

31 October 2017.

**PLEASE NOTE TIME OF MEETING IS 2PM**

Dear Councillor,

A meeting of the **DISTRICT PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 9 NOVEMBER 2017 at 2.00 p.m.** when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

**A G E N D A**

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 12 October 2017. **Document A**
5. To consider the report of the Head of Economic Promotion and Planning upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

*Working together for a better Mid Sussex*



## Human Rights Act

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

## Risk Assessment

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

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

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

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

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

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

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 1.00 p.m. on the day of the meeting.

To: **Members of the District Planning Committee** – Heard, C. Hersey, Holden, Matthews, Mockford, Salisbury, Trumble, Watts Williams, Wilkinson, Wyan.

**Minutes of a meeting of the District Planning Committee  
held on 12 October 2017 from 2.00 p.m. to 3.32 p.m.**

**Present:** Robert Salisbury (Chairman)  
John Wilkinson\* (Vice-Chairman)

Ginny Heard	Norman Mockford	Anthony Watts Williams
Christopher Hersey	Edward Matthews	Peter Wyan
Colin Holden	Colin Trumble	
* Absent		

**Also Present:** Councillors Marsh & MacNaughton

The Chairman Proposed that Councillor Hersey will be Vice-Chairman for the meeting, this was agreed unanimously.

**1. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE  
RULE 4**

None

**2. APOLOGIES FOR ABSENCE**

The Committee noted that apologies had been received from Councillor Wilkinson.

**3. DECLARATIONS OF INTEREST**

None

**4. MINUTES**

The Minutes of 7 September 2017 were agreed as a correct record and signed by the Chairman.

**5. APPLICATIONS AND OTHER MATTERS CONSIDERED**

DM/17/2534 – Land East Of Brighton Road, Brighton Road, Pease Pottage,  
West Sussex, RH11 9YA

Steve Ashdown, Team Leader of Major Development and Investigations, drew Members attention to the agenda update sheet and the deletion of condition 1. This was because the Tree and Landscaping Officer was content with landscaping plans submitted after the Agenda had been circulated. The Officer then went on to introduce the Report for the construction of 156

dwellings, 24-bed hospice facility, community hub with associated access, parking open space and associated infrastructure and earthworks.

Councillors Gary Marsh and Andrew MacNaughton, Ward Members for Ardingly and Balcombe spoke in support of the application.

The Chairman opened discussion of the application to the committee at which point a Member commented on the Design Panels opinion that it was a missed opportunity and that the proposal is contrary to Objectives S1, S2 and S3 of the High Weald AONB Management Plan and does not conserve and enhance the natural beauty of the High Weald AONB contrary to Section 85 of the Countryside and Rights of Way Act and the NPPF paragraph 115.

The Team Leader of Major Development and Investigations, informed the Committee that the Urban Designer believed the scheme commendably avoids the ubiquitous pseudo-traditional Sussex vernacular and the contemporary styled frontages benefit from some individuality that contributes to giving the scheme a sense of place. He commented that the Tree and Landscape Officer was content with the landscaping proposals for the site and he considered that the objectives S1, S2 and S3 of the AONB Management Plan were not conflicting with the proposal.

A Member queried whether the suggested conditions requested by the Urban Designer had been adequately incorporated. The Officer believed that the suggested condition 4 covered all the relevant issues.

A Member asked whether there were more illustrations of the proposed designs over concerns that the social housing design and the market housing design differed. The Officer explained the Housing Officer was content that a tenure blind design had been used and although the Design Panel originally raised concerns, this matter had been addressed.

Councillor Trumble moved to the recommendation for approval which was seconded by Councillor Matthews and agreed unanimously.

## **RESOLVED**

That Reserved Matters application be granted, subject to the condition and informatives set out in Appendix A.

DM/17/2570 – No's 15 And 39 Crawley Down Road, Felbridge, East Grinstead, West Sussex, RH19 2NT

Susan Dubberley, Senior Planning Officer, introduced the Report outlining the application for the erection of 63 dwellings and new vehicular access onto Crawley Down Road required the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road. The Officer informed Members that the majority of site falls within Mid Sussex District Council, however the access falls within Tandridge District Council and they are currently considering an application for the proposed access. The Officer

guided Members attention to the Agenda Update Sheet which included objections from Felbridge Parish Council, Tandridge District Council and 2 additional neighborhood representatives.

Rex Whittaker, the Ward Member for the Town Council, spoke against the application.

Jeremy Clarke, Claire Boughton-Tucker and Ian Gibson, were all residents who spoke in objection to the application.

James Bevis and Meryl Baker, the applicant, spoke in support of the application.

The Solicitor to the Council clarified that the issue of access to the proposed site was a matter for the Tandridge District Council and Surrey County Council as Highways Authority for that District.

In response to Councilors' questions, the Divisional Leader for Planning and Economy, informed the Committee that the matter of housing numbers (AON and unmet need), and therefore the 3 and 5 year housing land supply, were matters to be determined as part of the development plan and as such were still subject to the examination. Although at the last Hearing into the District Plan the Government Inspector indicated that he considered that a 5 year housing land supply could be demonstrated he indicated that this was tight and that, at this stage, this view could not be given any legal weight. The Divisional Leader for Planning and Economy reminded councilors that the housing supply policies of the emerging District plan were the subject of Main Modifications and the ongoing consultation and therefore little weight could be afforded to them at this stage. The Council has received legal advice that until the Government Inspectors report is published the Council cannot rely on any unofficial estimates of land supply.

A Member questioned why the Inspector into the Folders Lane Inquiry had referred to the fact that in his view Mid Sussex had over a 3 year housing land supply. The Divisional Leader for Planning and Economy confirmed that the housing land supply issue had not be subject of debate at the S78 Appeal as all had acknowledged that this was still subject of debate at the District Plan Examination in Public.

A Member questioned the reason for this application due to Tandridge District Councils objection in the Agenda Update Sheet. The Senior Planning Officer explained that as Tandridge had still to determine the application for the access from this site, they had included a holding objection in their recommendation to Mid Sussex District Council.

Another Member explained to the Committee that this application would exacerbate the traffic problems already found in the Crawley Down area and that the proposals would be contrary to the East Grinstead Neighborhood Plan Policies EG2a (1, 2 and 3), 5b, 5c and 11 the National Planning Policy Framework paragraph 32.

One Member wanted to move against the recommendation but also indicated that he would agree to a deferral until the District Plan has been adopted as at that stage the 5 year housing land supply would be confirmed and the Policies of the East Grinstead Neighborhood Plan would have full weight..

The Solicitor to the Council advised the Committee that any decision made may still be subject to call in by the Secretary of State for Communities and Local Government.

Several Members observed that the Committee must only look at the application in front of them and that they were struggling to find any sound planning reasons to move against the recommendation and that the site looked suitable for development.

The impact on a Grade II listed building was brought up by a Member and they went on to remind the rest of the Committee that this and the additional traffic to a site already at capacity, should be taken into consideration.

Councillor Matthews proposed to move against the recommendation and this was seconded by Councillor Wyan. There were 5 votes in favour and 4 votes against. The motion to refuse the application was agreed.

## **RESOLVED**

That planning permission be refused on the following grounds:

1. That the application is contrary to the East Grinstead Neighborhood Plan Policies EG2a (1, 2 and 3), 5b, 5c, and 11.
2. That the application is contrary to the National Planning Policy Framework paragraph 32.

(Exact wording to be agreed by Officers in consultation with the Chairman and Vice-Chairman.)

## **6. ITEMS CONSIDERED URGENT BUSINESS**

None.

Chairman.

**MID SUSSEX DISTRICT COUNCIL**

**DISTRICT WIDE PLANNING COMMITTEE**

**9 NOV 2017**

**INDEX TO ITEMS REPORTED**

**PART I – RECOMMENDED FOR APPROVAL**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>	<b>PAGE</b>
1	DM/17/1955	Brantridge Park, Brantridge Lane, Balcombe, Haywards Heath, West Sussex, RH17 6JT	8 - 33
2	DM/17/1966	Brantridge Park, Brantridge Lane, Balcombe, Haywards Heath, West Sussex, RH17 6JT	34 - 44
3	DM/17/2570	No's 15 And 39 Crawley Down Road, Felbridge, East Grinstead, West Sussex, RH19 2NT	45 - 100

**PART II – RECOMMENDED FOR REFUSAL**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>
None	N/A	

**PART III – OTHER MATTERS**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>
None	N/A	

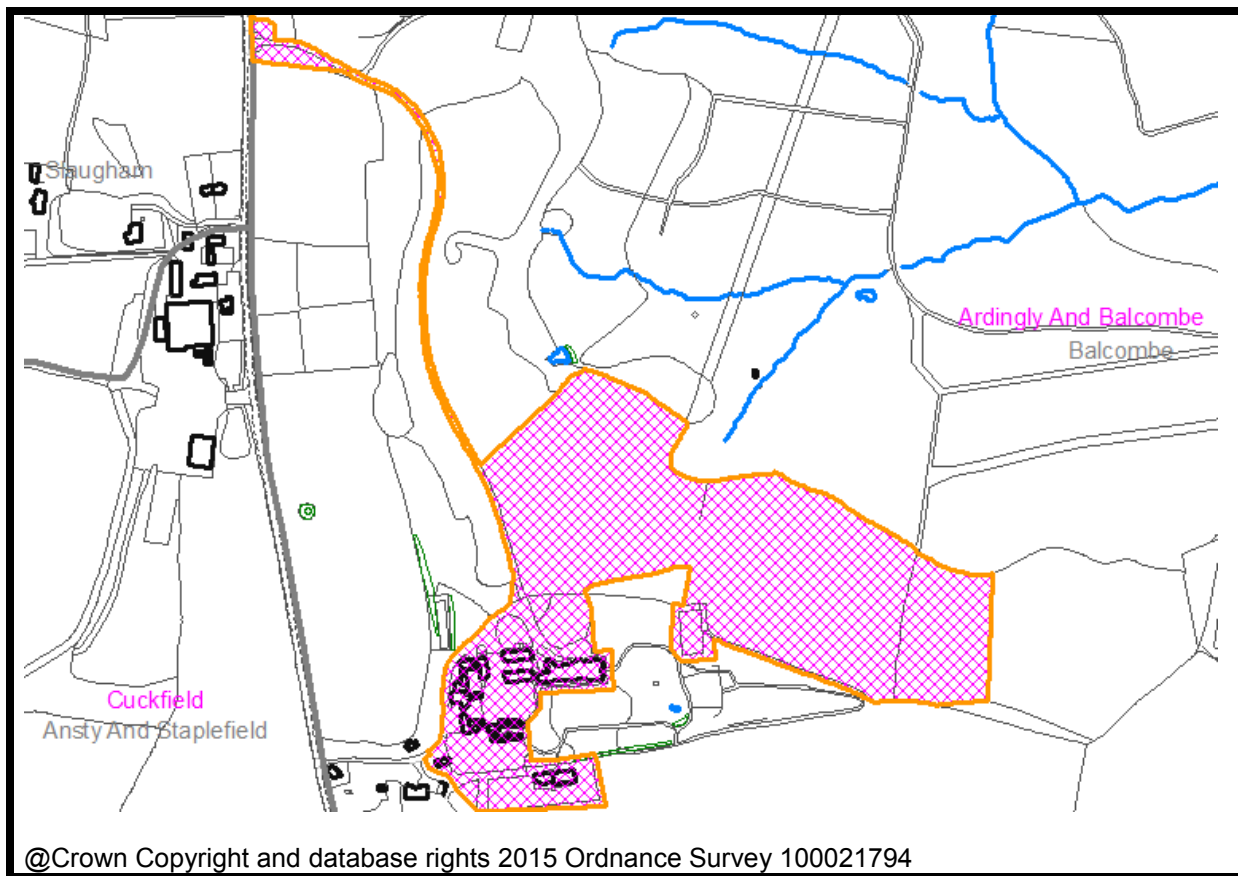
# MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

9 NOV 2017

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/1955



**BRANTRIDGE PARK BRANTRIDGE LANE BALCOMBE HAYWARDS HEATH  
CONVERSION OF LISTED MAIN BUILDING TO A SINGLE FAMILY DWELLING,  
WITH INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSIONS, NEW  
TENNIS COURT BUILDING, SWIMMING POOL, AND NEW EQUESTRIAN COMPLEX  
IN THE GROUNDS, TO INCLUDE 2 X 1 BED UNITS IN THE STABLE BUILDING FOR  
GROOMS ACCOMMODATION AND A HORSE WALKER.  
MR AND MRS ANDERS DAHL**



POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Listed Building / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 21st August 2017

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Ms Susan Dubberley

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Planning permission is being sought for the conversion of the listed main building to a single family dwelling, with internal and external alterations and extensions, new tennis court building, swimming pool and new equestrian complex in the grounds.

The proposals, in particular the proposed equestrian complex, represent a significant intervention to the setting of the Brantridge Park and will impact on the High Weald AONB. However the application overall also offers substantial benefits in the return of a listed building to use as a single family house and the provision of a potential long term beneficial use for the house and its estate. The new buildings within its setting are considered on balance to preserve (not to cause harm to) the special interest of the listed building and the character of its garden and parkland setting. The proposals will also secure the long term future management of the estate.

The proposals are not considered to significantly affect the amenity of the neighbouring and nearby occupiers or give rise to any traffic issues.

It is therefore considered that the proposal would comply with Policies B1, B3, B10, C1, C4, R12, T4 and T5 of the Mid Sussex Local Plan, policies, DP10, DP14, DP24, DP27, DP32 and DP36 of the emerging District Plan Policy DP32, Neighbourhood Plan policies, 1 and 3 and the principles and policies of the NPPF.

## **SUMMARY OF CONSULTATIONS**

Full details of the consultation responses summarised below can be viewed in Appendix B of this report.

### **MSDC Drainage Engineer**

No objection, subject to condition.

### **MSDC Conservation Officer**

No objection.

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

Request informative.

### **ESCC Landscape Architect**

No objection.

### **High Weald Joint Advisory Committee**

No objection.

## **SUMMARY OF REPRESENTATIONS**

One letter of support:

- Fantastic that this incredible historic house is being returned to a private family home and will be restored to its former glory.
- As such a significant country estate, it is welcome to hear that it will have an equestrian focus. As close neighbours, we are happy to support.
- The proposed plans are fitting and appropriate for the location.

### **Sussex Garden Trust**

The Trust neither objects nor supports the application:

Brantridge Park is not included on the Register of Parks and Gardens of Special Historic Interest maintained by Historic England nor has Mid Sussex District Council included the site on its Local List of Heritage Assets, hence the site not afforded statutory protection. Nevertheless the formal gardens near the house and the parkland beyond constitute a designed landscape and any harm caused to its significance by the present application should be assessed before it is determined.

Representatives of SGT have reviewed the documentation submitted with this application. The Trust is concerned that the proposals for the additional buildings will adversely change the setting of the site and also change the views from the wider landscape into the site. However the Trust neither objects nor supports the application but asks that the Planning Authority seeks changes to minimise the adverse impact.

### **Balcombe Parish Council**

No objection. Balcombe Parish Council wholeheartedly supports this application.

