

Delegated Decision

Sign off Sheet

Ref. No:	DM/22/2416	Case Officer:	Joanne Fisher
Application Type:	Outline Application		
Proposal:	Outline planning permission for the erection of up to 120 residential dwellings including 30% affordable housing, public open space and community facilities. All matters are reserved except for access.		
Site:	Land South Of Henfield Road, Albourne, West Sussex, , , ,		
Validation Date	1 Aug 2022	Overall Expiry Date:	24 Oct 2022
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	24 Nov 2022
Target Date:	31 Oct 2022	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Nick Rogers	Date:	25 Nov 2022
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/22/2416

Land South Of Henfield Road, Albourne, West Sussex, , , ,
Outline planning permission for the erection of up to 120 residential dwellings including 30% affordable housing, public open space and community facilities. All matters are reserved except for access.
Croudace Homes Ltd

CONSULTATIONS

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection subject to the S106 contribution on travel plan and conditions.

WSCC Public Rights of Way

No objection subject to conditions.

WSCC County Planning Officer

Summary of contributions:

Education Primary - formula based
Education - formula based
Libraries - formula based
TAD - formula based

WSCC Flood Risk

Advice.

WSCC Waste and Minerals

Subject to the LPA being satisfied that need for the non-mineral development outweighs the safeguarding of the mineral resource, and that the LPA deems that it has been suitably demonstrated that prior extraction if not practicable or environmentally feasible, the MWPA would offer no objection to the proposed development.

WSCC Fire

Advice. Conditions on fire hydrants.

MSDC Planning Policy

The proposed development does not comply with the relevant policies of the Development Plan, and the Council is able to demonstrate a 5YHLS. There are not considered to be any compelling material considerations in this case to justify that the plan should not be followed.

MSDC Urban Designer

No objection in principle. A number of comments in respect of the eastern boundary and main site entrance which need to be address when submitted at the reserved matters stage.

MSDC Conservation Officer

Object. The proposal would result in a very significant impact on the positive contribution which the site currently makes, through setting, to a number of heritage assets.

MSDC Drainage

No objection subject to conditions.

MSDC Environmental Protection

Recommend conditions.

MSDC Contaminated Land

Recommend conditions.

MSDC Leisure

Development would result in the following contributions:

Play - £99,750

Kickabout - £28,643

Formal Sport - £147,043

Community Buildings - £84,334

MSDC Housing

No objection.

MSDC Landscape Consultant

The proposed development would result in adverse impacts on visual amenity and landscape character, which is not supported under Policy DP12 of the Mid Sussex District Plan (2018) and therefore conflicts with the National Planning Policy Framework.

MSDC Ecology Consultant

Recommend approval subject to conditions.

MSDC Archaeology Consultant

Recommend approval subject to conditions.

MSDC Street Name and Numbering Officer

Informative.

Southern Water

Comments and suggested condition and informative.

Sussex Police

No objection. Comments.

Sussex and Surrey Police - Infrastructure Contributions

Contribution required of £23,569.94.

LETTERS OF REPRESENTATIONS

49 letters of OBJECTION received raising the following points:

- Experiencing the beginnings of a climate and ecological emergency. Continuing to address housing as same manner in past is not good enough;
- All permissions from November 2023 need to deliver a minimum of 10% biodiversity net gain;
- Additional strain on existing public service provision and utilities;
- Impacts on road safety making the Henfield Road more dangerous;
- Impact on air quality, habitat and biodiversity;
- Impact on wellbeing and mental health with additional houses;
- Proposed siting is ill considered on a greenfield site used by many villagers;
- Destruction of habitat for varied wildlife which inhabits and uses the area;
- The site is seen to regularly flood when overwhelmed with drain water from the village;
- Contradicts and goes against policies in Albourne Neighbourhood Plan;
- Place further demand on village school;
- Contrary to the District Plan, Site Allocations Development Plan, Albourne Neighbourhood Plan and the NPPF;
- Site has not been allocated;
- Proposed development is excessive and nearly doubles the size of the village removing open space and agricultural land;
- Regularly experience water supply interruptions and would put further pressure on supply;
- Loss of agricultural land which is at odds with nations needs for self-sufficiency in food supply;
- Proposed entrance on a dangerous bend and would result in an accident without traffic calming measures;
- Public transport in Albourne is poor and unsuitable for all members of the community leading to pressure for more cars and lack of parking;
- Significantly increase in housing for village and alter the character of Albourne;
- Reduce the enjoyment of the footpath running east - west through the site;
- Land proposed for public open space higher than Church Lane which will be visible from lane and compromise privacy of properties on Church Lane;
- Proposed development would degrade area of dark skies;
- Number of other developments in the immediate vicinity of Albourne and collectively would overwhelm the village and destroy its character;
- Consider land falls within a minimum of 3 / 3a Agricultural Land which grows a variety of crops;
- Development would result in a significant adverse and overbearing effect;
- Development did not feature as a proposed site in the Neighbourhood Plan or Site Allocations DPD;
- Loss of valuable learning for school children who walk along the footpath and learn about natural habitats of animals and variety of trees and shrubs. Although footpath will remain will result in loss of visual amenity and impact learning experience;
- Expanding the school would mean school playing field would be reduced to accommodate more buildings and not clear how the expansion of the school would be funded;
- Construction would result in disruption to children's learning and play with noise and air pollution;
- Houses would not complement the existing style of properties within the area;
- Land abuts the Millennium Garden, which was given to villagers to give clear, uninterrupted views of the South Downs;
- In time would result in Albourne, Sayers Common and Henfield being joined together;
- A proposed shop would fail with the insufficient number of customers and result in an increase in delivery vehicles entering and leaving the site;
- Impact on wider road network and to village of Hurstpierpoint;
- Village has no facilities other than school and village hall so cars will need to pass through the village to reach shops, recreational and medical facilities as bus service is limited;
- Site is an unsustainable countryside location within a category 3 settlement and would conflict with Policy DP21 of the District Plan and the provisions of the NPPF;

- Site would be clearly visible from the National Park and would have a significant impact on light pollution and its visibility from the National Park;
- Will compromise the Albourne Conservation Area and its listed buildings;
- Result in an overdevelopment to the village;
- Impact on TPO tree on Church Lane.

1 letter of NO OBJECTION AND COMMENTS raising the following points;

- Potential increase in demand for school places could be accommodated;
- Additional space proposed for the school would benefit school and children but would want a commitment to ensure the school have security of its tenure;
- Creation of a drop-off zone for school would reduce school traffic on The Street and benefit residents.

INTRODUCTION

Outline planning permission is sought for the erection of up to 120 residential dwellings including 30% affordable housing, public open space and community facilities at land south of Henfield Road, Albourne.

