

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

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

25. The works shall be carried out in accordance with the recommendations and protection measures set out within the arboricultural impact appraisal and method statement prepared by Barrell Tree Consultancy dated 22nd May 2025, reference 20229-AA4-PB).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

26. Archaeological trial trenching and excavation

(1) 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 (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP35 of the Mid Sussex District Plan 2014 -2031.

27. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of digital 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 to the development and to accord with Policy DP23 of the District Plan.

28. The development shall not be occupied until the sustainability measures set out in the accompanying Sustainability Statement prepared by Elmhurst Energy (dated 18.05.2025) have been implemented in full.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Class B Part 1 of the Order shall be carried out without the specific grant of planning permission by the Local Planning Authority.

Reason: To maintain the visual quality of the development and to protect the amenities of neighbouring dwellings and to accord with Policy and DP26 of the Mid Sussex District Plan 2014-2031.

### **Biodiversity Net Gain**

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

### **Informatives**

1. Ordinary Watercourse Consent may be required for some proposals for this development. Further details can be found here: Ordinary watercourse land drainage consent - West Sussex County Council. It is advised to discuss proposals for any works at an early stage.
2. Please note that the former WSCC Policy for the Management of Surface Water has been superseded by the updated National Standards for SuDS (July 2025).
3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
  - o No burning of construction waste materials shall take place on site.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the

Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6. In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
7. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
8. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
9. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed double yellow lines and keep clear markings on Church Road. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
10. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Highways Agreements Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
11. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along or crosses a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.
12. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team. If this condition cannot be met then an application must be made to WSCC for a temporary closure order.
13. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

14. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
15. There is a low risk that great crested newts (GCN) may be present at the application site. Mid Sussex Council considers it to be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies in the red impact zone as the modelled district licence map, which indicates that there is a highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended). Planning permission for development does not provide a defence against prosecution under the legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Planning Layout	1000	C	16.10.2025
Planning Layout	1001	D	16.10.2025
Planning Layout	1002	C	16.10.2025
Proposed Floor and Elevations Plan	1505	A	16.10.2025
Proposed Floor and Elevations Plan	1506	A	16.10.2025
Proposed Floor and Elevations Plan	1508	A	16.10.2025
Proposed Floor and Elevations Plan	1509	A	16.10.2025
Proposed Floor and Elevations Plan	1511	A	16.10.2025
Proposed Floor and Elevations Plan	1512	A	16.10.2025
Proposed Floor and Elevations Plan	1516	A	16.10.2025
Proposed Floor and Elevations Plan	1517	A	16.10.2025
Proposed Floor and Elevations	1518	A	16.10.2025

Plan			
Proposed Floor and Elevations Plan	1520	A	16.10.2025
Proposed Floor and Elevations Plan	1521	A	16.10.2025
Proposed Elevations	2000	A	16.10.2025
Street Scene	2500	B	16.10.2025
Street Scene	2501	B	16.10.2025
General	3000	B	16.10.2025
General	3001	B	16.10.2025
General	3002	B	16.10.2025
Highways Plans	3003	B	16.10.2025
General	3004	B	16.10.2025
Landscaping Details	1000	sheet 1	15.12.2025
Landscaping Details	1001	sheet 2	15.12.2025
Site Plan	1002	B	15.08.2025
Site Plan	2202008P101(B)	Access	10.06.2025
Topographical Survey	8833		05.06.2025
Tree Survey	202296		05.06.2025
Site Plan	2202008P102(A)	Access	05.06.2025
		Long	
		Section	
Site Plan	2202008SP101(A)	Tracking	05.06.2025
		Larg Car	
		Access	
Site Plan	2202008SP102(A)	TrackingRC	05.06.2025
		VAccess	
Site Plan	2202008SP103(A)	TrackingRC	05.06.2025
		VInternal	
Site Plan	2202008SP104(A)	TrackingFir	05.06.2025
		eTenderAcc	
		ess	
Site Plan	2202008SP105(A)	TrackingFir	05.06.2025
		etenderinter	
		n	
Site Plan	2202008VS101(A)	PropsiteAcc	05.06.2025
		essvisibility	
Drainage Details	AC20188ABSXXXXDR		05.06.2025
	C5100P08 sheet 4		
Site Plan	2202-008.VS101(B)	Visibility	10.06.2025
		Plan	
Location Plan	20.173 - 500 - A -		05.06.2025
Drainage Details	AC20188ABSXXXXDR		05.06.2025
	C5100P08 sheet 1		
Drainage Details	AC20188ABSXXXXDR		05.06.2025
	C5100P08 sheet 2		
Drainage Details	AC20188ABSXXXXDR		05.06.2025
	C5100P08 sheet 3		
Drainage Details	AC20188ABSXXXXDR		05.06.2025
	C5100P08 sheet 5		
General	000612051	Habitat Plan	05.06.2025
General	000612052	Habitat Plan	05.06.2025
General	000630041	reptile	05.06.2025
General	000630042	dormouse	05.06.2025
General	2600	Perspective	05.06.2025

General	2601	A Perspective	05.06.2025
Existing Floor and Elevations Plan	1200	B Building for demolis1	05.06.2025
Existing Floor and Elevations Plan	1201	Buildings for demolisio2	05.06.2025
Proposed Floor and Elevations Plan	1503	Plot12Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1504	Plot13Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1507	Plot17Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1510	Plot22Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1513	Plot25Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1514	Plot26Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1515	Plot27Floor PlansElevat io	05.06.2025
Proposed Floor and Elevations Plan	1500	Plots1to6FI oorPlansEle va	05.06.2025
Proposed Floor and Elevations Plan	1501	Plots7and8 FloorPlansE lev	05.06.2025
Proposed Floor and Elevations Plan	1502	Plots9to11F loorPlansEI ev	05.06.2025
Proposed Floor and Elevations Plan	1519	Plots36and 37FloorPlan sEI	05.06.2025
Proposed Floor and Elevations Plan	2001 P	ProposedG aragesCarB arnCa	05.06.2025

## APPENDIX B – CONSULTATIONS