---

## **INTRODUCTION**

The application seeks planning permission for the conversion of the listed main building to a single family dwelling, with internal and external alterations and extensions, new tennis court building, swimming pool and new equestrian complex in the grounds.

## **RELEVANT PLANNING HISTORY**

DM/17/1966 listed building application for the conversion of the listed main building to a single family dwelling, with internal and external alterations. Current application.

## **SITE AND SURROUNDINGS**

The site is located on the east side of Brantridge Lane in Balcombe. The site is approximately 33 hectares and comprises large areas of woodland and pasture with the main house and ancillary buildings located in the southwest corner of the estate. The house is a grade II listed building and was originally the family home of Princess Alice granddaughter of Queen Victoria. The house is currently vacant having last been used as time share apartments, the building has been modified and extended, as have the mews buildings and walled garden area to the west of the main house.

The site is located within the Countryside Area of Development Restrain and is in the High Weald Area of Outstanding Natural Beauty.

## **APPLICATION DETAILS**

The proposal is for the reconversion of the main building to a single family house, with internal and external alterations and extensions including a new attached swimming pool, gymnasium and garage to the east of the house. A new tennis court building and new equestrian complex are proposed in the grounds. The equestrian facilities would include stabling and would be located within an area of current pasture land which is located to the east of the main house.

The applicants are internationally renowned professional dressage riders who have both competed at international level and most notably both were competitors at the Rio

Olympics, 2016. The applicants own around 25 - 30 horses including mares and foals and intend to use the proposed equestrian facilities purely for their own private use and there would be no commercial use of the facilities.

The application essentially has four main parts:

- Conversion of the main listed building to a single dwelling house.
- Proposed indoor swimming pool and gymnasium and new attached garage.
- Proposed indoor tennis court
- Proposed Equestrian complex

#### Conversion of the main listed building to a single dwelling house

The alterations to the house consist mainly of internal alterations to remove partitions and stairways associated with the use as time share apartments and the reinstatement of the original room layout.

#### Proposed indoor swimming pool and gymnasium and new attached garage.

The new indoor swimming pool and gym would be enclosed in a single storey flat roofed building linked to the main house via the new garage block. The building would have a square footprint and would be sited within the former walled kitchen garden with a series of French double doors on the south elevation looking out onto the kitchen garden. The building would replace later additions to the main house.

#### Proposed indoor tennis court

The new building housing the tennis court would be single storey with a pitched roof and located on the site of an existing bowling green. Due to the land sloping the building would be set into the slope with almost full height glazing to the front elevation with solid sides. At one end of the building a store would be located with a mezzanine floor above containing a viewing gallery and kitchenette. Access to the building would be via an external stairway alongside the side of the building leading to the entrance doors.

#### Equestrian complex

The main elements of the Equestrian complex are:

- A two storey stables building and indoor arena with stabling for 24 horses with incorporated areas for water treadmill, grooming, washdown bays, tack room and feed room. The building would include two x 1 bedroom staff accommodation, storage rooms and a staff rest area.
- International size indoor riding arena 21.8m x 79.16m -( incorporating a 20m x 60m riding arena)
- Outdoor riding arena

- Mare and foal barn / isolation barn. This building will be 10m x 21.5m and will be open on the south and west elevations. It will be used to house mares and young foals. It will also provide an isolation area for horses preparing for and returning from international competition.
- Hay and equipment barn. This building will be 20m x 40m. It will provide a secure area for storage of hay, bedding and equipment required to maintain the site.
- Horse Walker, a circular building with a 20.6 diameter and domed roof. The horse walker will enable horses to be exercised automatically and allow for 6 horses to be exercised at the same time.
- Muck Bay

In association with the above a new access drive is proposed cutting across the existing parkland to the front (north) of the house, to a reconfigured forecourt area.

New entrance security gates are also proposed onto Brantridge Lane would be in the form of metal ornate security gates set back from the road with brick piers either side and walls that step down towards the road frontage.

The application also initially proposed a new lodge building adjacent to the new entrance gates; however this has been omitted from the application following officers concerns regarding the justification for this building.

## **LIST OF POLICIES**

### **Mid Sussex Local Plan**

C1 (protection of the countryside)  
 C4 (High Weald Areas of Outstanding Natural Beauty)  
 B1 (design)  
 B3 (residential amenity)  
 B10 Listed Buildings and their settings)  
 B7 (trees and development)  
 H11 (Housing in the Countryside)  
 B24 (light pollution)  
 R12 (equestrian development)

### **Balcombe Neighbourhood plan**

Policy 1: Built Up Area Boundary  
 Policy 3: Design

### **Draft Mid Sussex District Plan**

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding

comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council is currently consulting on the Main Modifications to the District Plan that are required in order to make the plan sound. It is anticipated that the District Plan will be adopted in January 2018.

Relevant policies include:

Policy DP10: Protection and Enhancement of Countryside (significant weight)  
Policy DP14: High Weald Area of Outstanding Natural Beauty (significant weight)  
Policy DP24: Character and Design (little weight)  
Policy DP27: Noise, Air and Light Pollution (some weight)  
Policy DP32: Listed Buildings and Other Buildings of Merit (significant weight)  
Policy DP36: Trees, Woodland and Hedgerows (some weight)

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

## **National Policy**

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking, the document provides the following advice at paragraph 187:

*'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'*

Paragraph 197 states that: *'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

## **ASSESSMENT (Consideration of Key Issues)**

### **Principle of Development**

Policy R12 of the Mid Sussex Local Plan states:

*"Proposals for all forms of equestrian development ranging from horse shelters to riding schools will only be permitted where:*

- a) the siting, scale and design of the proposal, individually or cumulatively, would not adversely affect the quality of the landscape or its surroundings, nor the amenity of nearby residential property;*
- b) the proposal is well related to any existing buildings and is not sited in a prominent or isolated location;*
- c) the proposal meets the requirements of other policies in this Local Plan, including those for the protection of the countryside and areas with special qualities; and*
- d) where appropriate the proposal is well related to the existing bridleway network and that network is able to accommodate any increased use which will result from the proposal.*

*Proposals for the use of suitable existing buildings for equestrian development will be given preference."*

Policy C4 of the Mid Sussex Local Plan states:

*Within the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, as shown on the Proposals Map and its Insets, the aim to conserve and enhance natural beauty is regarded as the overall priority. Proposals for development will be subject to the most rigorous examination and only those which comply with this aim will be permitted.*

*Development will not be permitted in the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, unless:*

- a) it is reasonably necessary for the purposes of agriculture or some other use which has to be located in the countryside;*
- b) it is essential for local social and / or economic needs; or*
- c) it can be demonstrated that the development would be in the national interest and that no suitable sites are available elsewhere.*

*In considering development proposals within or immediately adjacent to the AONB, including those regarded as exceptions, particular attention will be paid to the siting, scale, design, external materials and screening of new buildings that are proposed in order to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of the area.*

Policy C1 of the Mid Sussex Local Plan states that the Council will permit, in appropriate cases, quiet informal recreation developments in the countryside.

It is considered that the proposed equestrian complex is supported by the above policies and that the use falls within the definition of quiet informal recreation.

The proposal also includes 2 x 1 bedroom flats on the first floor of the stables and the site is located within the Countryside Area of Development Restraint where normally the principle of new residential development would not normally be permitted. The development would also not be sustainable as it is located in an isolated location. However Policy H11 states:

"Outside the defined built-up area boundaries proposals for new housing development for agricultural or forestry workers will be permitted where it can be demonstrated that there is a proven and overriding need for the dwelling to be in such a location, that it is of an appropriate size, and that it forms part of a viable agricultural or forestry holding."

A detailed justification of the need to have staff living on the site has been submitted with the application. The applicants currently employ 5 full time staff - 4 grooms and a yard manager - and the need for 24 hour care of the horses is set out in the justifications an extract from the statement is as follows:

*It is essential that the Yard Manager is on site to supervise all horses on a 24/7 basis. In fact, leading equine insurers will not insure horses and equipment without this being a prerequisite condition.*

*The need to be on site to cater for any emergency which requires swift action, such as problems with horses as outlined above, being cast in their boxes or sick with a suspected colic, is essential. Brood mares require extra care in the weeks leading up to foaling. The act of foaling itself also needs observation as described earlier in this section.*

*In this instance the needs of the yard are considerably greater than are found on "normal" liveried stable yards. Here, the horses are almost unique competing as they do at the highest competition levels in the world. Individual attention to detail is critical to ensure that each horse is prepared, trained and managed to be at the peak of ability for specific competitions - and this is not undertaken by a single member of staff.*

It is considered that the applicant has demonstrated a need for grooms to live on the site and a condition is recommended to ensure that the flats are occupied by employees of the stables. The principle of the living accommodation within the stables is therefore considered acceptable in this case and would comply with policy H11.



## Design and visual impact including AONB

Policy C4 of the Mid Sussex Local Plan emphasises that particular attention will be paid to the siting, scale, design, external materials and screening of proposed buildings to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of Areas of Outstanding Natural Beauty or their settings.

Policy DP14 of the draft Mid Sussex District Plan states:

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

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

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design."

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is found in the NPPF at para 17 where one of the 12 principles states that planning should:

*"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".*

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

accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

In addition paragraph 115 of the NPPF states that "Great weight should be given to conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Policy B1 of the Local Plan promotes high quality design, construction and layout in new buildings. Policy DP24 of the District Plan also promotes high quality design and that all development and surrounding spaces be well designed and reflect the distinctive character of the town(s).

Paragraph 17 of the National Planning Policy Framework sets out a set of core land-use planning principles that should underpin decision-taking, including the notion that planning should: *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."* Furthermore, paragraphs 56, 58 and 61 set out the Governments position with regard to the importance and principles of good design.

The High Weald's AONB Unit's Planning Advisor has raised no objection to the application and commented that while recognising that the proposed equestrian development is significant in scale and that it will have a harmful impact on the character of the AONB however: *the proposal also includes restoration of the main Grade II listed house and outbuildings and enhancements to its parkland setting which should be viewed as benefits to be balanced against the harm caused by the new building.*

The Council's landscape consultant has also considered the proposals and whilst again acknowledging the scale of the development proposed has raised no objections. The fact that the proposed development will enable the restoration and continued positive management of the parkland estate is welcomed.

The Council's landscape consultant has commented: *The proposals will introduce significant new buildings within the estate; however implementation of the landscape masterplan would in the longer term demonstrate protection and enhancement of the AONB landscape. It is recommended that the application is supported subject to conditions which will ensure implementation of the proposed masterplan and a long term management plan for the estate.*

In the case of the proposed the swimming pool and tennis court buildings these are sited within the area where there is currently development and would be read in the context of the main listed building and periphery buildings and therefore the visual impact is considered acceptable.

In summary it is considered that the visual impact of the proposals in particular the equestrian complex will inevitably have a significant visual impact on the landscape, however in this case the impact needs to be weighed up against the benefits of the overall proposals including the restoration of the main Grade II listed house and outbuildings and enhancements of its parkland setting, along with the securing of the long term future management of the estate. It is considered that in this case the overall benefits would outweigh any adverse impact on the AONB and that the proposals are on balance acceptable and would comply with the above policies.

### **Setting of listed building**

Policy B10 states:

Listed Buildings and their settings will be protected. Other than in exceptional circumstances, the following will apply:

- a) Alterations and extensions to Listed Buildings which would adversely affect their historic or architectural character will not be permitted. Alterations and extensions should normally be subservient to the original building so as not to dominate the building's character and appearance.
- b) Where permission is to be granted to carry out alterations and/or extensions, the use of identical building materials and replica designs and features to that of the Listed Building so as to preserve the character and appearance of the interior and exterior of the building will be sought as far as practicable. The replacement/installation of UPVC windows will be strongly resisted.
- c) Proposals for the conversion and change of use of a Listed Building may be considered provided such proposals would not detract from the architectural or historic character of the building and its setting.
- d) In considering new proposals, special regard will be given to protecting the setting of a listed building and the use of appropriate designs and materials.
- e) The reinstatement of any special features of architectural or historic interest such as original windows, doors and guttering may be required when considering an application that affects a Listed Building.
- f) The installation of satellite antennae on a Listed Building will be resisted. When an antenna is essential, installation in an unobtrusive location and, where possible, within the curtilage rather than on the building itself will be required.
- g) Where the historic fabric of a building may be affected by alterations or other proposals, the provision may be sought for the applicant to fund the recording or exploratory opening up of the historic fabric.

This policy applies to all Listed Buildings within the District including those within the countryside.

In regard to the impact on the setting of the grade II listed house, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation

Areas and states: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Paragraphs 131 - 134 of the NPPF are also relevant:

"131. In determining planning applications, local planning authorities should take account of:

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

132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

134. 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 securing its optimum viable use."

It is recognised that the proposed new equestrian complex is very substantial in size, and has the most potential to impact on the setting of the listed building as it is located in the currently green and open parkland character which forms the setting of the listed building. However, care has been taken to minimise that impact with the siting of the

complex, the orientation of the approach to it, and the associated landscaping. The equestrian centre been amended both at pre-application stage and during the course of the application following concerns raised by Officers. The main amendment has been the reorientation of the international size indoor riding arena, which was originally, located parallel to the two storey stable block with a single storey glazed corridor linking the two buildings. Following the Conservation Office's concerns regarding the visibility of the roof of the indoor arena above the stable block the riding area is now to be sited so that it is perpendicular to the stable building, which in conjunction with a revised alignment for the driveway and increased tree planting makes it effectively invisible in the long view and the impact on the setting of the listed building is now considered acceptable.

The conservation Officer has therefore raised no objection to the equestrian complex and has stated:

*The stables and indoor arena have a dual character, with a more 'classical' style of building which has an architectural relationship with the main house facing over the approach to the west, and a functional contemporary arena building, with single storey link, set (and largely concealed) behind this to the east. Care has been taken with the scale, design and orientation of the stables building and the arena, as well as the associated landscaping, such that they should not be seen to visually compete or distract from the original house in long views across the parkland from the north.*

It is also considered that the provision of top class equestrian facilities in association with the house will potentially provide it with a long term beneficial use, and in the present instance allows the renovation of the house by the applicants as a single family dwelling. This might otherwise be unlikely, and is certainly beneficial in principle in historic building terms. On balance therefore, and subject to detail, this part of the proposal is considered to have an acceptable impact on the setting of the main house, in the context of the scheme as a whole.

In terms of the other building within the equestrian complex, the majority of the buildings to the east of the area are of a functional appearance which is considered acceptable given their positioning and the degree of screening afforded by the stables and indoor arena.