The outline permission includes the means of access with all other matters (appearance, layout, scale and landscaping) reserved.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SITE AND SURROUNDINGS

The application site is formed of two large agricultural fields and a small orchard located to the south of Henfield Road, to the west of Albourne. The eastern site boundary abuts a small area of public open space known as the Millennium Gardens, Albourne Church of England Primary School, and the rear gardens of some residential properties some which are listed buildings. The southern site boundary abuts Church Lane, a rural road which connects to The Street and has a number of properties and leads to St Bartholomew's Church further along the lane.

Agricultural fields and open countryside are located to the west and north west of the application site with trees forming a boundary between the application site and the fields to the west. A public footpath (Path 15_1AI) runs through the centre of the site running east to west between the northern and southern fields. To the east of the site is another public footpath (Path 12_1AI) which runs north to south along the eastern boundary of the site, connecting The Street to Church Lane.

The site topography falls generally from north to south, although there is an area of higher land to the south west of the site within the southern field.

Albourne Conservation Area lies to the east and abuts the site boundary with the southern field. There are also several Grade II Listed Buildings in the close proximity of the site.

The built up area boundary of Albourne lies to the east of the site.

The whole of the application site is situated within the countryside as designated within the Mid Sussex District Plan and the Neighbourhood Plan.

APPLICATION DETAILS

Outline planning permission is sought for the construction of up to 120 dwellings (including 30% affordable housing), public open space and community facilities. Vehicular and pedestrian access would be taken from Henfield Road.

Matters for consideration for this outline permission is relating to access. All other matters of appearance, layout, scale and landscaping would be subject of reserved matters.

Vehicular and pedestrian access are proposed to be taken off Henfield Road to the north of the site. This includes the provision of a path which will tie in with the existing footway at the northern end of The Street. Plans show that there would be off site highway works on The Street to provide a tactile paving crossing point.

An illustrative masterplan has been submitted demonstrating how the site could be developed to deliver up to 120 dwellings. This illustrative plans shows that these would be located on the northern field only. To the north-eastern boundary with Henfield Road would be an area to be left undeveloped. The southern field would also be left undeveloped and would provide publicly accessible parkland. The illustrative plan and land use plan also identifies an area to the west of Albourne Primary School to be additional land for the school.

The submitted Planning Statement sets out in detail that the application proposes the following development:

- Up to 120 dwellings;
- 30% Affordable units;
- Community Shop located to the north east corner of the site, adjacent to the site access;
- 0.35Ha of land to be transferred to Albourne Church of England Primary School;
- Dedicated car park/drop off area for parents of Albourne Primary School;
- Surface water drainage infrastructure, including five attenuation basins;
- Public Open Space to include Local Equipped Area for Play (LEAP), Pocket Parks/Trim trails for younger children and extensive parkland within southern field; and
- Retention of existing trees and hedgerows and significant increases in planting across the site.

The submitted Planning Statement states that the:

'development does not propose built form on the southern field. Instead, the Applicant is seeking to implement a landscape strategy to open up the land south of the public footpath for public use. The landscape scheme proposes new woodland and orchard, species rich meadow, new planting, walking routes and seating areas so that this area can be enjoyed by future residents, the wider Albourne Community, and those using the existing Public Rights of Way.'

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Planning Statement;
- A Design and Access Statement;
- A Built Heritage Application Statement;
- An Archaeological Desk-Based Assessment;
- An Energy Statement;
- A Transport Assessment;
- A Travel plan;
- An Ecological Impact Assessment;
- A Biodiversity Net Gain Assessment;
- A Flood Risk Assessment And Drainage Strategy;
- A Preliminary Minerals Resource Assessment;
- A Landscape and Visual Impact Assessment;
- An Addendum to the Landscape and Visual Impact Assessment;
- An Arboricultural Impact Assessment;
- Assessment of the Impact on Agricultural Land and Soil Resources;
- An Agricultural Land Classification and Soil Resources;
- An Air Quality Assessment;
- A Lighting Impact Assessment;
- A Geophysical Survey Report; and

- A Statement of Community Involvement.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document, and the Albourne Neighbourhood Plan.

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

District Plan

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018.

Relevant policies include:

- DP4: Housing
- DP6: Settlement Hierarchy
- DP12: Protection and Enhancement of Countryside
- DP15: New Homes in the Countryside
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP18: Setting of the South Downs National Park;
- DP20: Securing Infrastructure
- DP21: Transport
- DP22: Rights of Way and Other Recreational Routes
- DP25: Community Facilities and Local Services;
- DP26: Character and Design
- 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

Albourne Neighbourhood Plan

The Albourne Neighbourhood Plan was made in September 2016 and forms part of the development plan. The relevant policies are considered to be:

Policy ALC1: Conserving and enhancing character
Policy ALC2: South Downs National Park
Policy ALH1: Housing Development

Site Allocations Development Plan Document (SADPD)

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

There are no relevant policies.

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. It does not currently form part of the development plan. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- impact on the character of the area;
- design;
- impact on the setting of designated heritage assets;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- drainage;
- trees;

- Ashdown Forest;
- Planning Balance and Conclusion.

Principle of development

The District Plan is up to date, and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

The application site is designated as being within the countryside. Policy DP12 of the Mid Sussex District Plan states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

The proposal is not for agricultural purposes, however, Policy DP6 of the Mid Sussex District Plan states:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- *The site is contiguous with an existing built up area of the settlement; and*
- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The proposal does not comply with policy DP6 of the District Plan as the proposal is for more than 10 dwellings.

In addition, linked to Policy DP12 is Policy DP15 of the District Plan which relates to new homes in the countryside and allows for development:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.'*

There is no 'special justification' for the application proposal and is thus contrary to DP15.

The Site Allocations Development Plan Document (SADPD), is the 'daughter' document to the District Plan; it identifies additional housing allocations to meet the residual housing requirement, as well as employment allocations and other strategic policies. The SADPD was adopted on 29 June and identifies sufficient housing sites to provide five year housing land supply to 2031. The site is not allocated for development within the SADPD.

The site is not proposed to be allocated in the current consultation draft version of the Mid Sussex District Plan 2021-39.

Policy ALC1 of the Neighbourhood Plan relates to conserving and enhancing character and states:

'Development, including formal sports and recreation areas will be supported in the countryside, defined as the areas outside the Built up Area Boundary shown on the policy map where the following criteria are met:

- 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- 2. It maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area;*
- 3. It is supported by a specific policy reference elsewhere in this Plan.*
- 4. It is necessary for essential infrastructure and it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.'*

The proposal is not allocated for housing within the Neighbourhood Plan and is not related to agricultural purposes nor is to provide essential infrastructure. As such the application conflicts with the above policy.

