



MID SUSSEX
DISTRICT COUNCIL

Agenda Update Sheet

District Planning Committee

Date 12th October 2017

Agenda Section 5: Applications

Part I Recommended for Approval

ITEM: 1

APPLICATION NO: DM/17/2534

Pg 23 Appendix A – Conditions

Condition No.1 can be deleted as landscaping plans to the satisfaction of your Tree and Landscape Officer have been submitted.

Pg 24 Informatives

Additional informative setting out the approved drawings

ITEM: 2

APPLICATION NO: DM/17/2570

Pg.40 Additional representations received as follows:

Felbridge Parish Council (response to Surrey County Council Highways :

- Do not consider that the applicant has provided a robust transport assessment.
- Disagree that the proposed access does not indicate any capacity issues. The access road will serve 63 houses and create a large increase in traffic movements in a minor road with a very difficult junction with the A264 Copthorne Road
- The evidence that the junction is operating beyond capacity has been produced by the Atkins and Jubb reports and the Parish council understands that there are indeed no actual plans to make improvements to this junction.
- The NPPF directs planning authorities to consider the cumulative effects of development on the transport network. At the appeal against development at Gibbshaven Farm (APP/D3830/W/16/3156544), a short distance from the subject site, the Inspector stated that “*although the residual effects of the development itself would not be severe there is considerable other development also proposed in the vicinity and so the cumulative effects need to be considered.*”
- States that the majority of movements associated with the development are likely to occur outside school pick up/drop off time. Surely the majority of movements will be exactly during those periods as this is the time that people leave for work and take their children to, or pick them up from school.
- Welcome the implementation of double yellow lines. However, such regulations will need to be enforced very strictly. In recent months there have been problems with contractors parking illegally at the junction of Crawley Down and Copthorne Roads, yet despite numerous requests the police have refused to take action.
- The comment about lack of accidents within the Personal Injury Accident record is misleading. There have been at least three personal injury accidents in Crawley Down Road within the last 2 years.
- Mitigation includes a financial contribution to a scheme to address the issues at the A264/A22 junction. Query whether this is achievable as it is a pre-existing condition.
- Notes the CHA comment regarding sustainability and the fact that most facilities and services are outside an acceptable distance and that most journeys will be made by private car. The CHA indicates that this is a West Sussex matter. Whereas this certainly is the case, the access to the 63 houses is within Surrey, the pressure will

be on Surrey roads and infrastructure, and therefore it is wrong for the CHA to wash its hands of this issue.

Tandridge District Council – Objects:

- It has not been demonstrated that the development would not be prejudicial to highway safety and capacity within Tandridge. As a result of work currently being carried out in connection with the application for the site at 17 Copthorne Road, Felbridge (TA/2016/2319), potential capacity issues at the A22/A264 junction have been identified and pending the completion of this work it is considered that an objection on these grounds should be raised. Your attention is drawn to the email sent to you on 4 October 2017 which demonstrates the ongoing situation between the Surrey County Council Highways Authority and the applicant's consultants (copied with this correspondence for information).
- Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Amongst other things, plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is Tandridge Council's view that it has not been demonstrated that the cumulative impact of development on this area, in combination with an existing unsatisfactory highway situation, would not amount to a severe impact and that on the basis of information currently available permission should be refused on these grounds. Your attention is drawn to the Inspector's decision dated 12 January 2017 for a site at Gibbshaven Farm, Felbridge (ref APP/D3830/W/16/3156544), which supports this view.
- Moreover, as you will be aware, the high court decision relating to air quality in the Ashdown Forest SPA and SAC is of relevance (issued March 2017 - Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority) . The effect of this decision is that until the necessary compensation/mitigation measures can be put in place, new development cannot be approved unless it can be demonstrated that further harm to the SAC will not occur as a result of nitrogen deposition. Development must be looked at cumulatively 'in combination' with other authorities to ensure that thresholds are not breached. On the basis that this application has the potential to adversely affect the SAC as a result of air quality impacts, objection is raised unless the decision maker is satisfied that harm to the Ashdown Forest SAC will not occur. Recreational pressures should also be adequately mitigated, through the appropriate provision of SANGS and SAM contributions.