In regard to the proposed development nearer the listed building the conservation Officer has raised no objection and has commented:

*New attached garage, pool and gymnasium building:  
The height, form and positioning of this element of the scheme has been substantially amended on Officer advice following discussions at the pre-application stage. The pool and gymnasium, which are linked to the house via the new garage building, are sited within part of the former walled garden to the house which is currently occupied by a range of 20th century outbuildings which are not of special interest. The garage extension replaces an existing non-original addition to the building and is considered to*

*have an acceptably subservient relationship with the main house. The revised design of the pool and gymnasium will have a modest presence within the setting of the listed building and in some respects will enhance the character of that setting, as the existing buildings to this part of the site are not a positive feature of the garden.*

*New tennis court building:*

*The new tennis court building occupies the area of the existing bowls court. Although the building represents a new and substantial structure within the grounds of the house the siting, subject to details of the surrounding landscaping, is considered sensitive and the building should have a minimal presence in the landscape setting of the house when viewed from the south, looking across the valley. This building replaces an existing unattractive pool structure to the south of the main house and on balance is considered acceptable in terms of the impact on the setting of the listed building, subject to detail.*

In conclusion the proposals, in particular the proposed equestrian complex, represent a significant intervention to the setting of the Brantridge Park. However the application overall also offers substantial benefits in the return of a listed building to use as a single family house and the provision of a potential long term beneficial use for the house and its estate. The new buildings within its setting have been carefully considered at both pre-application and application stages and are now considered on balance to preserve (not to cause harm to) the special interest of the listed building and the character of its garden and parkland setting. The proposal is therefore considered to meet the requirements of Local Plan Policy B10, emerging District Plan Policy DP32 and paragraphs 128 - 134 of the NPPF.

### **Effect on neighbouring amenity**

Policy B3 of the Local Plan aims to protect residential amenity and states that planning permission will not be granted for proposals if significant harm to the amenities of nearby residents is likely. The policy cites a number of potential issues including a reduction in sunlight and daylight, reduction in outlook and loss of privacy.

In terms of the impact on adjoining properties, the site does not have any immediate residential neighbours and the nearest dwelling, is some 35m away from the development. It is therefore considered that that there would be no significant impact on amenity arising from the proposed development.

Therefore the application complies with policy B3 of the Mid Sussex Local Plan.

### **Access, parking and highway safety**

Policy T4 of the Local Plan seeks to ensure that all new development does not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Policy T5 seeks to ensure that adequate parking is provided in relation to development proposals.

It is considered that the proposals to reinstate the use of the main listed building as a family home and new the private equestrian facilities would not give rise to any traffic issues and that the use would be less intensive than the previous use as time share apartments.

The proposal would comply with Policies T4 and T5 of the Local Plan.

## **Conclusions**

The proposals, in particular the proposed equestrian complex, represent a significant intervention to the setting of the Brantridge Park and will impact on the High Weald AONB. However the application overall also offers substantial benefits in the return of a listed building to use as a single family house and the provision of a potential long term beneficial use for the house and its estate. The new buildings within its setting are considered on balance to preserve (not to cause harm to) the special interest of the listed building and the character of its garden and parkland setting. The proposals will also secure the long term future management of the estate.

The proposals are not considered to significantly affect the amenity of the neighbouring and nearby occupiers or give rise to any traffic issues.

It is therefore considered that the proposal would comply with Policies B1, B3, B10, C1, C4, R12, T4 and T5 of the Mid Sussex Local Plan, policies, DP10, DP14, DP24, DP27, DP32 and DP36 of the emerging District Plan Policy DP32, Neighbourhood Plan policies, 1 and 3 and the principles and policies of the NPPF.

---

## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

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

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

3. No development shall be carried out unless and until details including samples of all new facing and roofing materials to the main house, extensions, and new buildings have been submitted to and approved by the Local Planning Authority.

The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy 3 of the Neighbourhood Plan.

4. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority detailed drawings, including sections, at an appropriate large scale and annotated to show materials and finishes of typical examples of all new windows and doors to the main house and extensions, the swimming pool building, indoor tennis court and stables. Your drawings should also indicate the depth of reveal where appropriate. The scheme shall only be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

5. The 2 x 1 bedroom residential flats permitted as part of the stable building shall not be occupied otherwise than as single units of accommodation and as such occupation shall be limited to persons employed at the stables on the site.

Reason: The site lies within the Countryside Area of Development Restraint where residential development would not normally be permitted unrelated to the essential needs of agriculture/forestry and to accord with Policy H11 of the mid Sussex Local Plan.

6. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details (large scale elevations) of typical examples of all new fencing, walling or other boundary treatments, annotated to show materials and finishes. The scheme shall only be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

7. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others



of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

9. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

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

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

3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **APPENDIX B – CONSULTATIONS**

### **Balcombe Parish Council**

No objection. Balcombe Parish Council wholeheartedly supports this application.

### **Conservation Officer**

Brantridge Park is an early 19th century country house within a substantial parkland setting, in a rural location outside Balcombe. Having been for a number of years in hotel use, the building has been modified and extended, as have the mews buildings and walled garden area to the west of the main house.

The proposal is for the reconversion of the main building to a single family house, with internal and external alterations and extensions including a new attached swimming pool, gymnasium and garage to the east of the house.

The proposal also includes the erection of a new indoor tennis court building to the south west of the house and walled garden, in the location of an existing bowls court. An existing swimming pool building to the south east of this is to be demolished.

A substantial equestrian complex including a two storey stables building and indoor arena, ménage, hay barn, mares and foals stable, muck heap, horse walker and paddocks is proposed to the north east of the house.

In association with this work, a new access drive is proposed cutting across the existing parkland to the front (north) of the house, to a reconfigured forecourt area.

The application proposal has been altered on Officer advice in relation to some of the external alterations to the garden elevation of the main house, and in relation to the height, bulk and orientation of the stables and indoor arena, as well as associated alterations to the proposed landscaping.

This application also follows extensive pre-application discussions and revisions - these comments should be read in conjunction with the comments offered at that stage and with comments offered in relation to the earlier versions of the application scheme.

#### *Works to the main house*

A number of internal alterations are proposed but for the most part affect non-original fabric or fabric which is not of special interest. The stripping back of finishes internally to allow removal of asbestos has allowed a good understanding of the nature of the fabric affected. Subject to detail this aspect of the proposal is not considered contentious and the returning of the house to use a single family dwelling is welcomed.

Externally, concerns regarding alterations to the garden elevation of the house have been addressed and the works proposed are now considered acceptable.

#### *New attached garage, pool and gymnasium building.*

The height, form and positioning of this element of the scheme has been substantially amended on Officer advice following discussions at the pre-application stage. The pool and gymnasium, which are linked to the house via the new garage building, are sited within part of the former walled garden to the house which is currently occupied by a range of 20th century outbuildings which are not of special interest. The garage extension replaces an existing non-original addition to the building and is considered to have an acceptably subservient relationship with the main house. The revised design of the pool and gymnasium will have a modest presence within the setting of the listed building and in some respects will enhance the character of that setting, as the existing buildings to this part of the site are not a positive feature of the garden.

#### *New tennis court building*

The new tennis court building occupies the area of the existing bowls court. Although the building represents a new and substantial structure within the grounds of the house the siting, subject to details of the surrounding landscaping, is considered sensitive and the building should have a minimal presence in the landscape setting of the house when viewed from the south, looking across the valley. This building replaces an existing unattractive pool structure to the south of the main house and on balance is considered acceptable in terms of the impact on the setting of the listed building, subject to detail.

#### *New equestrian complex*

The proposed new equestrian complex is very substantial in size, and could potentially have a marked impact on the currently green and open parkland character of the setting of the listed building. However, care has been taken to minimise that impact with the siting of the complex, the orientation of the approach to it, and the associated

landscaping, aspects of which have been amended both at pre-application stage and during the course of the application following concerns raised by Officers.

It is also considered that the provision of top class equestrian facilities in association with the house will potentially provide it with a long term beneficial use, and in the present instance allows the renovation of the house by the applicants as a single family dwelling. This might otherwise be unlikely, and is certainly beneficial in principle in historic building terms.

In principle, therefore, this part of the proposal is considered acceptable. In terms of the detailed design of the complex, the majority of the buildings to the east of the area are of a functional appearance which is considered acceptable given their positioning and the degree of screening afforded by the stables and indoor arena which addresses the driveway approach to the west, as well as the surrounding woodland and topography.

The stables and indoor arena have a dual character, with a more 'classical' style of building which has an architectural relationship with the main house facing over the approach to the west, and a functional contemporary arena building, with single storey link, set (and largely concealed) behind this to the east. Care has been taken with the scale, design and orientation of the stables building and the arena, as well as the associated landscaping, such that they should not be seen to visually compete or distract from the original house in long views across the parkland from the north.

On balance therefore, and subject to detail, this part of the proposal is considered to have an acceptable impact on the setting of the main house, in the context of the scheme as a whole.

#### *New access drive and reconfigured forecourt area*

The form and location of the new access drive to the equestrian complex and house forecourt has been amended during the course of the application and whilst this will have some impact on the character of the parkland setting to the house it is now considered acceptable in principle subject to detail of materials etc.

#### *Summary*

The proposal represents in terms of the proposed equestrian complex in particular a significant intervention to the setting of the Brantridge Park. However it also offers substantial benefits in the return of the building to use as a single family house and the provision of a potential long term beneficial use for the house and its estate. The alterations to the house and the new buildings within its setting have been carefully considered at both pre-application and application stages and are now considered on balance to preserve (not to cause harm to) the special interest of the listed building and the character of its garden and parkland setting.

The proposal is therefore considered to meet the requirements of Local Plan Policy B10, emerging District Plan Policy DP32 and paragraphs 128 - 134 of the NPPF.

## High Weald Joint Advisory Committee

Thank you for your consultation on the above planning application.

Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Mid Sussex District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it.

It is the responsibility of Mid Sussex District Council to decide whether the application meets legislative and policy requirements in respect of AONBs.

In this case the proposed equestrian development is significant in scale, covering most of the pasture to the north-east of the house, and it will have a substantial harmful impact on the character of this part of the High Weald AONB. However, the proposal also includes restoration of the main Grade II listed house and outbuildings and enhancements to its parkland setting which should be viewed as benefits to be balanced against the harm caused by the new buildings. The inclusion of a new lodge house at the entrance to replace two lodges previously sold will have a wider visual impact and its justification is questioned given the proposal to provide new security gates.

In the event that the local planning authority decides to grant planning permission for this development the following requirements are recommended:

- The management of the whole estate, including the historic parkland and surrounding pasture and trees, should be secured through a condition requiring details of enhancements, management and ongoing maintenance to be submitted and approved by the LPA. Such management should aim to restore the parkland and any original mediaeval features and enhance the ecological functioning of the land and conserve any archaeological and historical assets within it.
- The materials to be used should be locally sourced sandstone, bricks, tiles and wood to match the existing house to demonstrate that the development is conserving and enhancing the AONB by supporting the sustainable management of woodlands and quarries and utilising materials that blend naturally with the historic parkland. This will also enhance the architectural quality of the High Weald in accordance with objective S3 of the High Weald AONB Management Plan.
- All new planting should be of native species common to the area around Balcombe as these will have the greatest chance of thriving, blending naturally into the rural area and sustaining local native wildlife.

- The use of the wood fuelled boiler to heat the house and equestrian facilities is supported and the use of locally sourced wood chip encouraged as this supports the sustainable management of woodlands in the AONB.

The High Weald currently enjoys some of the darkest skies in the south-east, and the illumination of the night sky remains a significant issue within and adjacent to the AONB (see Management Plan Objective EU5 and NPPF paragraph 125). It is considered therefore that any new lighting should be controlled through condition. The Institute of Lighting Professionals (ILP) recommends light control zone E1 (Intrinsically dark) for exterior lighting in AONBs in their guidance for the reduction of obtrusive light.

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

## **ESCC Landscape Architect**

### Landscape Policy Context

1. The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).
2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and improve the character and quality of an area and the way that it functions.
3. NPPF paragraphs 126 - 141 include policies in relation to development making a positive contribution to local character and distinctiveness in the context if the historic environment.
4. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external hard works and planting.

### Landscape and Visual Context

5. The Landscape and Visual Appraisal (FLA March '17) submitted with the application generally provides an accurate assessment of the baseline landscape and visual context of the site.

6. The Landscape and Visual Appraisal provides a summary of the county and district landscape character assessments for the site and surrounds. The key characteristics which are relevant to the site and surroundings are highlighted in the appraisal.

7. It is noted that the appraisal does not include an assessment of the key components of the High Weald AONB that are relevant to this site or the potential impact positive or otherwise that the proposals may have on these.

8. The visual assessment does not identify any views into the various elements of the development from the surrounding area. Apart from views from Brantridge Lane to the access gate and proposed lodge there are no public views into the site from the surrounding area.

### Potential Impacts and Mitigation Measures

9. The proposed equestrian complex would be a significant development occupying an open area to the north east of the house. This complex would be situated in a discrete location which would not impact on the visual amenity or character of the parkland or the setting of the listed house. The original carriage drive and associated parkland are an important feature of the historic designed landscape. The proposal to realign the drive so that it gives direct access to the front of the house is supported. The new drives need to be of a low key design similar to the existing drive in order to retain the rural character of the parkland. They should be a similar width for a single vehicle, with a minimum number of passing places if necessary. The new drives should be level with the grass and not be kerbed or lit.

10. The proposed swimming pool building would be located within the former walled kitchen garden and would replace service buildings which do not enhance the setting of the garden or listed building. A sensitively designed building in this location would provide an opportunity to enhance this part of the estate. The character of the original kitchen garden and its relationship with the house will be retained if the walls are retained and restored to their original heights.

11. The tennis court building is proposed to replace the existing bowling green which does not appear on the historic maps. The maps from 1886 up to 1974 indicate glass houses on this part of the site. The tennis court building will be dug into the slope and this, associated with proposed planting, would reduce the potential landscape and visual impact of this building on the garden.

12. The proposed landscape masterplan for the estate will provide an opportunity to replace ageing parkland trees. The proposed woodland planting will ensure that the new equestrian development will not impact on the parkland setting of the house or the wider countryside.

13. The new lodge building will restore the character and define the entrance to the estate. Providing the design of this building closely reflects the style and character of the original lodges this would be unlikely to detract from the character of the rural lane.

The proposed entrance gates and surrounding brick walls would provide an opportunity to reinforce the historic character of a grand entrance to the estate. The materials for the entrance feature should be carefully selected to reflect character of the historic parts of the estate. It is not clear how the boundary on either side of the gateway will be treated. It is currently traditional Sussex timber post and rail and if a more secure form of fencing is required details should be provided. There is a risk that other forms of fencing would have an adverse impact on the rural character of the lane.

14. The proposed landscape masterplan is welcomed as it would enhance the parkland estate and help to integrate the various elements of the development. As the proposed planting will be essential the enhancement and reinforcement of the character of the estate it is recommended that detailed planting plans are required as a condition if permission is granted. It is also recommended that an estate landscape management plan is required as a condition to ensure that the key landscape features are retained and managed into the long term. This should set out how the grassland, woodland and parkland trees are to be managed to maximise their landscape and habitat value. In order to maximise the biodiversity value of the estate the management plan would need to incorporate the recommendations of the submitted ecological report.

#### Summary and Conclusions

15. The proposed development will enable the restoration and continued positive management of the parkland estate. The proposals will introduce significant new buildings within the estate; however implementation of the landscape masterplan would in the longer term demonstrate protection and enhancement of the AONB landscape. It is recommended that the application is supported subject to conditions which will ensure implementation of the proposed masterplan and a long term management plan for the estate.