In addition, Policy ALH1 of the Neighbourhood Plan relates to housing development and states:

'Development will generally be supported within or immediately adjoining the Built Up Area Boundary provided that:

- 1. The development is appropriate to a village setting in terms of scale, height and massing and,*
- 2. The development is demonstrated to be sustainable, having regard to the settlement hierarchy, and,*
- 3. The development makes an appropriate use of a brownfield site, or*
- 4. The development is infill and surrounded by existing development'*

The development would represent a significant expansion to Albourne Village in terms of its scale, is not on brownfield land and cannot be described as 'infill and surrounded by existing development' and is therefore contrary to the requirements of ALH1.

The Applicant's Planning Statement suggests that:

'Mid Sussex District Council's Housing land supply is heavily reliant on major sites, the delivery of these has been sluggish to date resulting in some uncertainty in the ongoing land supply position. The Council needs a continuing and reliable source of housing land in order to provide for the needs of the District.'

'The introduction of the Standard Method has revealed an increasing need for housing in the District above and beyond that which is already planned. Further sites are needed to meet the needs of the District and the Council's strategic spatial policy. It is therefore appropriate for the Council to seek and consider other sustainable sites in order to 'meet future housing need'. (para's 7.2 and 7.3)

In addition it is submitted within the Planning Statement that:

'The MSDC Site Allocations DPD (SADPD) allocates development sites (residential and employment) to meet the targets set out by the Local Plan. It also includes some strategic development management policies. There are no allocations at Albourne, and therefore the residual demand in the Local Plan remains outstanding.'

The Council, however, published a 5 Year Housing Land Supply Statement (June 2021), as at 1 April 2021, and supporting Housing Land Supply Trajectory (June 2021), conclusions of which confirm the Council has a Five Year Housing Land Supply (5YHLS) of 5.59 (with a 5% buffer) which was confirmed in the Inspector's Report for the recently adopted Sites DPD (May 2022). As such, the District Plan has full weight in the decision making process.

It should be noted that the total minimum residual housing requirement (1,280 dwellings) is to be met, and exceeded, by the allocations within the SADPD as shown in Policy SA10 (Housing) which . Therefore, the contribution of 120 dwellings would only be adding to an already substantial buffer.

Para 15 of the NPPF states that:

'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'

The Council can demonstrate a five year housing land supply. As a result, at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF.

Thus the principle of the proposal conflicts with Policies DP6, DP12 and DP15 of the District Plan and Policies ALC1 and ALH1 of the Neighbourhood Plan. The proposal is thus contrary in principle to the Development Plan.

Impact on the character of the area

As set out above, the proposed development is located within the countryside and is contrary to Policy DP12 of the District Plan. The principal aim of Policy DP12 of the District Plan states the *'countryside will be protected in recognition of its intrinsic character and beauty.'* The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF). In addition, the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*' (para 174). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the amenity of Albourne.

The site sits within the Albourne Low Weald Landscape Character Area, as defined by the Mid Sussex District Landscape Capacity Study. The application site is formed of two large agricultural fields and a small orchard located to the south. It abuts the settlement boundary of Albourne which is formed by development fronting onto The Street.

Agricultural fields and open countryside are located to the west and north west of the application site and a PRoW (Path 15_1AL) crosses the centre of the site east to west between the northern and southern fields. This adjoins with another public footpath (Path 12_1AL) which runs north/south along the eastern boundary of the southern field, connecting to Church Lane.

The site is not considered to be valued landscape in the context of the NPPF, though the landscape the site falls within is notably undulating and forms part of the foothills to the scarp within the South Downs National Park (SDNP) which includes the prominent Wolstonbury Hill at over 200m AOD (Above Ordnance Datum). The scarp extends to the south-west to include New timber Hill and Devil's Dyke.

Whilst the site has no specific landscape designation in adopted planning policy terms, a lack of formal designation or protection does not necessarily mean that the site's landscape is without worth or value. Policy DP12 of the District Plan seeks to protect the landscape and intrinsic character and beauty of the countryside. In addition, Policy ALC1 of the Neighbourhood Plan in part supports development within the countryside provided (amongst other criteria) it maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area.

The application has been supported by a Landscape and Visual Impact Assessment (LVIA). This concludes that:

'The retention, protection, and enhancement of Site features will ensure that the new development has the ability to be sensitively integrated into the existing landscape structure and will bring enhancements to biodiversity and amenity for the village.'

In addition it states that:

'Overall the new development will provide an appropriate extension to the village without any undue significant residual adverse effects on landscape or visual receptors.'

The Council's Landscape Consultant has considered the submitted LVIA and states:

'The landscape setting of settlements are essential components of their character and local distinctiveness. It is therefore important that the significance of settlement pattern, edge treatment and character is recognised, and that new development does not dilute their contribution to maintaining the distinct form and pattern of these settlements and their landscape setting and separation from other settlements. In terms of Albourne as a settlement, at the localised scale, there are some groupings of houses that are generally in a nucleated pattern, with many closely grouped together around a green or public open space. However, when viewed at the village scale, the settlement of Albourne has been designed and constructed around the alignment of the B2118, which is situated on the eastern edge of the village. A development of this scale on the western edge of the settlement will no doubt have an urbanising impact on Albourne and the rural western settlement edge and in turn have an adverse effect on the sense of place. For these reasons, we would judge the proposed development would have a moderate adverse residual landscape effect on Albourne Village.'

In terms of visual amenity the Council's Landscape Consultant considers that:

'it has been judged that on completion of the development after 15 years that the majority of the residual effects will be beneficial given the introduction of new planting on boundaries and within the site. Though we appreciate that the landscape enhancements proposed in the southern field would have ecological benefits. It still needs to be acknowledged that by introducing additional tree and shrub planting in this field, it's likely that the open views towards the South Downs scarp will be reduced. Furthermore, though the built envelope has been restricted to the field to the north of PRoW 15_1AI, therefore not physically blocking the views. It will still have a significant impact on the character and aesthetic of the PRoW and the perceived sense of place. This sense of urbanisation and will be further exacerbated by the proximity of the PRoW to the built development edge. On this basis, though the LVIA judges those residual effects on the PRoW 15_1AI will be substantial beneficial. We would judge effects to be moderate - substantial adverse.

Similarly, there are other identified visual receptors such as VR10: Walkers at Footpath 18AI, VR6: Walkers at Footpath 12_1AI and VR4: Users of Henfield Road where beneficial residual effects have been judged. However, given the permanent nature of the housing development, there will still be a deterioration in the view given the disruption to the sense of tranquillity and rurality. Therefore, we would advise adverse residual effects would remain.'