East Grinstead Post Referendum Campaign (PRC)

- The Officer's report to the Committee does NOT demonstrate that Regulation 61 has been met with respect to the potential adverse impact on the Ashdown Forest SAC due to increased atmospheric pollution from increased traffic generated, and on this basis and under the *Precautionary Principle* the Council should refuse this application.
- The Committee Report does NOT follow Natural England's advice & conflicts with the approach adopted by Wealden District Council (WDC), Tandridge District Council (TDC) & the Secretary of State (SoS), following the recent judgement handed down

by the High Court (*Wealden v SSCLG* [2017]). As a result, the statutory consultee, Natural England, withdrew its previous advice to MSDC, which the Council relies on.

- The HR Screening Report is NOT supported by the Council's own evidence. based on the windfall headroom of up to 532 dwellings, the Council has approved at least 236 windfall homes, in addition, there are 4 appeals awaiting the decision of the SoS. Thus, there are already 540 dwellings (236 + 304) set against the windfall allowance and so the total allowance has been exceeded.
- The application is NOT in conformity with the *local development plan* and the '*Presumption in Favour of Sustainable Development*' does NOT apply because NPPF Paragraph 14 is NOT engaged since the East Grinstead Neighbourhood Plan is up-to-date, and so, should be given primacy and full weight. The Inspector's report into Folder's Lane Appeal states that 'For the purposes of this appeal I consider that the figure of 3.76 years...'
- In direct contradiction to the Council's stated position to Inspector Bore and the recently published modified draft District Plan, the report submitted to the District Planning Committee states that the Council cannot show a 5-year land supply.
- The application does NOT meet NPPF Para 32 and therefore the application should be refused on traffic grounds.

Two additional neighbour representation:

- In regard to the Neighbourhood Plan the committee report states that the council cannot demonstrate a 3 year supply of deliverable housing but the best available current estimate is nearly 4 years.
- On the final day of the public hearings into the district plan (26th July), the inspector stated that the council could now demonstrate a 5.2 year land supply. PPF paragraph 49 directs that there is no presumption in favour of sustainable development where councils can demonstrate a 5 year supply of deliverable housing sites.
- As MSDC district plan is near adoption, with a 5 year supply of deliverable housing sites ... it has material weight and given there is at least a 3 year land supply the EGNP has full weight and with the recommendation for refusal by East Grinstead town council the planning application should be refused.
- Both Tandridge and Surrey County Council have decided not to comment on planning applications in Felbridge prior to the Secretary of State delivering a judgement on the public inquiry relating to Hill Place Farm. It would surely make sense for Mid Sussex to adopt a similar approach.
- In regard to Habitats Regulations Tandridge and Wealden councils are delaying planning approvals until the further evidence and clarification has been provided by the Secretary of State in his Hill Place Farm inquiry decision.

Pg 61 Appendix - Conditions

Add:

The plans and particulars submitted in support of the reserved matters application shall include the following information:

- a Construction Environmental Management Plan, including wildlife / habitat protection and mitigation measures to be taken during site preparation and construction;
- a lighting plan showing measures to be used to minimise light pollution of open greenspace and boundary habitats;
- a wildlife habitat enhancement and management plan, including details of provision for long-term management responsibility, funding and monitoring (which may be integrated into a combined landscape and ecological management plan LEMP);

If there is a delay of greater than 24 months between the submission of a reserved matters application and the date of the ecological surveys submitted in support of this application, an updated survey report shall be submitted to support the reserved matters application.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

Pg 66 Informatives:

Add:

1. In accordance with Article 31 Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

Pg 66

Add

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|-----------|-----------|---------|----------------|
|-----------|-----------|---------|----------------|

| | | | |
|--------------------|------|---|------------|
| Location Plan | S101 | B | 19.06.2017 |
| Existing Site Plan | S102 | - | 19.06.2017 |

Pg 98 Appendix B – Consultations

Ecologist

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal, subject to the following conditions.

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