#### **Mid Sussex District Council Street Naming and Numbering**

I note from the list of planning applications received during the week 25th May 2017 to 31st May 2017 that the applications listed below will require address allocation if approved:

Planning application number(s):

DM/17/2181

DM/17/1955

DM/17/1966

DM/17/2068

DM/17/2176

DM/17/2160

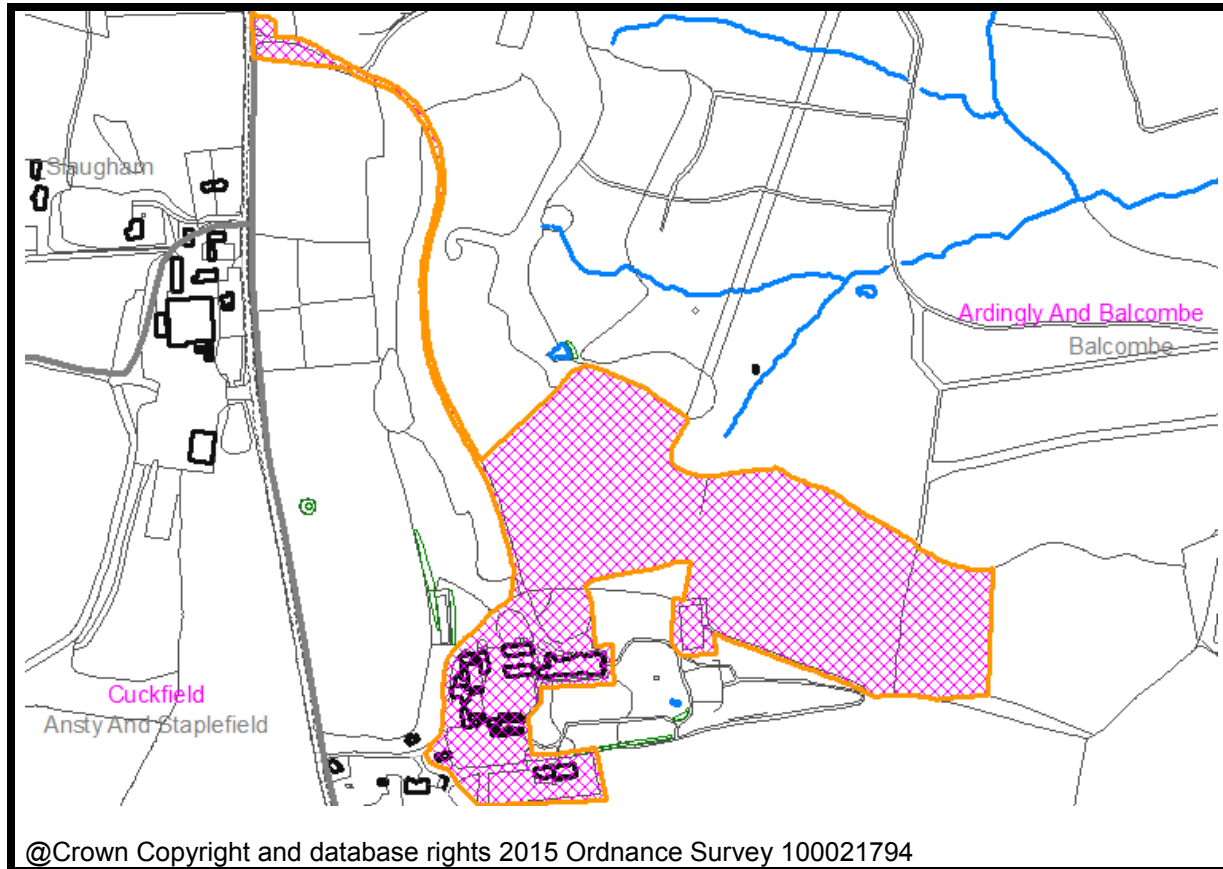
Please could I ask you to ensure that the following informative is added to any decision notice granting approval:



Informative: Info29

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

## 2. DM/17/1966



**BRANTRIDGE PARK BRANTRIDGE LANE BALCOMBE HAYWARDS HEATH  
CONVERSION OF LISTED MAIN BUILDING TO A SINGLE FAMILY DWELLING,  
WITH INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSIONS.  
MR AND MRS ANDERS DAHL**

**POLICY:** Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Listed Building / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

**ODPM CODE:** LBC Alterations

**8 WEEK DATE:** 17th July 2017

**WARD MEMBERS:** Cllr Gary Marsh / Cllr Andrew MacNaughton /

**CASE OFFICER:** Ms Susan Dubberley

## **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for listed building consent as detailed above.

## **EXECUTIVE SUMMARY**

Listed Building consent is being sought for the conversion of the listed main building to a single family dwelling, with internal and external alterations and extensions including a new attached swimming pool, gymnasium and garage to the east of the house.

The proposed alterations are considered to preserve the special interest of the listed building and to not harm the setting of the building or the manner in which its special interest is appreciated. This would meet the requirements of Local Plan policy B10, emerging District Plan Policy DP32 and the relevant paragraphs of the NPPF. It is recommended that listed building consent be granted.

## **RECOMMENDATION**

It is recommended that the application be approved subject to the conditions set out in Appendix A.

## **SUMMARY OF CONSULTATIONS**

Full details of the consultation responses summarised below can be viewed in Appendix B of this report.

### **MSDC Conservation Officer**

No objection.

## **SUMMARY OF REPRESENTATIONS**

One letter of support:

- Fantastic that this incredible historic house is being returned to a private family home and will be restored to its former glory.
- As such a significant country estate, it is welcome to hear that it will have an equestrian focus. As close neighbours, we are happy to support.
- The proposed plans are fitting and appropriate for the location.

## **Balcombe Parish Council**

No objection. Balcombe Parish Council wholeheartedly supports this application.

---

### **INTRODUCTION**

The application seeks listed building for the conversion of the listed main building to a single family dwelling, with internal and external alterations including a new attached swimming pool, gymnasium and garage to the east of the house.

### **RELEVANT PLANNING HISTORY**

DM/17/1955 Planning application for the conversion of the listed main building to a single family dwelling, with internal and external alterations and extensions, new tennis court building, swimming pool and new equestrian complex in the grounds. Current application.

### **SITE AND SURROUNDINGS**

The site is located on the east side of Brantridge Lane in Balcombe. The site is approximately 33 hectares and comprises large areas of woodland and pasture with the main house and ancillary buildings located in the southwest corner of the estate. The house is a grade II listed building and was originally the family home of Princess Alice granddaughter of Queen Victoria. The house is currently vacant having last been used as time share apartments, the building has been modified and extended, as have the mews buildings and walled garden area to the west of the main house.

The site is located within the Countryside Area of Development Restrain and is in the High Weald Area of Outstanding Natural Beauty.

### **APPLICATION DETAILS**

The proposal is for the conversion of the listed building to a single family house with internal and external alterations and extensions including a new attached swimming pool, gymnasium and garage to the east of the house.

The alterations to the house consist mainly of internal alterations to remove partitions and stairways associated with the use as time share apartments and the reinstatement of the original room layout.

The new indoor swimming pool and gym would be enclosed in a single storey flat roofed building linked to the main house via the new garage block. The building would have a square footprint and would be sited within the former walled kitchen garden with a series of French double doors on the south elevation looking out onto the kitchen garden. The building would replace later additions to the main house.

## **LIST OF POLICIES**

### **Mid Sussex Local Plan**

B10 (Listed Buildings and their settings)

### **Balcombe Neighbourhood plan**

Policy 3: Design

### **Draft Mid Sussex District Plan**

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council is currently consulting on the Main Modifications to the District Plan that are required in order to make the plan sound. It is anticipated that the District Plan will be adopted in January 2018.

Relevant policies include:

- Policy DP10: Protection and Enhancement of Countryside (significant weight)
- Policy DP14: High Weald Area of Outstanding Natural Beauty (significant weight)
- Policy DP24: Character and Design (little weight)
- Policy DP27: Noise, Air and Light Pollution (some weight)
- Policy DP32: Listed Buildings and Other Buildings of Merit (significant weight)
- Policy DP36: Trees, Woodland and Hedgerows (some weight)

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

### **National Policy**

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking, the document provides the following advice at paragraph 187:

*'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'*

Paragraph 197 states that: *'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

## **ASSESSMENT (Consideration of Key Issues)**

The main issue is the impact of the proposals on the Listed Building.

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

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty placed on Local Planning Authorities to have special regard to the desirability of preserving a [listed] building or its setting or any features of special architectural or historic interest it possesses.

Policy B10 of the Mid Sussex Local Plan requires proposals to preserve or enhance the setting of Listed Buildings and states:

*Listed Buildings and their settings will be protected. Other than in exceptional circumstances, the following will apply:*

- a) Alterations and extensions to Listed Buildings which would adversely affect their historic or architectural character will not be permitted. Alterations and extensions should normally be subservient to the original building so as not to dominate the building's character and appearance.*
- b) Where permission is to be granted to carry out alterations and/or extensions, the use of identical building materials and replica designs and features to that of the Listed Building so as to preserve the character and appearance of the interior and exterior of the building will be sought as far as practicable. The replacement/installation of UPVC windows will be strongly resisted.*
- c) Proposals for the conversion and change of use of a Listed Building may be considered provided such proposals would not detract from the architectural or historic character of the building and its setting.*

- d) *In considering new proposals, special regard will be given to protecting the setting of a listed building and the use of appropriate designs and materials.*
- e) *The reinstatement of any special features of architectural or historic interest such as original windows, doors and guttering may be required when considering an application that affects a Listed Building.*
- f) *The installation of satellite antennae on a Listed Building will be resisted. When an antenna is essential, installation in an unobtrusive location and, where possible, within the curtilage rather than on the building itself will be required.*
- g) *Where the historic fabric of a building may be affected by alterations or other proposals, the provision may be sought for the applicant to fund the recording or exploratory opening up of the historic fabric.*

*This policy applies to all Listed Buildings within the District including those within the countryside.*

Paragraphs 131 - 134 of the NPPF are also relevant:

*"131. In determining planning applications, local planning authorities should take account of:*

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

*132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*133. 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*

- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*134. 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 securing its optimum viable use."*

This application follows extensive pre-application discussions involving the Conservation Officer and revisions have been made as a result. The conservation Officer has assessed the proposals and is supportive of the application in particular the reconversion of the main building into a single family dwelling which enables the house to be used for its original purposes and reinstates the original rooms layout.

The Conservation Officer has commented:

*Works to the main house:*

*A number of internal alterations are proposed but for the most part affect non-original fabric or fabric which is not of special interest. The stripping back of finishes internally to allow removal of asbestos has allowed a good understanding of the nature of the fabric affected. Subject to detail this aspect of the proposal is not considered contentious and the returning of the house to use a single family dwelling is welcomed.*

*Externally, concerns regarding alterations to the garden elevation of the house have been addressed and the works proposed are now considered acceptable.*

*New attached garage, pool and gymnasium building:*

*The height, form and positioning of this element of the scheme has been substantially amended on Officer advice following discussions at the pre-application stage. The pool and gymnasium, which are linked to the house via the new garage building, are sited within part of the former walled garden to the house which is currently occupied by a range of 20th century outbuildings which are not of special interest. The garage extension replaces an existing non-original addition to the building and is considered to have an acceptably subservient relationship with the main house. The revised design of the pool and gymnasium will have a modest presence within the setting of the listed building and in some respects will enhance the character of that setting, as the existing buildings to this part of the site are not a positive feature of the garden.*

In view of the above the proposals are therefore considered to meet the requirements of Local Plan Policy B10, emerging District Plan Policy DP32 and paragraphs 128 - 134 of the NPPF.



## Conclusions

The proposed alterations are considered to preserve the special interest of the listed building and to not harm the setting of the building or the manner in which its special interest is appreciated. This would meet the requirements of Local Plan policy B10, emerging District Plan Policy DP32 and the relevant paragraphs of the NPPF. It is recommended that listed building consent be granted.

---

### APPENDIX A – RECOMMENDED CONDITIONS

1. The works to which consent relates shall be begun not later than 3 years from the date of this consent.

Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Approved Plans

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

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

3. No development shall be carried out unless and until details including samples of all new facing and roofing materials to the main house, extensions, and new buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

6. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details (large scale elevations) of typical examples of all new fencing, walling or other boundary treatments, annotated to show materials and finishes. The scheme shall only be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

7. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority detailed drawings, including sections, at an appropriate large scale and annotated to show materials and finishes of typical examples of all new windows and doors to the main house and extensions, the swimming pool building, indoor tennis court and stables. Your drawings should also indicate the depth of reveal where appropriate. The scheme shall only be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

8. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority detailed drawings including sections at an appropriate large scale and annotated to show materials and finishes of:

- Typical examples of all new internal doors
- Typical examples of new internal door surrounds/architrave

- Typical examples of new skirting
- Typical examples of new corning

The scheme shall only be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

9. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority details including materials, plaster mix and method of application of new (replacement) lathe and plaster finish to internal walls. The scheme shall only be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

10. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In order to ensure the satisfactory appearance of the development and to accord with Policy B10 of the Mid Sussex Local Plan and Policy DP32 of the Pre- Submission Draft District Plan.

## **APPENDIX B – CONSULTATIONS**

### **Balcombe Parish Council**

No objection. Balcombe Parish Council wholeheartedly supports this application.

### **Conservation Officer**

Brantridge Park is an early 19th century country house within a substantial parkland setting, in a rural location outside Balcombe. Having been for a number of years in hotel use, the building has been modified and extended, as have the mews buildings and walled garden area to the west of the main house.

The proposal is for the reconversion of the main building to a single family house, with internal and external alterations and extensions including a new attached swimming pool, gymnasium and garage to the east of the house.

The proposal also includes the erection of a new indoor tennis court building to the south west of the house and walled garden, in the location of an existing bowls court. An existing swimming pool building to the south east of this is to be demolished.

A substantial equestrian complex including a two storey stables building and indoor arena, ménage, hay barn, mares and foals stable, muck heap, horse walker and paddocks is proposed to the north east of the house.

In association with this work, a new access drive is proposed cutting across the existing parkland to the front (north) of the house, to a reconfigured forecourt area.

The application proposal has been altered on Officer advice in relation to some of the external alterations to the garden elevation of the main house, and in relation to the height, bulk and orientation of the stables and indoor arena, as well as associated alterations to the proposed landscaping.