An indicative site sketch layout plan has been provided showing the possible layout of housing to the north of the site. This shows the residential road to run adjacent to the north of the public right of way which runs east to west through the site with some proposed landscaping and housing set back from the road. Officers agree with the comments from the Councils Landscape Consultant in respect of the impact of the scale of the development on the character and aesthetic of the PRoW and the perceived sense of place which would result in a sense of urbanisation exacerbated by the proximity of the PRoW to the built development edge.

Following these comments an addendum to the LVIA was submitted for further consideration responding to the consultation response of the Councils Landscape Consultant and providing additional information. This addendum was reviewed by the Councils Landscape Consultant. They consider that *'the proposed development by its very nature, would have an adverse and eroding impact'*. They conclude that the development *'would result in adverse impacts on visual amenity and landscape character'*.

Officers agree with the concerns from the Councils Landscape Consultant. It is considered that the development proposed would form a hard-urban edge with the woodlands and countryside beyond, which would neither conserve nor enhance the landscape character of the area. Overall, the urbanising effect of the development proposed, would have poor relationship to its context and result in a significant harmful effect on the rural setting of Albourne and the PRoW which runs through the site.

As such it is considered that the proposal would not protect the intrinsic character and beauty of the countryside or the landscape. In light of the above, the proposal would be contrary to Policy DP12 of the District Plan and para 170 of the NPPF.

Design

Policy DP26 of the District Plan is relevant in the determination of this application as it relates to the character and design of new development, and considers 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 DP27);*
- *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.'*

The Council's Design Guide was adopted on the 4th November 2020 and thus is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Chapter 4 of the Design Guide relates to site layout, streets and spaces and contains certain principles which are relevant to this application proposal. These are DG12: to deliver a clear and connected structure of streets and spaces, DG13: provides positive frontages to streets, DG14 provides enclosure, DG15: legibility and image, DG16: creates a positive development edge, DG17: pedestrian friendly streets and street hierarchy, DG18: integrate parking to support attractive streets and spaces, DG19: provision of off-street parking, DG21: consider and allow for servicing, refuse collection and deliveries, DG22: integrate refuse and recycling into the design of new development, DG24: plan for cyclists, DG27: integrate tree planting and soft landscape, DG30: design for everyone and look to the future.

Whilst the application is in outline form regard should be made to the above matters if approval was forthcoming and a reserved matters were submitted in relation to layout, scale, appearance and landscaping.

In addition, para 130 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

This is an outline scheme where matters such as appearance, landscaping, layout and scale are reserved for the detailed consideration under a subsequent planning (reserved matters) application. However, as part of this application indicative layout drawings have been submitted to demonstrate how the amount of development might be accommodated on the site. A building heights plan has been submitted which indicates that proposal would comprise of two and two and a half storey buildings on the site. In addition a site sketch layout plan has been provided showing the possible layout of housing to the north of the site with one main access from Henfield Road and landscaping to the north-west and south

of the site. The residential road would run adjacent to the north of the public right of way which runs east to west through the site with a species rich meadow with woodland planting to the south of the footpath.

Whilst the plans are indicative and do not form part of the formal consideration of this application, the Councils Urban Designer has reviewed the proposal and provided detailed comments on the illustrative plans. A number of points have been raised in relation to the layout of the proposal as well as to the eastern boundary and the main site entrance. Following this a revised illustrative site layout and landscape masterplan has been provided to show some additional planting at the northern and southern end of the school extension land. However, as such details are reserved matters further consideration on such matters would need to be made to address the comments of the Urban Designer at any subsequent reserved matters stage.

Heritage Assets

The site is within the setting of a number of heritage assets, including:

- The Albourne Conservation Area, located adjacent of the south east boundary of the site, and centred on the southern part of The Street
- Listed buildings along the western side of The Street, to the east of the southern part of the site, including Hunters Cottage, a Grade II listed 17th century or earlier cottage, Bounty Cottage, a Grade II listed 17th century or earlier house; Finches, a Grade II listed early 17th century timber framed former farmhouse and Souches, a 17th century or earlier timber framed building.
- Further to the south on Spring Lane, opposite the southern boundary of the site, is Spring Cottage, a Grade II listed 17th century or earlier timber framed building.
- To the north east of the site, on the opposite side of Henfield Road, is Inholmes Cottage, a 17th century building.

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'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.'

Policy DP34 of the District Plan refers to listed buildings and other heritage assets. It states:

'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.'

S.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 preserving or enhancing the character or appearance of that area.'

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

The NPPF states that 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.

Paras 199 - 202 of the NPPF states:

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

200. 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.*

201. 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.*

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

The Councils Conservation Officer has provided detailed comments on the scheme in relation to each of the designated heritage assets outlined above. Her full comments are set out below. Overall she considers that the site makes a strong positive contribution to a number of the listed heritage assets and would be contrary to the requirements of Policies DP34 and DP35 of the District Plan and would result in less than substantial harm to all of the designated heritage assets identified above.

'Albourne Conservation Area

The conservation area is located a short distance to the north west of the application site. The Council has not published a Conservation Area appraisal, but a brief description of the Area and some of the features which contribute to its character is found in the Council's document 'Conservation Areas in Mid Sussex'.

The ancient parish of Albourne consisted of two adjacent manors running north- south, that of Albourne to the west and Bishopshurst to the east. The parish church was sited between the two manors at some distance south west of the village at the end of Church Lane and does not appear to have ever been the centre of a nucleated settlement. The village of Albourne historically had two centres, Albourne Street to the south and Albourne Green to the north, which became one settlement only during the 20th century as new houses were built between the two. The name Albourne Street was in use by the 16th century. The fact that this street lies parallel to the then existing main road (now the London Road), and the regular layout of the houses and plots, all of which were in the 17th century occupied by tenants of Broadhurst Manor, suggests that Albourne may have been originally a planned settlement laid out by the lord of Bishopshurst.

The local economy was until recently heavily reliant on agriculture, an early predominance of arable increasingly giving way during the 19th and 20th centuries to dairy farming. Also important locally were market gardens- there were four in the parish in 1845 and by the 1870s twelve.

Albourne Conservation Area, which was designated in 1989, is relatively modest area centred on the historic nucleus of development along the southern part of The Street and its junction with Church Lane. It contains a number of listed buildings including those mentioned above. This southern part of The Street has an enclosed, intimate character with the houses set back from the lane, sometimes raised on banks, and with hedges and trees also lining the road. However even within the core of the Conservation Area the close connection with the surrounding landscape is apparent, derived from attractive glimpsed views between buildings to the west of The Street of fields and trees beyond, which would include the application site. To the south of the area, from the gardens of the properties on Church Lane, and to the west, from the rear gardens of the houses to the west of the Street and from the adjacent PROW which runs along the west boundary of the Conservation Area, there are clear views over the adjacent open countryside which again include the proposed development site occupying the foreground. A further PROW runs west to east through the site and along the northern boundary of the Conservation Area to meet The Street north of Hunters Cottage.