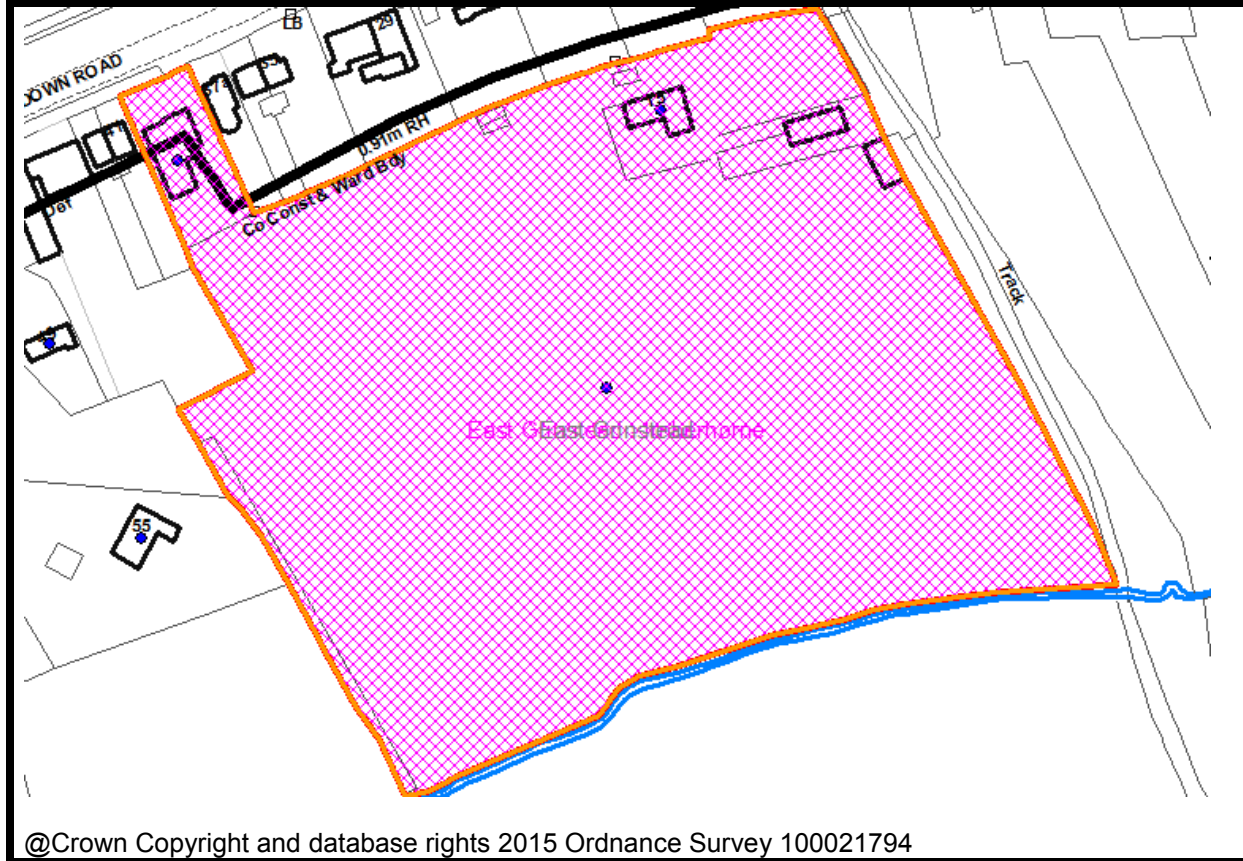
#### *Works to the main house*

A number of internal alterations are proposed but for the most part affect non-original fabric or fabric which is not of special interest. The stripping back of finishes internally to allow removal of asbestos has allowed a good understanding of the nature of the fabric affected. Subject to detail this aspect of the proposal is not considered contentious and the returning of the house to use a single family dwelling is welcomed.

Externally, concerns regarding alterations to the garden elevation of the house have been addressed and the works proposed are now considered acceptable.

The proposal is therefore considered to meet the requirements of Local Plan Policy B10, emerging District Plan Policy DP32 and paragraphs 128 - 134 of the NPPF.

### 3. DM/17/2570



#### **NO'S 15 AND 39 CRAWLEY DOWN ROAD FELBRIDGE EAST GRINSTEAD WEST SUSSEX**

**OUTLINE APPLICATION FOR THE ERECTION OF 63 DWELLINGS AND NEW VEHICULAR ACCESS ONTO CRAWLEY DOWN ROAD REQUIRED THE DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AT NO'S 15 AND 39 CRAWLEY DOWN ROAD.**

**WATES DEVELOPMENTS LIMITED**

**POLICY:** Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Strategic Gaps /

**ODPM CODE:** Largescale Major Dwellings

**13 WEEK DATE:** 21st September 2017

**WARD MEMBERS:** Cllr Heidi Brunson /

**CASE OFFICER:** Ms Susan Dubberley

## **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

## **EXECUTIVE SUMMARY**

The application seeks outline planning permission for the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road and the construction of 63 dwellings and new vehicular access onto Crawley Down Road.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

As the Council is currently unable to demonstrate an agreed five year supply of deliverable housing land, it follows that the relevant policies for the supply of housing are not up-to date (paragraph 49 National Planning Policy Framework (NPPF)).

In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134 of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

Therefore a key test that must be undertaken when assessing this application is as set out within para 134 of the NPPF.

The proposal will cause less than substantial harm to the listed building of Felbridge County Primary School. This less than substantial harm must be given significant importance and weight as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. Nonetheless, applying the paragraph 134

test, it is considered that the benefits of the scheme outweigh that less than substantial harm.

Weighing in favour of the scheme - and the key benefit outweighing the less than substantial harm - is that the development will provide 63 additional residential units, 19 of which will be affordable, in a relatively sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing (including provision of much needed affordable housing). This should be given substantial weight which lean to its public benefits.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant Local Plan policies. The weight that can be given to these policies is, however, reduced given the requirements of paragraph 47 of the NPPF to provide a 5 year supply of deliverable housing sites in the context of the national policy to boost significantly the supply of housing. In addition, policy EG5 of the East Grinstead Neighbourhood Plan sets a permissive policy towards residential development subject to certain criteria being met and in regard to this proposal officers consider that these criteria have been met.

There will be some harm to the landscape as a result of the change from a green field site to a housing site. However this is the inevitable consequence of developing on a green field site and in this instance the impact falls only upon those properties immediately adjoining the site. The development of green field sites will need to take place in order to meet the housing requirements of the District. In this respect this site is no different to others within the District. However the impact on the landscape is extremely limited.

There will be a neutral impact in respect of a number of issues such as the drainage of the site, ecology and infrastructure provision, which can all be dealt with by planning conditions and the section 106 planning agreement.

Finally, no objections have been raised from West Sussex County Council as the Local Highway Authority and there is no evidence to suggest that the development will result in a severe cumulative impact that would justify a refusal of planning permission on highways grounds.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme on the character of the area and the less than substantial harm to the setting of the listed building your officers consider that the public benefits of the proposal clearly outweigh the identified harm and the balance falls in favour supporting the scheme. Planning permission should therefore be granted.

## **RECOMMENDATION**

Permission be approved subject the completion of a legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

## **SUMMARY OF CONSULTEES**

(Full responses from Consultees are included at the end of this report as Appendix B)

### **WSCC Highways**

No objection.

### **MSDC Arboriculturist**

I do recognise this is an outline application as is subject to change, but my only concerns with the current proposals are along the western boundary. I would also encourage the applicants to include English Oak trees in their landscaping scheme to partially mitigate the loss of those to the north of the site.

### **Archaeologist**

No objection subject to conditions.

### **Ecologist**

Comments awaited.

### **WSCC Flood Risk Management Team**

No objection subject to conditions.

### **MSDC Urban Designer**

No objection.

### **MSDC Conservation**

Consider that the proposal will cause harm to the setting of the listed school building, and the manner in which its special interest is appreciated. This would be contrary to the requirements of Local Plan Policy B10 and emerging District Plan Policy DP32. In terms of the NPPF I would consider the harm caused to the setting of the heritage asset to be less than substantial, such that the criteria set out in paragraph 134 of that



document would apply. Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale.

### **MSDC Environmental Health**

No objections subject to conditions.

### **MSDC Environmental Health - land contamination**

No objections subject to conditions.

### **MSDC Housing**

No objection.

### **MSDC Leisure**

No objection subject to contributions towards play space, formal sports and community buildings.

### **MSDC Street naming and numbering**

No objection subject to informative.

### **NATS**

No objection.

### **Sussex Police**

No objection.

## **SUMMARY OF REPRESENTATIONS**

13 letters of objection have been received raising the following concerns:

- Contrary to policy B1 of Mid Sussex plan and EG7 of East Grinstead Neighbourhood Plan 2016.
- Density too high and does not give adequate consideration to spacing between buildings.
- Three storey apartments will be overbearing.
- The 9 house in the North East corner of the site are too cramped and should be reduced to 4.
- Access is unsatisfactory being opposite a school and parking is inadequate.

- School parking is already difficult and the school car park access is directly opposite the site. Overspill parking from the development will reduce availability of parking for parents at beginning and end of the school day.
- If approved contractors should not be allowed to park adjacent to the school.
- Should have access onto the A264 and not Crawley Down Road.
- Increase in crime in the area due to new housing developments in the area.
- Loss of a public amenity building.
- No biodiversity enhancement.
- Road is often gridlocked and extra houses will have accumulative and detrimental impact on highway network and junctions.
- Crawley Down Road is in a state of disrepair was no designed for the volume of traffic.
- Coalescence and demise of the Strategic Gap.
- Pressure on local school and GP surgery
- Schools in the area are oversubscribed.
- Tandridge will be saddled with providing infrastructure without S106 payment.
- Trees on northern boundary should be given Tree Preservation Order.
- Object to loss of trees and hedges.
- Replacement trees should be planted elsewhere in West Sussex.
- Noise and disturbance during construction.
- Noise and disturbance from vehicles using the development.
- Could S106 monies be used for a new pedestrian crossing?
- Impact on Ashdown Forest and the environmental damage that will be caused by the development.
- The Council are able to demonstrate at least 3 year housing supply and therefore the EGNP has full weight and with their commendation for refusal by East Grinstead Town Council the application should be refused.
- EGNP should be given full weight and as such paragraph 14 of the NPPF is not engaged.
- Consideration of the application should be delayed until such time as the appeal decision on Hill Place Farm is known.
- Application is contrary to paragraph 32 of the NPPF.
- The District Plan Inspector has stated that the Council has a 5 year housing land supply.
- The Habitats Regulation screening is not supported by the Council's own evidence.
- The council are not following Natural England's advice on Habitat matters.

### **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 if work currently being carried out in connection with the application for the site at 17 Copthorne Road, potential capacity issues at the A22/A264 junction have been identified and pending this work it is considered that an objection on these grounds should be raised.

It is Tandridge Council's view that it has not been demonstrated that the cumulative impact of the 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.

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 Society**

No objection but do have reservations about traffic implications for and access to Crawley Down Road.

### **East Grinstead Town Council Comments**

Recommend Refusal: The adopted neighbourhood plan policies EG 2a, 5 and 11 are not complied with. This is an adopted policy and has been determined by the plan author as not compliant. This decision is not to be dismissed by a different interpretation by the planning authority. The build is proposed in an identified area of development constraint and would bring further coalescence between East Grinstead and the Surrey parish of Felbridge, failing at EG 2a (2) and (3). Whilst the traffic assessment is innovative and modern it has not adequately addressed the impact on Crawley Down road and the junctions with the main arteries therefore failing EG5. EG11 is not complied with as the mitigation does not remove all of the impact which is required on this road.

---

## **INTRODUCTION**

This application seeks outline planning permission for the construction of 63 dwellings and new vehicular access onto Crawley Down Road requiring the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road.

This application is being reported back to members following its consideration of the District Planning Committee on the 12th October, where it was resolved to refuse planning permission. The draft reason for refusal agreed with the Chair and Vice Chair in accordance with the resolution was as follows;

*"It is considered that the proposal is contrary to Policies EG2a (1,2 and 3), EG5 (b and c) and EG11 of the East Grinstead Neighbourhood Plan. Furthermore, it is considered that the proposal would be contrary to paragraph 32 of the National Planning Policy Framework. As the proposal would cause less than substantial harm to the setting of*

*the listed building of Felbridge County Primary School, the relevant assessment of the application is against paragraph 134 of the National Planning Policy Framework. Taking into account the less than substantial harm to the listed building identified above it is considered that this harm, combined with the identified conflict with the development plan, would outweigh the public benefits of the proposal. As such the proposal does not comply with the social and environmental elements of sustainability as defined in the National Planning Policy Framework and the proposal is not sustainable development as defined by the National Planning Policy Framework."*

Furthermore, given that fact there is not a completed S106 Legal Agreement in place there would need to be separate reasons for refusal covering matters associated to the Infrastructure/ affordable housing provision and the SANG/SAMM provision, in order to protect the Council's position on these matters going forward.

Having regard to the planning merits of the scheme and having an opportunity to fully assess the proposed draft reasons officers have sought external legal advice in order to assess whether the reasons for refusal could be substantiated.

The report below has been updated from that presented to committee on 12th October with the relevant additional points addressed under the appropriate headings.

## **RELEVANT PLANNING HISTORY**

39 Crawley Down Road:

GR/00/01211/REM Demolition of existing hall and ambulance garage and erection of a two storey and single storey building and garage for two ambulances, with associated car parking. Approved 20.10.2000

04/00219/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 5 domestic flats. Withdrawn.

04/01220/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 3 domestic flats. Withdrawn.

04/02219/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 3 no. domestic flats. Approved 08.11.2004

## **SITE AND ITS SURROUNDINGS**

The site is located in Felbridge and is approximately hectares 2.6 hectares. The site includes land at No. 15 Crawley Down Road and No. 39 Crawley Down Road. No. 39 Crawley Down Road comprises a two and a half storey building which is vacant having previously occupied by St John's Ambulance Service and has a frontage onto Crawley Down Road. No.15 is a residential bungalow, located within the site and set behind houses on Crawley Down Road; there are also a number of outbuildings and grassed

areas used in part for grazing horses. Vehicular access to No.15 is currently via a narrow track located between No's 11a and 17 Crawley Down Road. No. 39 Crawley Down Road lies within the built up area boundary the remainder of the site including No.15 is within the Countryside Area of Development Restraint.

The administrative boundary of Tandridge District Council and Surrey County Council is such that the boundary line cuts through the plot on which No. 39 Crawley Down Road is sited. The boundary line cuts through the building itself and part of the garden area and the remainder of the site lies with the administrative boundary of Mid-Sussex District Council and West Sussex County Council. Therefore the new access falls outside of the jurisdiction of Mid Sussex and a concurrent application had been submitted to Tandridge DC for the proposed new access onto Crawley Down Road.

The site is largely open grassland, with some mature trees close to the existing bungalow on the site. There are a number of substantial trees and hedges around the boundaries and an existing watercourse (Felbridge Water) runs from east to west along the southern boundary of the site beyond which an area of Ancient Woodland. To the west the site is bounded by open fields and the gardens of properties in Crawley Down Road. To the east is a narrow pedestrian track and beyond this the gardens of properties in Crawley Down Road. A primary school and village hall and village green are located on the northern side of the road.

## **APPLICATION DETAILS**

The application seeks outline planning permission for the construction of 63 dwellings and new vehicular access onto Crawley Down Road requiring the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road.

The proposed development, as submitted, seeks consent for the following;

- 63 units (30 per cent to be affordable which equates to 19 units).
- New vehicular access onto Crawley Down Road

The application is supported by a full suite documents and includes an illustrative site layout.