The abrupt and clearly defined boundary between the village settlement (which to the west side of The Street apparently still reflects the 17th century layout and extent of the planned development) and the open countryside beyond is another key feature of the village and the Conservation Area.

In my opinion, the significance of the Albourne Conservation Area lies in its character as a small rural Sussex settlement, possibly originally laid out by the local lord of the manor, which has developed over many centuries in close relationship with the surrounding countryside- the brief history of the village given above demonstrates the importance of farming and market gardening to the local economy which will have financed the construction of the majority of the buildings within the village, many of which are now listed. Some, such as Finches (a former farmhouse), have an obvious historical functional relationship with the adjacent farmland.

The Council's document 'Conservation Areas in Mid Sussex' gives a high level review of key features which contribute to the character of the Albourne Conservation Area, including the attractive countryside views to the west and south, also noted above.

In my opinion the setting of the Conservation Area includes the fields to the north west, west, south west, south and south east, which contribute to the countryside views identified in 'Conservation Areas in Mid Sussex'. The proposed development site lies to the west and north west of the The Street and there are clear views looking from this part of the Conservation Area looking across the site, in particular from the rear gardens of the buildings to the west of the road. The site is also prominent in views looking north from Church Lane including from Spring Cottage and the lane to the west of this. These existing views,

which include the application site, have a strongly rural character, with little development visible outside the village other than the row of cottages further west along Church Lane.

The site also has a significant impact on the character of the approaches to the Conservation Area along the PROWs which run along the western edge of the site and from the direction of Albourne Church to the west. It features prominently in views or vistas from these PROWs which include the southern part of the Conservation Area.

The clearly defined boundary between the rear gardens of the properties to the west of The Street and the open countryside beyond (i.e. the site) is also, as above, a key feature of the Area.

For these reasons the proposed development site is considered to make a strong positive contribution to the setting of the Albourne Conservation Area, its special character and the manner in which this is appreciated, including views from and towards the Conservation Area, and the character of the approaches to it along Church Lane and the PROW which runs parallel to the north through the centre of the site.

The listed buildings along the west side of The Street

according to their list descriptions, date from the 17th century or earlier. They would be likely to be considered to possess historical evidential and illustrative value as good examples of rural Sussex buildings of their type and period, aesthetic value based in part on the use of vernacular materials viewed against a backdrop of the landscape from which they were drawn, and possibly group value based on the buildings being components of a planned development by the then Lord of the Manor. Finches is recorded in the West Sussex Historic Farmsteads and Landscape Character Assessment as a historic farmstead of the post medieval period. A number of buildings survive to the south of the former farmhouse which would appear to be agricultural in their original function, and would be likely to be regarded as curtilage listed.

In all cases, given the nature of the buildings and the close relationship between their historical function and/or development and the surrounding countryside, as well as the possibly planned nature of the settlement (discussed in more detail above in relation to the Conservation Area), the surviving rural setting to the west, north west and south west (which includes primarily the application site) would be considered to make a strong positive contribution to the special interests of the buildings and the manner in which these are appreciated, in particular those parts of those special interests which are drawn from historical illustrative or aesthetic values.

Spring Cottage

is a Grade II listed 17th century or earlier listed building located to the southern side of Church Lane, opposite the site. It is likely that the building would be considered to possess historical illustrative and evidential value as a good example of a rural Sussex cottage of its type and period, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

As such, the surviving rural setting surrounding the cottage is considered to make a strong positive contribution to its special interest and the manner in which this is appreciated, including in particular its historical illustrative and aesthetic values.

The site makes up the rural setting of the cottage to north of Church Lane. Although the cottage is set somewhat lower than the site and on the opposite side of lane, there are views from the building and its immediate setting looking up the hill in which the southern part of the site is particularly close and prominent. The northern part forms the backdrop to these views, at the crest of the hill. The site therefore currently makes a significant positive contribution to the setting and special interest of the listed building.

Inholmes Cottage

is a Grade II listed building located a short distance to the north east of the site at the edge of Albourne village. From the list description it dates probably from the 17th century. It is likely that the building would

be considered to possess historical evidential and illustrative value as a good example of a rural Sussex village house of its type and period, as well as aesthetic value based in part on the use of vernacular materials.

Although the setting to the north, east and south of Inholmes Cottage has been altered in modern times by the spread of development around and within Albourne village, the broader setting to the west and south west in particular remains open and rural in character. This setting, which includes the application site, represents the principle surviving connection between the cottage and the countryside by which it was until relatively recently largely surrounded, and makes a positive contribution to its special interest and how this is appreciated, including in particular that part of this interest which is drawn from historical illustrative and aesthetic values.

The impact of the proposed development on the application site

would be to fundamentally alter its character. This is particularly true of the northern part of the site, which would become a suburban enclave. However the character of the southern part will also be impacted by the imposition of 'green infrastructure' and the semi-formalisation of the space as a type of 'natural' parkland with footpaths, picnic tables and benches- therefore although this part of the site would apparently remain largely open and verdant it would no longer have the rural/agricultural character which it has now. The proposed access to the new housing development would be to the north eastern corner of the site, close to the junction between Henfield Road and The Street.

This would result in a very significant impact on the positive contribution which the site currently makes, through setting, to the above mentioned heritage assets:

Albourne Conservation Area

The proposed development will effectively sever the Conservation Area from its existing direct countryside setting to the west- although the built form would be largely concentrated to the northern end of the site, the semi-formalisation of the field to the south would also result in a loss of rural/agricultural character. Furthermore, the development including the new housing to the north in particular will have a significant impact on the character of views from the Conservation Area to the west of The Street, and on the context within which the Area is appreciated in views from Church Lane, and the various PROWs approaching or passing the Area from the west. This will have a detrimental impact on the character and appearance of the Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would place the degree of harm at less than substantial, at the high end of that scale, such that paragraph 202 will apply.

The listed buildings along the west side of The Street

These buildings enjoy a similar relationship to the site as the Conservation Area (within which they are located), and the proposed development will have a similar affect of severing them from their existing countryside setting to the west, as well as impacting on views from and towards the buildings, and the character of the approaches to them along adjacent PROWs. This will detract very significantly from the positive contribution which setting currently makes to their special interests and how these are appreciated, as identified above. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would regard the harm caused as less than substantial, at the mid-high range of that scale.

Spring Cottage

The semi-formalisation of the open field directly above the Cottage will have quite a marked impact on the currently rural character of the setting of the building. There is also the potential for the built development to the northern part of the site to impact on views looking towards the crest of the hill- as far as I am aware we do not have visuals at this point which would confirm this but based on the indicative site layout, views from Church Lane shown in the LVIA, and the visibility of the existing buildings at Inholmes Farm and Albourne School in these views, it would be my assumption that at least the new dwellings closest to the PROW would be clearly visible. Cumulatively, these impacts will detract significantly from the currently rural character of the setting to the north of Spring Cottage, to the

detriment of its special interest and the manner in which this is appreciated. This will again be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place the harm caused at the mid-range of that scale.

Inholmes Cottage

The proposed residential development at the northern end of the site will, as above, have a fundamental impact on its currently rural character. This will detract from the positive contribution which the site makes to the broader setting of Inholmes Cottage, including views from the Cottage and its immediate setting, and the character of the approach to it along Henfield Road. The position of the site access at its north western corner close to the junction between Henfield Road and The Street is likely to render the residential development beyond more visible. This will be detrimental to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, at the mid-range of that scale.'

Following the above concerns, the Agent submitted a response disagreeing with the comments made on the nature and extent of the impact of the proposal on the settings of the surrounding heritage assets. The Conservation Officer has reviewed the additional statement and advises that the applicant provides no significant new evidence which would alter their position on the matter.

Planning Officers agree with the above comments of the Conservation Officer. It is considered that the site makes a strong contribution to the setting of the Albourne Conservation Area and surrounding listed buildings. Whilst the proposal is in outline form, due to the scale of the development, the proposal would result in less than substantial harm on the surrounding designated heritage assets where para 202 of the NPPF applies.

Para 202 of the NPPF sets out that *'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'*.

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

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

The public benefits in relation to this application is the creation of 120 dwellings including 30% affordable dwellings on the edge of a category 3 settlement which seeks to reflect one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions detailed further in this report which would be secured through a legal agreement. In the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus.

However, in this instance the public benefits of the proposal are not considered to outweigh the harm to the heritage assets of the Albourn Conservation Area and the listed buildings referred to above that would arise from this proposed development on a site that has not been allocated for development in a Development Plan Document under the plan led process.

As the public benefits of the proposal do not outweigh the less than substantial harm (which must be given significant weight to reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990) that the preservation of the setting of listed buildings is desirable, the proposal conflicts with paragraph 200 of the NPPF as there is not clear and convincing justification for the harm to these heritage assets

In view of the above it is therefore considered that the proposal would conflict with Policies DP34 and DP35 of the District Plan and paragraph 200 of the NPPF.

Highways and Public Rights of Way

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

Policy DP22 of the District Plan relates to Rights of Way and other Recreational Routes. In part it states:

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

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 111 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Henfield Road at this point is subject to a 30 mph speed limit.

The current access points to the existing sites will be stopped-up (with the hedgerow reinstated), and a new formalised access is proposed to be provided 45 metres east of the existing orchard access and 50 metres west of the Henfield Road/The Street junction in the form of a bellmouth junction measuring 5.5metres with 6metre radii.

The development proposals also include a segregated pedestrian footway that measures 2metres in width and connects the internal area of the site to the frontage along Henfield Road. This then continues west connecting the site to existing footways and pedestrian routes along The Street, with additional tactile paving provided to facilitate pedestrian crossing at this point. The proposed footway would adjoin Henfield Road in the approximate location of the existing agricultural access and would avoid the internal ditch within the site.

A Transport Assessment has been submitted with the application. This concludes that *'the proposed development will not have a significant impact on the operation of the local highway network'*.

A Travel Plan has been submitted as part of the application which sets out a number of measures which would be incorporated into the development. This includes promoting local pedestrian and cycle routes to the residents, making a summary of bus timetables available to residents, seeking to obtain travel vouchers from local bus/rail/cycle services in the form of discounts or free tasters to further encourage the use of public transport. The Travel Plan would be secured through the S106 legal agreement.

The Highways Authority has considered the proposal and raise no objection.

In terms of the public rights of way route 15_1AI runs east to west through the centre of the site, and to the eastern boundary to the southern part of the site is route 12_1AI which runs north to south along the eastern boundary with Albourne Primary School linking Church Lane and The Street. The indicative layout shows that these public rights of way would not be affected through the development.

The WCSS Public Rights of Way Officer has raised no objection to the proposal. They however advise that

'In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of FP15_1AI will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved. The applicant is required, at its expense, to accept to improve the surface by laying an all-weather surface to West Sussex County Council's (WSCC) PRow specification along the length that lies within the site's boundaries.'

Consequently the proposal is considered acceptable on highway safety and transport grounds, and complies with policies DP21 and DP22 of the District Plan, and para 110 of the NPPF.

Impact on neighbouring amenity

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage.

Illustrative plans have been submitted for the proposal showing a potential layout of the development. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered. Notwithstanding this, the illustrative plans show the development could be accommodated within the site without resulting in detriment to the neighbouring amenities to the north, east and south of the site. However, these relationships would be considered further at any subsequent reserved matters stage.

Access forms part of the consideration of this application and the impact of the access with the nearest neighbours of Inholmes Farm to the northern side of Henfield Road, and Pound Cottage to the east needs to be assessed.

In respect of Inholmes Farm, the proposed access is to be set on the opposite side of the highway and to the south-east of this property's access. The house itself is set back from the highway with hedging to the front boundary of the site. In addition there is vegetation on the boundary of the application site with the highway. Due to the position of the access, and the relationship with this residential property it is considered that the access would not result in significant harm to the amenities of the occupants of this neighbouring property through noise and disturbance.

In addition, Pound Cottage is set at the junction of Henfield Road and The Street. Due to the relationship with the proposed access and the intervening highway of The Street it is considered that the access would not result in significant harm to the amenities of the occupants of this neighbouring property through noise and disturbance.

The proposal is thereby considered to comply with Policy DP26 of the District Plan in respect of residential amenities.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles*.' A similar ethos is found within Policy CNP10 of the Crawley Down Neighbourhood Plan.

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

'In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Whilst the application is outline with appearance and scale of the development being a reserved matter, the application has been accompanied with an Energy Statement. This sets out a range of sustainability measures to be incorporated into the development comprising of a fabric first approach comprising of the following:

- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.
- High-efficiency double-glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results throughout.
- Efficient-building services including high-efficiency heating systems.
- Low-energy lighting throughout the building.