## **LIST OF POLICIES**

### **Mid Sussex Local Plan**

G2 (sustainable development)  
G3 (infrastructure requirements)  
C1 (Countryside Area of Development Restraint)  
C5 (nature conservation)  
C6 (trees, hedgerows and woodlands)  
B3 (Neighbour amenity)

B4 (energy and water conservation)  
H2 (density and dwelling mix)  
H4 (Affordable housing)  
T4 (transport requirements in new developments)  
T5 (Parking Standards)  
CS13 (land drainage)

*Development and Infrastructure SPD 2006*

### **East Grinstead Neighbourhood Plan**

Policy EG2 - Areas of Development Constraint  
Policy EG2a - Coalescence  
Policy EG3 - Promoting Good Design  
Policy EG5 - Housing  
Policy EG7 - Housing Mix and Density  
Policy EG11 - Mitigating Highway Impact  
Policy EG12 - Car Parking  
Policy EG16 - Ashdown Forest Special Area of Conservation and Special Protection Area

### **Mid Sussex District Plan**

The Submission District Plan 2014-2031 was submitted for Examination on the 17th August 2016. The Examination hearings have taken place and the Council is currently consulting on Main Modifications to the District Plan. The Plan is a material planning consideration. Weight will be given to relevant policies in accordance with paragraph 216 of the NPPF.

DP5 - Housing (Little weight)  
DP10 - Protection of the Countryside (Significant weight)  
DP11 - Preventing Coalescence (Significant weight)  
DP18 - Securing Infrastructure (Little weight)  
DP19 - Transport (Little weight)  
DP20 - Rights of Way and other Recreational Routes (significant weight)  
DP24 - Character and Design (Little weight)  
DP27 - Noise, Air and Light Pollution (some weight)  
DP29 - Affordable Housing Policy (Little weight)  
DP36 - Trees, Woodland and Hedgerows (some weight)  
DP37 - Biodiversity (some weight)  
DP41 - Flood Risk and Drainage (some weight)

*National Policy and Legislation*

*National Planning Policy Framework (NPPF) (Mar 2012)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

National Planning Policy Guidance

## **ASSESSMENT OF MAIN ISSUES**

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

- The Principle of Development;
- Visual Impact;
- Trees;
- Impact on residential amenity;
- Setting of listed building;
- Affordable Housing;
- Access and Transport;
- Drainage;
- Archaeology;
- Biodiversity/Ecology;
- Ashdown Forest;
- Infrastructure;
- Other Matters;
- Whether the proposal would be sustainable development;
- Planning balance and conclusion

## Principle of development

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."*

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (2008) and the Mid Sussex Local Plan (MSLP) (2004).

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 49 of the NPPF states:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

The Council's district plan is at an advanced stage and the Council believes that it will establish a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not yet able rely on a five year housing land supply at this time.

Prior to the Supreme Court judgement of the 10th May 2017 (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) case law had stated that Policies C1 and C2 of the Mid Sussex Local Plan and policies EG2 and EG2a of the Neighbourhood Plan were "policies for the supply of housing" and were therefore not considered to be up to date by virtue of paragraph 49 of the NPPF in the absence of a 5 year housing land supply.

However, the Supreme Court's judgement has made a clear ruling which now favours the narrow view of paragraph 49. That is policies for the supply of housing capture only



those policies that are directly related to housing supply and seek to satisfy paragraph 47 which requires LPA's to 'boost significantly the supply of housing.'

The consequence is that Policy H1 of the MSLP is clearly out of date as it is the Mid Sussex Local Plan's principle housing supply policy and makes provision for housing only until mid-2006. However, policies such as C1 and C2 of the MSLP and EG2 and EG2a of the Neighbourhood Plan, which are not directly related to the supply of housing would now not be considered "out of date" per se under paragraph 49 following the Supreme Court ruling.

Nonetheless, the fact that policy H1 is out of date is enough to engage paragraph 14 of the NPPF and to apply the presumption in favour of sustainable development (subject to considering the paragraph 134 issue below).

Further, the weight to be given to policies C1 and C2 of the MSLP and EG2 and EG2a of the Neighbourhood Plan within the planning balance set by paragraph 14 remains a matter for the decision maker. The weight to be attached to these policies is considered to be reduced in the context of the lack of a 5 year housing land supply given the aim of the NPPF to boost significantly the supply of housing.

While the site is located within an Area of Development Restraint as identified within the Neighbourhood Plan, the wording of Policy EG2 applies a presumption in favour of certain types of development in the areas of development constraint, namely: the sympathetic conversion of redundant rural buildings, limited small scale new development (agriculture and sports/recreation) and extensions to existing buildings. The policy does not obviously apply to proposals not falling within those specified types of development. At best, it might be said that Policy EG2 provides no support for the proposal; but equally, it does not weigh against the proposal.

The more relevant policy in the context of this application is EG5 of the Neighbourhood Plan, which relates to housing. The wording of the policy is set out below for members' reference;

*"The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.*

*Other proposals for new housing development will only be supported if:*

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*

- c) *An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) *The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) *The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*
- f) *Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*
- g) *The proposal meets its own infrastructure needs.*

*Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development."*

The wording of the policy is extremely important in the context of housing development within Neighbourhood Plan Area. The policy was modified by the examiner as part of the Examination in Public process, where reference to sites being located within the existing settlement boundary was deleted. In her report the independent planning inspector set out the following reasoning;

*"The additional constraint imposed by the retention of the Built Up Area Boundary largely unchanged and the requirement to use only previously developed land or surplus green infrastructure land for new housing development result in a lack of flexibility of approach to housing delivery and a risk of failure to meet local housing need.*

*There are two ways in which suitable housing provision could be made. One would be to allocate specific areas of land to accommodate the required number of units but as yet the number of units has not been tested. The other would be to modify Policy EG5 to ensure that there is adequate flexibility to meet housing need for the Neighbourhood Plan Area across the plan period.*

*In my opinion the allocation of additional specific sites would require further public consultation to ensure openness and fairness. Modification of the policy wording, however, would in my view be acceptable, since individual sites would be tested against the criteria when they came forward as the subject of planning applications."*

The resultant policy is permissive in nature and the principle of housing development is not constrained by the location of development (i.e. whether it is within or outside the built up area boundary). The acceptability of any housing development needs to be considered against the criteria set out in policy EG5 and this will be set out in the following sections of the report.

It is also relevant to take into account the recent Written Ministerial Statement in December 2016 that sets out the relevant policies for the supply of housing in a neighbourhood plan, that forms part of the Development Plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

This Ministerial Statement does not impact on the Council's planning application decision making so the Statement has little bearing on this application. The reason for this is that the Council currently cannot demonstrate an agreed 3 year supply of housing for the reasons given.

Paragraph 14 of the NPPF states that:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted."*

As set out above, the second bullet point of the 'decision taking' section currently applies. The approach that must be taken is that (subject to the paragraph 134 issue addressed below) the development is assessed against paragraph 14 to see whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The weight to be given to saved policies of the MSLP and the policies of the Neighbourhood Plan will need to be assessed against the degree of conformity with the NPPF.

Paragraph 14 applies unless specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed

building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134 of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

Planning Practice Guidance states that when assessing applications against para 14 of the NPPF, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183 - 185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

It should be noted that a Court ruling in May 2015 relating to a site in Sayers Common made by Mr Justice Holgate confirmed that paragraphs 14 and 49 do apply to the housing supply policies in a draft development plan, including a draft neighbourhood plan, consequently, they also apply to advanced and made neighbourhood plans. This Court case also confirmed that paragraph 198 of the NPPF neither (a) gives enhanced status to neighbourhood plans as compared with other statutory development plans, nor (b) modifies the application of section 38(6) of the Planning and Compulsory Purchase Act 2004.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

## **Coalescence**

The site is located within the strategic gap identified within the Mid Sussex Local Plan between Crawley and East Grinstead, where Policy C2 is relevant. This policy seeks to safeguard the gap and sets out criteria when development will be permitted and criterion (c) states *'it would not compromise individually or cumulatively the objectives and fundamental integrity of the gap'*.

Policy DP11 of the Pre-submission District Plan seeks to prevent coalescence and outlines that it is important that towns and villages within the District maintain their separate identity. It states that *'development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements'*.

Policy EG2a of the Neighbourhood Plan also seeks to prevent coalescence and states the following;

*Planning permission will not normally be granted for development which:*

- (1) Results in the coalescence of East Grinstead with Crawley Down or Ashurst Wood;*
- (2) Results in the perception of openness being unacceptably eroded within this area; or*
- (3) Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.*

As development plan policies, the weight that can be attached to these policies is a matter for the decision maker. It is considered, however, that the weight that can be attached to them is reduced on account of the lack of a demonstrable five year housing land supply and the need to increase significantly the supply of housing.

In any case, the application site itself is set behind the existing frontage development to Crawley Down Road and apart from the removal of No.39 to allow for the construction of the site access, the development would not have any material impact on the appearance of the area as perceived from the public highway. The proposed development would not result in the perception of openness being eroded in this area nor result in the coalescence of East Grinstead and Crawley Down.

Furthermore, there have been two recent decisions on the site to the west of the proposed development where in the first an inspector concluded that a proposed residential development would not have a significant effect on the coalescence of settlements and in the second the Council in refusing an alternative residential scheme did not do so the basis of coalescence.

It is not considered that the proposal would result in the coalescence of East Grinstead with Crawley or Crawley Down nor result in the perception of openness being eroded between East Grinstead and Crawley Down and as such the application complies with Policy C2 of the Mid Sussex Local Plan, Policy EG2a of the Neighbourhood Plan and Policy DP11 of the Pre-submission Version District Plan.

### **Design and visual impact**

Policy B1 of the Mid Sussex Local Plan and DP24 of the Pre-submission District Plan promote high quality design, construction and layout in new buildings. Section 7 of the NPPF encourages good design.

Policy EG5 of the Neighbourhood Plan sets out that new housing development will only be supported if certain criteria are met. Criterion b) is relevant in this instance and requires an application be supported by a robust assessment of the environmental and visual impact of the proposal and inclusion, as necessary, of appropriate mitigation measures.

The application has been supported by a Landscape and Visual Impact Assessment, which is available to view on the planning file. The main conclusions of the Assessment can be summarised as follows:

- *'development would not result in any significant adverse effects on landscape character and would only result in adverse impacts on the visual amenity for a limited number of properties adjacent to the site, and these would diminish over time'.*
- *The character and appearance of the site would change but there is the potential to set development within an attractive green framework, which would allow development to be integrated into the existing village.*
- *Development could be accommodated without causing any substantial landscape impact beyond its own boundaries and therefore, as urban extension sites go, has considerable merit"*

Your officers agree that the development would not have any significant impact on the wider landscape character and that the main visual impact falls on a limited number of properties immediately adjacent to the site. While landscaping is a reserved matter for consideration at a later date, the supporting information clearly set out that there is sufficient scope within the site to provide an appropriate mitigation scheme in relation to this matter. Finally, it should be noted that the site is not located within a national designated area, such as an Area of Outstanding Natural Beauty.

As the applicant is not requesting consideration of matters associated with the layout, scale and appearance of the buildings at this stage, the illustrative layout submitted is only provided to demonstrate that the site is capable of accommodating a development of 63 units in a potentially acceptable fashion.

The Urban Designer is generally supportive of the illustrative layout and design of the dwellings whilst recognising that this is an outline scheme and has made the following comments:

"The layout is well laid-out in a number of respects:

- *The two open spaces can be particularly commended, in terms of the level of provision and in the manner they break-up and add interest to the scheme; the space on the northern boundary gives the scheme a central focus while the larger space reveals the attractive boundary trees along the southern edge of the site.*
- *The street frontages are sensibly organised in perimeter block formation facing towards the public realm and the boundary trees, while the house on plot 1 has been configured to provide natural surveillance along the umbilical-shaped entrance link with Crawley Down Road (however this would not work so well with the limited ground floor only fenestration in a bungalow as suggested in section AA).*
- *The parking is well integrated and sensibly incorporates rear court areas overlooked by flats over garages. Elsewhere, except for 28-32, the layout avoids front threshold*

*parking that overall allows good street enclosure.*

- *Footpath links have been shown across the east boundary and parallel with the west boundary that provides good pedestrian connectivity.*
- *The corner buildings appear to have been designed with open/fenestrated frontages on the flank returns as well as the main street elevations.*
- *The site layout suggests building frontages that benefit from consistent groupings however this is undone by the inconsistent street section drawings. On section AA the disparity of scale and building types is clumsy, and the horizontally proportioned bungalow is at odds with the more vertically proportioned characteristics of the rest of the frontage; furthermore the site layout configuration of plot1 features gable rather than hip ends. Section BB also appears to be inconsistent with the site layout which is better ordered."*

Overall, it is considered that the development of any open site such as this will result in some visual harm. However, subject to the final design and layout, which would be subject to a reserved matters application; it is considered that the site could be development in such a way without causing significant harm to the overall character and appearance of the area.

The loss of the existing building at No. 39 Crawley Down Road to provide a new access to the site is not considered to be an issue as the building is of no particular merit.

For the reasons set out above the application is considered to comply with policy B1 of the Mid Sussex Local Plan, criterion (b) of policy EG5 of the Neighbourhood Plan and policy DP24 of the Pre-submission District Plan and the requirement of the NPPF.

## **Trees**

Policy B7 of the Local Plan seeks to retain trees as far as possible for their amenity value. Policy DP36 of the draft Mid Sussex District Plan states that: "The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."

The Arboriculturist has reviewed the submitted Arboricultural Implications Assessments and related documents, along with the illustrative layout and has raised some concerns regarding the proximity of some of the units to trees on the site and possible future pressure on the trees to prune heavily or to fell. While these comments are noted, these will need to be considered at a reserved matter stage as the details of landscaping and layout are proposed as reserved matters.

A condition requiring a detailed landscaping plan forms part of the recommendation. On this basis, it is not considered that the proposal would be contrary to the above policies.

## **Impact on amenities of adjacent residents**

Policy B3 of the Local Plan states that proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook.

Policy DP24 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

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 residential properties at this stage and this would need to be fully assessed at any reserved matters stage.

## **Setting of listed building**

In regard to the impact on the nearest heritage asset, the listed Felbridge County Primary School, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Listed Buildings and states: *"special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

Paragraphs 131 - 134 of the NPPF are also relevant:

*"131. In determining planning applications, local planning authorities should take account of:*

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

*132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected*



wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

134. 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 securing its optimum viable use."

The MSDC Conservation Officer considers that the application will have an impact on the setting of the Listed Felbridge County Primary School:

*"The proposed development enjoys a degree of separation from the listed building and is also partially screened in views from its immediate context by the existing houses to the south of Crawley Down Road. However, the proposal will have a significant impact on the currently open and green nature of the site and on the existing glimpsed views of it which are afforded between the existing housing development on Crawley Down Road looking south, including views from the immediate setting of the school, which help to place the school in a semi-rural rather than urbanised setting."*

It is noted however that the harm is considered to be towards the lower end of the scale of less than substantial;

*"Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale."*

As Listed Buildings have statutory protection, significant weight must be attached to any harm caused to them or their settings and, as noted in paragraph 132 of the NPPF, any harm at all should require clear and convincing justification. However, in this case, while the comments of the Conservation Officer are acknowledged, it is considered that the harm is very limited given that the site is not directly visible from the school due to the main road and houses fronting Crawley Down Road, within that context, the significant public benefits from the development of 63 new dwellings on the site are considered to outweigh any adverse impacts on the setting of the listed school.