In addition, it is submitted that a communal Air Source Heat Pumps to generate heating and hot water throughout the development would be undertaken. It has also been submitted that solar PV could also be used in the development. However, the Energy Statement sets out that '*the applicant has adopted to achieve the required target via low-carbon ASHP technology*' rather than PV.

Through the incorporation of both the above measures into the development it is submitted that the proposal would result in a 40% reduction in carbon dioxide emissions.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

Although it is acknowledged that the site is within the countryside, it does lie adjacent to the development boundary of the village of Albourne. This is identified as a category 3 settlement which is a medium sized settlement providing essential services for the needs of their own residents and immediate surrounding communities. There is a primary school within Albourne as well as a bus stop.

The proposal is to provide a community facilities and is submitting that this would be a community shop. There are also to be footpath links to 'The Street'.

Notwithstanding the above, as the application is outline, further details would be developed at any reserved matters stage.

The proposal is thereby considered to comply with Policies DP21 and DP39 of the District Plan as well as the provisions of the NPPF. The proposal is considered to be acceptable in sustainability terms.

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires *'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.'*

Due to the scale of the development the application is supported by a flood risk assessment. The report identifies most of the site to be at low flood risk, with two areas of increased surface water flood risk. The report states that all residential development shall be located outside of surface water flood extents.

In terms of surface water drainage, an outline drainage strategy has been submitted as part of the outline planning application. This drainage strategy is based on site constraints as known at the time of submission and the likely impermeable area based on the existing masterplan. The drainage strategy proposes to utilise multiple drainage catchments and five attenuation basins before discharging to the watercourse on site at a single discharge point. The drainage strategy includes infiltration test results which show that infiltration is not possible on the site.

In terms of foul water drainage it is proposed that the development will discharge into the public foul sewer located on the site.

The Council's Drainage Engineer has considered the proposal and raised no objection subject to a condition in relation to foul and surface water drainage and means of disposal. In addition, the WSCC Flood Risk Team have raised no objection to the proposal.

The proposal would therefore comply with Policy DP41 of the District Plan and the requirements of the NPPF.

Ecology

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

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states *'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'*. In addition, it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported.'*

An Ecological Impact Assessment has been submitted as part of the application. This set out that:

*'Bat activity levels across much of the Site were relatively low during bat surveys, with exception of the western boundaries where foraging and commuting activity was fairly high. Recordings were mostly of common and widespread species including common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *Pipistrellus pygmaeus*, with only low numbers of registrations of less common species such as Nathusius' pipistrelle *Pipistrellus nathusii*, brown long-eared bat *Plecotus auritus* and barbastelle *Barbastella barbastellus*.' In terms of dormice, none have been found. In addition, it states that low grass snake and slow worm populations are present on-site within grassland habitats, the orchard and grassland margins. Great crested newts have also been recorded within a dispersible range of the site and are likely to use terrestrial habitats on-site. It sets out that*

'Mitigation has been proposed where applicable to address potential impacts on these protected species and ensure compliance with relevant legislation. This includes embedded mitigation delivered as part of the scheme design including native wildflower planting, tree and shrub planting, attenuation basins and associated marginal planting, all of which will be of benefit for a variety of species.'

Other enhancements include planting of species known to benefit wildlife, infill planting within the orchard, the provision of bat and bird boxes, log piles, insect boxes and integrating hedgehog gaps within new fencing.

A Biodiversity Net Gain Assessment also accompanies the application. This submits that:

'A unit gain of 19.65 habitat units (54.57% net gain) was identified following the completion of baseline and post-development calculations, in addition to a gain of 1.01 hedgerow units (2.48% net gain).'

It states that specific management techniques will need to be employed to ensure habitat creation and enhancements are successful.

Measures to provide biodiversity net gain includes the creation of wildflower grassland; native scrub planting; pond retention; proposed orchard infill planting and management of existing habitat; retaining and existing and creating new woodland; and additional tree planting.

The Council's Ecology Consultant has considered the information submitted and raise no objection subject to conditions. They are satisfied that there is sufficient ecological information available for determination. They state that:

'The mitigation measures identified in the Ecological Impact Assessment Revision B (CSA Environmental, October 2022) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

The proposed enhancement measures, including five attenuation basins, infill orchard planting and new areas of scrub and woodland planting, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised 54.57% biodiversity net gain. The LEMP should be secured by a condition of any consent.

We also agree with the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment Revision B (CSA Environmental, October 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.'

In terms of biodiversity net gain the Council's Ecologist Consultant considers that the enhancements proposed will contribute to this aim.

On this basis it is considered that the application complies with Policy DP38 of the District Plan, and para 180 of the NPPF.

Trees

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

An Arboricultural Impact Assessment (AIA) has been submitted with the application. The AIA sets out that no trees are proposed to be removed. However, two sections of hedgerow are proposed to be removed for the new site access road.

Whilst the application is in outline form, the illustrative layout and the AIA submits that the veteran/ancient tree buffers are fully respected and enhanced as semi-natural habitat. In addition it states that the *'Root Protection Areas (RPAs) of other trees are also respected within green buffers for the site. The proposed access and parking spaces to the immediate north of G11, G12 and T17 (A2) are tight to the edges of the RPAs, and so detailed design should avoid these. However, this area has been regularly ploughed and so there will be no significant rooting in the upper soil layer.'*

Whilst the application is in outline form and the layout would form part of the reserved matters, on the basis of the information currently submitted, it is considered that on balance the proposal would be acceptable in terms of trees.

Comments have been raised in respect of a TPO tree to the south of the site (on Church Lane (TP/18/0006)). Views of the tree are gained from the site. However, this Oak tree falls outside of the site boundary, but its canopy overhangs into the southern site boundary. From the indicative plans which have been provided it shows that this tree would not be impacted through the proposed development.

The proposal thereby complies with Policy DP37 of the District Plan.

Infrastructure

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

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

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

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

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

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

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

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

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

Due to the number of units provided, the proposal requires affordable housing contributions as set out in Policy DP31 of the District Plan.

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

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

and:

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

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

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

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.

County Council Contributions

Education - Primary: formula based - to be spent on additional facilities at Albourne CofE Primary school.

Education - Secondary: formula based - to be spent on additional facilities at Downlands Community school.

Libraries: formula based - to be spent towards an approved scheme in respect of the extra demands for library services that would be generated by the proposed development.

TAD: formula based - to be spent on a scheme which improves the safety of road users and pedestrians along the Albourne stretches of the B2118 and B2116 roads and/or cycle improvements in accordance with the West Sussex Walking and Cycling Strategy which improve sustainable links from Albourne to Sayers Common, Hurstpierpoint and Hassocks and/or traffic management improvements across the Parish in accordance with the Albourne Neighbourhood Plan.

District Council Contributions

Children's Play Equipment: £99,750 - to be spent to expand and improve existing provision at Barn Close play area at Albourne Recreation Ground.

Kickabout: £28,643 - to spent to expand and improve existing provision at the Barn Close MUGA at Albourne Recreation Ground.

Formal Sport: £147,043 - to spent towards formal sport facilities at Berrylands and / or Court Bushes and / or Fairfield Recreation Ground in Hurstpierpoint.

Community Buildings: £84,334 - to enable the expansion / improvement of facilities at Albourne Village Hall

Local Community Infrastructure: formula based - scheme to be confirmed.

Sussex Police

£23,569.94 - to be spent on the future purchase of infrastructure to serve the proposed development.

It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. 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.

As the application is being refused on a number of matters the legal agreement has not been progressed to secure the necessary infrastructure payments. As there is no legal agreement to secure the infrastructure required to mitigate the impact of the development there is a conflict with policy DP20 of the District Plan.

Affordable Housing

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

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

'The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

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

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability

assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

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

The application is in outline form only considering the access. The housing mix would be considered as part of any reserved matters stage. However, the submitted Planning Statement submits that the proposal would result in a policy compliant scheme in respect of providing 30% affordable housing. It has been submitted that 25% of this could be provided as First Homes.

The Council's Housing Officer has raised no objection to the proposal. They advise that the proposal for 120 dwellings would result in a minimum on-site affordable housing requirement of 36 dwellings. They have identified that in order to meet a range of housing needs this would need to comprise of 1-bed flats, maisonettes or bungalows, 2-bed houses and flats and 3-bed houses. In addition she advises that 25% would need to be provided as First Homes and 75% would need to be affordable or social rent.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing. The proposal thereby meets the requirements of Policies DP30 and DP31 of the District Plan.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. The applicant has provided a Transport Assessment to accompany the planning application. This report states that the proposed development is likely to generate around 669 daily vehicle movements across a 12 hour day including 71 trips in the AM peak and 68 trips in the PM peak. The report says that overall this equates to 56 trips every hour on average. In respect of trip distribution, the report indicates that based on the 2011 Census Travel to Work data the majority of trips are likely to use the A23 northbound (73% of trips) and southbound (26% of trips). The remaining 1% of trips are expected to travel west to join the A24. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other matters

Archaeology

Policy SA30 states in part:

'The site may contain buried archaeology. Carry out archaeological assessment and appropriate mitigation arising from the results.'

The application is supported by an Archaeological Desk Based Assessment. This concludes that there is low potential for significant archaeological remains. It states that the impact of the proposed development on the archaeological potential of the study site could be adequately mitigated.

The Council's Archaeology Consultant has considered the proposal and raises no objections subject to conditions.

As such the proposal is considered acceptable in terms of archaeology.

Contaminated Land

A Phase 1 Ground Conditions Assessment has been submitted with the application. While the report has identified the site to be very low risk, an intrusive will need to be undertaken as part of the development of the site.

The Council's Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

Waste and Minerals

A Preliminary mineral resource assessment has been submitted as part of the application following a request for further information from the WSCC Waste and Minerals Officer. This states that

'there is an estimated winnable tonnage of 3,129,000 of brick clay underlying the Site, estimated from geological mapping and records of nearby boreholes published by the BGS; however, no intrusive data is available for the Site. If the mineral were to be extracted, standoffs or buffers required for the nearby residential properties, school, stream and roads are considered (Section 5), this will reduce the quantity of available reserve, as will benching of the sides of the quarry void to maintain stability.'

It concludes that:

'Off-Site processing would potentially have additional environmental impacts associated with extraction (noise and dust) and traffic (noise, air quality and traffic movements). Extraction would require import of material for restoration which also would have added impact of additional traffic movements, noise, dust and air quality.'

In addition,

'The close proximity of residential properties and the potential environmental impacts of mineral extraction and export, combined with the requirement to import restoration material, is such that there is likely to be significant objection to any proposed mineral extraction at the Site.'

The WSCC Waste and Minerals Officer has considered the submitted mineral resource assessment. They have provided comments on the proposal and states that *'subject to the LPA being satisfied that need for the non-mineral development outweighs the safeguarding of the mineral resource, and that the LPA deems that it has been suitably demonstrated that prior extraction if not practicable or environmentally feasible, the MWPA would offer no objection to the proposed development.'*

Due to the location of the site and the relationship with a number of designated heritage assets as well as residential properties, it is considered that the site would not be a suitable location for mineral extraction.

Water Supply

Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to serve the proposed development. The applicants have provided confirmation via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with Policy DP42.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

As a result, at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal would not maintain or enhance the quality of the rural and landscape character of the District.

The introduction of up to 120 dwellings within this location will bring forth a sense of urbanisation and will in turn disrupt the balance of elements in the view from PRow 12_1Al and 15_1Al. As such, the proposed development would have an adverse effect on landscape character and visual amenity.

The proposed development would result in harm to the setting of the Albourne Conservation Area and to the settings of the following listed buildings (Hunters Cottage, Bounty Cottage, Finches, Souches, Spring Cottage, and Inholmes Cottage). The proposal therefore conflicts with Policies DP34 and DP35 of the District Plan. This harm is categorised as falling within the bracket of 'less than substantial' as defined by the NPPF. The public benefits of the proposal (additional housing, including affordable housing, additional spending in the local economy and additional economic activity during the construction phase) do not outweigh the harm to the heritage assets of the Albourne Conservation Area and the listed buildings referred to above that would arise from this proposed development on a site that has not been allocated for development in a Development Plan Document under the plan led process. As the public benefits of the proposal do not outweigh the less than substantial harm (which must be given significant weight to reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990) that the preservation of the setting of listed buildings is desirable, the proposal conflicts with paragraph 200 of the NPPF as there is not clear and convincing justification for the harm to these heritage assets.

In the absence of a completed legal agreement to secure the necessary infrastructure payments and affordable housing to mitigate the impact of the development there is a conflict with Policies DP20 and DP31 of the District Plan.

The proposal is thereby considered to conflict with Policies DP6, DP12, DP15, DP20, DP31, DP34 and DP35 of the District Plan, Policies ALC1 and ALH1 of the Neighbourhood Plan and the provisions of the NPPF.

These factors weigh heavily against the proposal.

On the positive side the proposal would result in construction jobs over the life of the build and the increased population likely to spend in the community.

The proposal would also result in a new homes bonus.

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

The proposal is contrary to the policies of the Development Plan and there are not considered to be any other material considerations which would justify a decision other than in accordance with the Plan. Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Joanne Fisher