## **Affordable Housing and housing mix**

Policy H4 of the Local Plan seeks to secure 30 per cent affordable housing from developments containing 15 or more dwellings of which 75 per cent would be social rented and 25 per cent shared ownership.

The MSDC Housing Officer has raised no objection as the application is proposing a development of 63 dwellings of which 19 units are allocated as affordable housing equating to 30 per cent.

Reference has been made within the representations in relation to policy EG7 of the East Grinstead Neighbourhood Plan, which deals with housing mix and density and sets out that planning permission will be granted where they meet a list of criteria. The proposal represents a density of 24 dwellings per hectare which given the local character is considered acceptable and therefore meets the first of the criteria. As detailed above, the affordable housing is to be provided in accordance with the district policy.

The remaining elements of the policy would need to be considered in the content of any reserved matters submission where the detail of the layout and housing mix are known.

It is considered that having regard to the above the application would comply with policy H4 of the Mid Sussex Local Plan and policy EG7 of East Grinstead Neighbourhood Plan.

## **Access and Transport**

Paragraph 32 of the NPPF states in respect of transport matters;

Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits 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.*

This is reflected within Policy T4 of the MSLP where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the Local Plan it is considered that the Local Plan Policy has diminished weight and the relevant test to be applied in this

case is whether the residual cumulative impacts of development are 'severe'.

Policy T5 outlines the requirements for parking provision and access to new developments, in conjunction with the council's (maximum) parking standards, as set out in the Development and Infrastructure Supplementary Planning Document. Policy T6 requires provision of cycle storage facilities in new developments.

In respect of the Neighbourhood Plan, policy EG11 deals with mitigating highway impact and expects development proposals to be supported by an appropriate transport assessment and states that those which cause a severe cumulative impact which cannot be mitigated will be refused. It also requires access arrangements to be appropriately designed. These aims are also reflected in policy EG5 (c).

Policy DP19 the draft Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

A number of the objections received raise concerns regarding the safety of the new access onto Crawley Down Road along with concerns that the proposal will exacerbate existing traffic congestion on the local highway network. Each of these matters will be considered in turn below.

#### Site Access

The proposed new access onto the Crawley Down Road does not fall within the administrative boundary of Mid Sussex, instead it lies within Tandridge and as such Surrey County Council are the Highway Authority in relation to this matter. It is for them to determine the suitability of the access to serve the development and Tandridge District Council are currently considering a duplicate application.

In a formal consultation response to that application from Surrey County Council, no objection has been raised to the suitability of the access, as well and a number of planning conditions have been suggested to the Local Planning Authority (Tandridge).

#### Impact on Local Highway Network

West Sussex County Council have considered the proposed developments impact on the wider highway network and are satisfied with the overall principles of trip generation and distribution as set out in the Transport Assessment which forecasts that the site will generate 33 two way trips in the AM peak (10 arrivals, 23 departures) and 32 in the PM peak (20 arrivals, 12 departures).

Their full comments are available to view in Appendix B of this report but in conclusion on this matter they state;

"The National Planning Policy Framework states that development should not be prevented or refused on transport grounds unless the residual cumulative impacts of the development are severe. Given the forecast increase in trips on roads maintained by WSCC, WSCC would be satisfied that no severe impacts would result."

The fact that the Local Highway Authority has not raised an objection to the proposal with regard to capacity issues in the wider road network is material and in the view of your officer should be given significant weight in the consideration of this issue.

Furthermore, comments made within the consultation response by Surrey County Council in respect of the Tandridge application show that they have considered the impact of the proposal on the highway network within their jurisdiction, in particular the A22/A264 junction. Within their consultation response they state;

*"Capacity analysis has been undertaken at several key junctions within the area in order to assess the dispersal of trip generation from the site. While the proposed access does not indicate any capacity issues, the existing issues at the A22/A264 will be marginally impacted. However, this is an existing issue and one that both Tandridge and the CHA are aware of. Overall, the proposed development indicates a trip generation in line with expected numbers for a development of this size and does not pose a significant impact upon the public highway."*

They have not raised an objection and have suggested that the S106 Agreement secure a financial contribution towards mitigation at the A22/A264 junction.

Officers are aware of the concerns within the representations regarding the impact of the proposal on the local highway network. However WSCC has not raised an objection and their views on this issue have been summarised above and are set out in full in Appendix B of this report. There is no evidence in front of officers that indicate that the proposed development would result in a severe cumulative impact and that are no sustainable grounds that could be advanced to justify and support a reason for refusal on these grounds. This is further supported by the position of Surrey County Council in light of their consultation response on the duplicate planning application to Tandridge District Council.

In conclusion on highway matters, it is considered that the proposal complies with policy T4 of the Mid Sussex Local Plan, policies EG5 and EG11 of the Neighbourhood Plan, Policy DP19 of Pre-submission District Plan and paragraph 32 of the NPPF.

## **Drainage**

Policy CS13 of the Mid Sussex Local Plan seeks to ensure that sites on which new development is provided can be adequately drained. The proposal falls within Flood

Zone 1 which is an area of low risk of flooding.

The WSCC Flood Risk Management Team has not objected and recommends a condition requiring further details of surface water drainage.

The application is considered to comply with policy CS13 of the Mid Sussex Local Plan.

### **Archaeology**

Policy B18 of the Mid Sussex Local Plan seeks to ensure that Sites of archaeological interest and their settings will be protected and enhanced where possible.

The County Archaeologist has raised no objection subject to a condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation.

The application is therefore considered to comply with policy B18 of the Mid Sussex Local Plan.

### **Biodiversity/Ecology**

In respect of the policy context, para 109 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 118 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Opportunities to incorporate biodiversity in and around developments should be encouraged.*

Policy C5 of the Mid Sussex Local Plan, states development will only be permitted where the proposals minimises the impact on features of nature conservation importance and that the weight attached to nature conservation interests will reflect the relative significance of the designation.

A Preliminary Ecological Appraisal, Reptile Survey and Ecological Mitigation Strategy have been submitted with the application. There was no evidence found of roosting bats at No. 39 Crawley Down Road or within the outbuildings on the site, there were however signs of potential bat roosting activity within the roof void of the 15 Crawley Down Road which would require additional survey work.

Owing to the lack of suitable habitat the site is not considered to have potential to support species such as otters, great crested newts, badgers or water voles. However the Reptile Survey found evidence of a small number of common lizards (a combined total of 5 across seven survey dates) and one grass snake. These were mainly dispersed within the northern section of the site, amongst the log pile, scrub and agricultural machinery. As a result suitable mitigation measures for reptiles will be required.

With regard to the area of Ancient Woodland (The Birches) which abuts the southern boundary of the application site there would be no loss of this woodland and its habitat would be protected by a 15 metre buffer with no development taking place within this area.

While the Council's Consultant Ecologist has not formally commented on the application he has informally stated that he does not envisage any significant issues, although he will be recommended some conditions and his comments will be received and reported prior to the committee meeting.

In terms of the NPPF and the principles set out in paragraph 118, planning permission should only be refused where significant harm from development cannot be avoided, adequately mitigated, or as a last resort, compensated for. Having regard for the above, it is considered that there are no overriding ecology issues that would prevent the site from being brought forward and the proposal's impact on biodiversity of the site can be adequately mitigated and controlled with conditions. The proposal therefore complies with policy C5 of the Mid Sussex Local Plan and paragraphs 109 and 118 of the NPPF.

### **Habitats Regulations**

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

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC.

However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution and a strategic SANG contribution.

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

The financial contribution to SAMM would be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely

significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

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

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

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

In this case, the applicant has agreed to enter into a legal agreement securing the necessary SAMM mitigation and a condition can be used securing the SANG mitigation.



On this basis the impact on the Forest is deemed to be successfully mitigated. It is not considered therefore that there are any likely significant effects on the Forest, alone or in combination with other proposed developments, the determination of this application can therefore proceed.

### **Infrastructure contributions**

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 203 and 204. Respectively, these paragraphs state:

*"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:

*"Planning obligations should only be sought where they meet all of the following tests:*

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

Policies G3 of the Local Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010. In accordance with the adopted SPD the required levels of contributions are set out below:

#### *County Council Contributions:*

The County Council have advised that, as the housing mix is not known at this stage, the insertion of a formula into any legal agreement should be used, in order that the school infrastructure and library contributions can be calculated at a later date.

#### *MSDC*

Play space £nil (provided on site)  
Formal Sport £57, 537  
Community Buildings £24, 994  
Local Community Infrastructure £35, 049

These contributions would need to be secured through an appropriately worded Section 106 planning obligation. On completion of the obligation the application would therefore comply with policies G4 and H4 of the Mid Sussex Local Plan.

## **Other Matters**

It is clear from the representations received that officers must clarify the Council's housing supply position. The confirmed position has been set out in the earlier section of this report but in short, until such time as the District Plan Inspector confirms in writing, in his Final Report, the Council's housing requirement there is no figure to calculate the supply against. At present the Council cannot demonstrate an agreed 3 or 5 year supply of housing land and therefore paragraph 14 of the NPPF is engaged.

Notwithstanding any assessment required under the relevant paragraph of the NPPF, when the application is considered against the relevant Policies contained within the East Grinstead Neighbourhood Plan it can be demonstrated that the proposal complies with policies EG2a, EG5 and EG11, and given the plan's status, this is a material consideration that should be given significant weight in the overall planning balance in support of the application. Given the above, the issue of land supply is not determinative in this case.

## **Whether the proposal would be sustainable development**

As outlined above, the NPPF describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitutes the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

### The economic role

The proposed development would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding as well as additional Council Tax receipts. These are all material considerations that weigh in favour of the development. It is considered that the proposal would satisfy the economic role of sustainable development.

### Social role

The provision of 63 new dwelling will make a significant contribution to the district's housing supply and would help meet the identified need for housing.

The NPPF seeks to promote a "strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports it health, social and cultural well-being."

The site is also considered to be in a sustainable location with good access to localised services and facilities.

### Environmental role

The environmental dimension is met by this proposal owing to the fact the character of the area will be conserved, the impact on neighbouring residential amenity will not be significant and there are no highway safety issues.

The proposal therefore constitutes sustainable development.

### **Planning Balance and Conclusions**

The application seeks outline planning permission for the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road and the construction of 63 dwellings and new vehicular access onto Crawley Down Road.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

As the Council is currently unable to demonstrate an agreed five year supply of deliverable housing land, it follows that the relevant policies for the supply of housing are not up-to-date (paragraph 49 National Planning Policy Framework (NPPF)).

In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. As set out above, because the benefits of the scheme outweigh the less than substantial harm to the Listed Building, it is considered that paragraph 134 does not indicate that development should be restricted in this case.

Weighing in favour of the scheme is that the development will provide 63 additional residential units, 19 of which will be affordable, in a relatively sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing (including provision of much needed affordable housing) and this should be given substantial weight which lean to its public benefits.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant Local Plan policies. The weight that can be given to these policies is, however, reduced given the requirements of paragraph 47 of the NPPF to provide a 5 year supply of deliverable housing sites in the context of the national policy to boost significantly the supply of

housing. In addition, policy EG5 of the East Grinstead Neighbourhood Plan sets out a permissive policy towards residential development being met and in regard to this proposal, officers consider that these criteria have been met.

There will be some harm to the landscape as a result of the change from a green field site to a housing site. However this is the inevitable consequence of developing on a green field site and in this instance the impact falls only upon those properties that immediately in the site. The development of green field sites will need to take place in order to meet the housing requirements of the District. In this respect this site is no different to others within the District. However the impact on the landscape is extremely limited.

Also weighing against the scheme is the less than substantial harm to the listed building of Felbridge County Primary School. This less than substantial harm has been given significant importance and weight as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

There will be a neutral impact in respect of a number of issues such as the drainage of the site, ecology and infrastructure provision, which can all be dealt with by planning conditions and the section 106 planning agreement.

Finally no objections have been raised from West Sussex County Council as the Local Highway Authority and there is no evidence to suggest that the development will be result in a severe cumulative impact that would justify a refusal of planning permission.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme on the character of the area and the less than substantial harm to the setting of the listed building your officers consider that the public benefits of the proposal clearly outweigh the identified harm and the balance falls in favour supporting the scheme. Planning permission should therefore be granted.

---

## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Reason: To protect the amenities of local residents and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission Draft District Plan. of the

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

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

4. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy B1 of the Mid Sussex Local and Policy DP24 of the Pre-Submission District Plan 2014-2031.

5. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and

hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

6. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission District Plan 2014-2031.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy B18 of the Mid Sussex Local Plan.

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

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan and Policy DP41 of the Pre-Submission District Plan 2014-2031

9. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to

and approved in writing by the Local Planning Authority and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan and Policy DP41 of the Pre-Submission District Plan 2014-2031

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

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

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies B3 and T4 of the Mid Sussex Local Plan and policy DP19 of the Pre-Submission District Plan 2014-2031

11. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites and shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To protect the amenities of local residents and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission Draft District Plan.

12. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday                    08:00 - 18:00 Hours  
Saturday                            09:00 - 13:00 Hours  
Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenities of local residents and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission Draft District Plan.

13. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation; and, unless otherwise agreed in writing by the LPA.
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.
- (ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of



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

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

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CS20 of the Local Plan.

14. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan.

15. No development shall commence until details of the play area (LAP) has been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, future maintenance schedules and management responsibilities of the areas to be provided. No dwelling on the site shall be occupied until the play areas have been provided in accordance with the approved details and made available for use by the general public and that area shall not thereafter be used for any purpose other than as a play area.

Reason: To ensure satisfactory provisional equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy R3 of the Mid Sussex Local Plan, Policy DP24 of the District Plan.

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

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

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	S101	B	19.06.2017
Existing Site Plan	S102	-	19.06.2017
Proposed Site Plan	C101	C	19.06.2017
Proposed Elevations	C102	-	19.06.2017
Transport Assessment/Travel Plan	001	B	19.06.2017

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

As per East Grinstead Town Council Planning Committee meeting held on 10th July 2017:

Recommend Refusal: The adopted neighbourhood plan policies EG 2a, 5 and 11 are not complied with This is an adopted policy and has been determined by the plan author as not compliant. This decision is not to be dismissed by a different interpretation by the planning authority. The build is proposed in an identified area of development constraint and would bring further coalescence between East Grinstead and the Surrey parish of Felbridge, failing at EG 2a (2) and (3). Whilst the traffic assessment is innovative and modern it has not adequately addressed the impact on Crawley Down road and the junctions with the main arteries therefore failing EG5. EG11 is not complied with as the mitigation does not remove all of the impact which is required on this road.

### **Arboriculturist**

Having reviewed the submitted documents, I do believe that 63 dwellings could fit on this site and retain a good relationship with existing trees, however; I do have concerns with the six dwellings in the south-west hand corner of the site. These are rather large and dense trees, which will shade and have a dwarfing effect on the properties. From an arboricultural perspective it would be better to position flats here and have one communal garden, rather than six small individual ones.

I am also concerned about the proximity of the property in the north west corner to the retained trees too. This could benefit from being made smaller and moved as far away

from the trees as possible.

I do recognise this is an outline application as is subject to change, but my only concerns with the current proposals are along the western boundary. I would also encourage the applicants to include English Oak trees in their landscaping scheme to partially mitigate the loss of those to the north of the site.

### **WSSC Flood Risk Management Team:**

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

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

#### **Flood Risk Summary**

Modelled surface water flood risk: Low risk

Comments: Current uFMfSW mapping shows that the majority of the proposed site is at 'low' risk from surface water flooding although higher risk is shown along the southern boundary (watercourse) of the site.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility: Low risk

Comments: The majority of the proposed development is shown to be at 'low risk' from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any flooding of the site? No

Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse within the boundary of the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

Future development - Sustainable Drainage Systems (SuDs)

The FRA/Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving/swale/detention basin) with a restricted discharge to watercourse would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

## Southern Water

Please find attached a plan of the sewer records showing the approximate position of foul sewers within the site. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the 150 mm and 375 mm foul sewer.
- No development or new tree planting should be located within 3.5 metres either side of the centreline of the 450 mm foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

With regards the last point, and the proposed demolition of the Building (No. 39 Crawley Down Road), the records show the 450 mm diameter public foul sewer, approximately 3 metres deep, passing close to No 39's foundations.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or

[www.southernwater.co.uk](http://www.southernwater.co.uk)".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **MSDC Conservation Officer**

Felbridge village is now linked by continuous development with East Grinstead to the east, but retains a more open, rural setting to the north, west and south. Felbridge County Primary School, which is a Grade II listed building dating originally from the 18th century but with later extensions, is situated just to the north of Felbridge Road within Tandridge District, and at the heart of the village.

The application site is situated to the south of Crawley Down Road, on one of the open fields which currently lie to the south of Felbridge. The listed School is located to the north of the site, on the opposite side of Crawley Down Road, and further separated from it by the existing row of houses to the south side of the road.

The semi-rural surroundings of Felbridge are considered to make a positive contribution to the setting of the Primary School, and the manner in which its special interest as an

18th century village school is appreciated. The proposed development enjoys a degree of separation from the listed building and is also partially screened in views from its immediate context by the existing houses to the south of Crawley Down Road. However, the proposal will have a significant impact on the currently open and green nature of the site and on the existing glimpsed views of it which are afforded between the existing housing development on Crawley Down Road looking south, including views from the immediate setting of the school, which help to place the school in a semi-rural rather than urbanised setting.

In this context, I would consider that the proposal will cause harm to the setting of the listed school building, and the manner in which its special interest is appreciated. This would be contrary to the requirements of Local Plan Policy B10 and emerging District Plan Policy DP32. In terms of the NPPF I would consider the harm caused to the setting of the heritage asset to be less than substantial, such that the criteria set out in paragraph 134 of that document would apply. Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale.

#### **MSDC Environmental Health - land contamination;**

The contaminated land GIS holds no information suggesting that the site has been subjected to potentially contaminative usage, however the site has been developed for >100 years, and the proposed end use is highly sensitive. As such, any planning permission granted should contain the following conditions:

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; and unless otherwise agreed in writing by the LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation; and, unless otherwise agreed in writing by the LPA,
- c) A remediation method statement detailing the remedial works and measures to be

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

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

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

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

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

## **MSDC Housing**

The applicant is proposing a development of 63 dwellings which gives rise to an onsite affordable housing requirement of 30% (19 units). The mix agreed will meet a broad range of housing needs and comprises of 2 x 1 bed flats, 5 x 2 bed flats, 5 x 2 bed houses and 2 x 3 bed houses for rent and 2 x 2 bed flats, 2 x 2 bed houses and 1 x 3 bed house for shared ownership. This reflects our policy requirement of 75% rent and 25% shared ownership. We expect any RM application to take account of our clustering policy (of no more than 10) and as such will require at least two distinctly separate clusters of affordable housing units with market units in between. This will assist in achieving a good level of social integration, particularly with the adoption of a tenure blind approach.



## **MSDC Leisure:**

Thank you for the opportunity to comment on the plans for the development of 63 residential dwellings at No's 15 And 39 Crawley Down Road, Felbridge, East Grinstead on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

### **CHILDRENS PLAYING SPACE**

The developer has indicated that there is potential to provide both formal and informal play opportunities within the open space and the small village green. Local Plan Policy R3 states that new residential development will not be permitted unless it incorporates appropriate outdoor playing space in accordance with the NPFA (now Fields in Trust) recommended minimum standard. In accordance with this policy, we would expect the developer to provide a LEAP on site as the nearest play area is in East Grinstead approx. 1 km away from the development site which is beyond the FIT guidelines for walking distances. Full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

### **FORMAL SPORT**

In the case of this development, a financial contribution of £57,537 is required toward pitch drainage and playing field improvements at Imberhorne Lane Recreation Ground (IDP Ref: EG/96).

### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £24,994 is required to make improvements to East Court, East Grinstead (IDP Ref: EG/126).

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **MSDC Urban Designer**

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments.

The layout is well laid-out in a number of respects:

- The two open spaces can be particularly commended, in terms of the level of

provision and in the manner they break-up and add interest to the scheme; the space on the northern boundary gives the scheme a central focus while the larger space reveals the attractive boundary trees along the southern edge of the site.

- The street frontages are sensibly organised in perimeter block formation facing towards the public realm and the boundary trees, while the house on plot 1 has been configured to provide natural surveillance along the umbilical-shaped entrance link with Crawley Down Road (however this would not work so well with the limited ground floor only fenestration in a bungalow as suggested in section AA).
- The parking is well integrated and sensibly incorporates rear court areas overlooked by flats over garages. Elsewhere, except for 28-32, the layout avoids front threshold parking that overall allows good street enclosure.
- Footpath links have been shown across the east boundary and parallel with the west boundary that provides good pedestrian connectivity.
- The corner buildings appear to have been designed with open/fenestrated frontages on the flank returns as well as the main street elevations.

The site layout suggests building frontages that benefit from consistent groupings however this is undone by the inconsistent street section drawings. On section AA the disparity of scale and building types is clumsy, and the horizontally proportioned bungalow is at odds with the more vertically proportioned characteristics of the rest of the frontage; furthermore the site layout configuration of plot1 features gable rather than hip ends. Section BB also appears to be inconsistent with the site layout which is better ordered.

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

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

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

### **NATS**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

### **Sussex Police**

Thank you for your letter of 29 June 2017, advising me of an outline application for residential development at the above location, to include demolition of Nos 15 and 39 Crawley Down Road and provision of means of access, for which you seek comment from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

In general terms I support the proposals in this application which will create a single access road into the development, with no through route. This will give residents a sense of ownership and community and will serve to deter trespass. Although illustrative at this stage, the layout and design of the dwellings, being in the main outward facing, provides overlooking and natural surveillance of the road and footpath layout, car parking areas and public open space. The provision for car parking includes garages, in curtilage, small parking courts and roadside bays. I note that the Design and Access Statement includes measures to create a safe and secure environment by reference to Safer Places - the Planning System and Crime Prevention, and to Secured by Design. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to further reflect the attributes and principles of these guidance documents.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted at the reserved matters stage.

### **Archaeologist**

The application site is large and therefore should be considered to have an enhanced

potential for containing previously unknown below ground heritage assets. I am therefore pleased to note the application has been submitted with an Archaeological Desk Based Assessment produced by the applicant's archaeological consultants Archaeology South-East. The Assessment concludes that there is a moderate potential for remains dating to the Roman period, a high potential for remains dating to the Post Medieval, and a low potential for remains of all other periods. I would also highlight, as mentioned elsewhere within the assessment that geographical location of the application site, and in particular the proximity of the site to Felbridge Water, makes it a potential site for industrial ironworking activity, dating from the medieval and post medieval, as well as Roman, periods.

Given the largely unknown archaeological potential of the site to date, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work (evaluation) is required in relation to this proposed development. The evaluation will likely involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that are and may be present on the site, and the results of the evaluation will enable suitable mitigation measures to be developed if necessary. I will need to agree a specification for the evaluation before the trenching can begin.

Given that this application is at the outline stages only, I recommend that the required archaeological work can be secured as a condition of any planning permission granted. To allow for the implementation of suitable mitigation measures appropriate to the archaeological significance of the Assets that may be present, I would recommend that any detailed reserved matters application(s) to follow be accompanied by the additional information requested, and if appropriate the results of such an appropriately scaled field evaluation. This will provide for the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ that may be revealed within the detailed development proposal. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate:

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

### **WSSC Highways:**

The application is supported by way of a Transport Assessment (TA), Stage One Road Safety Audit (RSA), and Travel Plan Statement. It's noted that outline planning permission is sought with only matters of access to be approved at this stage. The scope of the TA has been discussed with West Sussex County Council as part of pre application discussions.

The development is unusual inasmuch as it crosses both District and County borders. As such, the vehicle access that leads directly into the site as well as the two junctions to the immediate east of the site (A264 Felbridge Road/Crawley Down Road and A22 Eastbourne Road/A264 Felbridge Road) lie within Tandridge District Council and Surrey County Council. SCC is the appropriate Local Highway Authority for aspects that affect these roads and junctions. No comments are offered by WSCC in respects of the highway access or capacity impact at SCC junctions.

From a West Sussex County Council perspective, the majority of the on-site layout lies within WSCC. There is also a potential impact upon the wider highway network that WSCC will consider.

#### Highway Capacity Impact

Vehicle trip generation has been determined using TRICS. TRICS is large database of traffic surveys of other completed developments. The database can be refined so to use only those developments comparable to the development proposed. Although a development comprising houses and flats, as well as mixed tenures is proposed, the trip rate has been based on an assumption that all units will be houses for private sale. It's accepted that compared with flats and/or social rented dwellings, private dwellings will generate more vehicle movements.

The impact of the additional vehicle trips has been considered on the network peak times (0800-0900 and 1700-1800). At these times, the highway network is at its most sensitive to any increase in vehicle trips. The assessment also accounts for future background traffic growth, and includes other committed and uncommitted developments in the local area. This includes the development at Hill Place Farm, the appeal for which is not yet determined.

To determine what routes might be used by development traffic, two different approaches have been applied for work and non-work based trips. For work trips, Census Journey to Work data has been applied. This data is taken from the ward in which the development is based. For non-work based journeys, a gravity model has been used; simply put, this assumes that the distribution of trips is a function of the size and closeness of nearby towns, with those larger, nearest centres having the greatest draw upon trips.

Applying the above methodology, the site will generate 33 two way trips in the AM peak (10 arrivals, 23 departures) and 32 in the PM peak (20 arrivals, 12 departures). An increase in trips is also expected for those roads maintained by WSCC. For the purposes of the current application, the two roads of interest are Crawley Down Road to the west of the site and the A22 to and from East Grinstead.

For Crawley Down Road, in the AM and PM peak hours an increase of 2 and 3 movements are forecast. For the A22, 12 and 9 movements are anticipated.

Whilst the overall principles of trip generation and distribution are not disagreed with,

the route choice assumes a high number of trips would use Rowplatt Lane. These trips will then presumably turn left onto the A22 before continuing to destinations with West Sussex. Limited consideration appears to be given to traffic staying on Crawley Down Road and then travelling through Crawley Down village. Even so, it is apparent that there are a limited number of trips that have the potential to use routes through Crawley Down; based on potential destinations and considering reasonable route choices this amounts to 12.2% of trips. Even if a worst case were applied, WSCC would still be satisfied that a severe impact would not result upon Crawley Down.

For trips to destinations within West Sussex to the south and east of the site, route choices are well defined; all traffic would have to use the A264 and A22. WSCC are satisfied that trips to the east are distributed to appropriate routes.

The National Planning Policy Framework states that development should not be prevented or refused on transport grounds unless the residual cumulative impacts of the development are severe. Given the forecast increase in trips on roads maintained by WSCC, WSCC would be satisfied that no severe impacts would result.

#### Layout

All matters relating to the layout are indicative and not to be approved as part of the current planning application. It's accepted that the layout may be subject to change.

In terms of the principles shown, the layout generally complies with the guidance within Manual for Streets. The use of shared surface and segregated carriageway/footway arrangements are noted. The transition between segregated and shared surfaces would need to be given greater consideration at the detailed design stage.

A segregated footway should also be provided along the access road leading from Crawley Down Road; it doesn't seem sensible for this (which will be the most heavily trafficked element of the site) to be shared surface whereas the majority of roads in the site have segregated footways. The provision of car parking spaces along the access road edge would also give no shelter space for pedestrians should a vehicle be turning in. This element will be checked again as part of any reserved matters planning application.

Parking provision will also be considered as part of the reserved matters.

#### Accessibility

Using the walking distances within the TA, there are a limited number of day to day services within a reasonable distance of the site. For some of those services listed, it's unlikely that walking would be a viable option particularly where those services are at the upper end of walking distances (for example, walking to primary school or food retail; the retail uses at Bridge Park are also somewhat limited to providing DIY and pet food)).

For cycling, the range of services is much greater. However no assessment is given to

the nature of routes that will need to be used. There is very little specific infrastructure provided for cycling in the immediate area. The main destination for cyclists would be towards the south and east. For part of their journey, cyclists would have to make use of the A264 or the A22, both of which are well heavily trafficked throughout the day. The use of such routes would not be conducive to encourage cycling especially amongst less experienced or vulnerable individuals. Realistically, cycling may be of limited appeal.

There is a relatively frequent bus service that runs along the frontage of the development. This provides links towards East Grinstead and Crawley. The frequency of the service could accommodate some trips from the development.

In summary, even with the additional measures within the travel plan statement that seek to promote sustainable travel options, it's considered that for most daily needs there is likely to be a requirement for residents to travel beyond reasonable walking distance of the site. For the reasons noted above, cycling is also unlikely to appeal to a wide range of users. The presence of the bus service is a positive aspect but it is still anticipated that the majority of daily trips will take place by way of the private car. The Local Planning Authority should consider on balance the accessibility of the site by sustainable modes against other matters that may weigh more in favour of the development.

#### Conclusion

Notwithstanding the accessibility of the site by sustainable modes, WSCC are satisfied that the proposed development would not result in any severe safety or capacity impacts.

No highway objection would be raised.

No conditions are suggested by WSCC at this time. All matters relating to the on-site layout are for consideration as part of the reserved matters application.

#### **WSCC S106**

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

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

The advice is as follows:

## 1. School Infrastructure Contribution

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

## 1.2 Financial Contribution

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

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

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

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

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



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

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are - Primary £15,558, Secondary £23,442, Further Secondary £25,424), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on replacement of temporary accommodation at Halsford Park Primary school.

1.4 The contributions generated by this proposal shall be spent on replacement of temporary buildings with permanent facilities at Imberhorne School.

1.5 The contributions generated by this proposal shall be spent on small scale improvements at Imberhorne Sixth Form.

## 2. Library Infrastructure Contribution

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

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

## 2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$  (which currently for the financial year 2016/2017 are 30sq.m and £4,560 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on expansion of facilities at East Grinstead Library.

### 3. Transport (TAD) Contribution

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

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

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

C (Total Access) =  $(A (\text{number of dwellings}) \times B (\text{Occupancy per dwelling}))$  using the following figures as a guideline:

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

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

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1200

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

#### General points

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

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

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

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

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered

for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

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