

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE B

10 MAY 2018

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MID SUSSEX DISTRICT COUNCIL

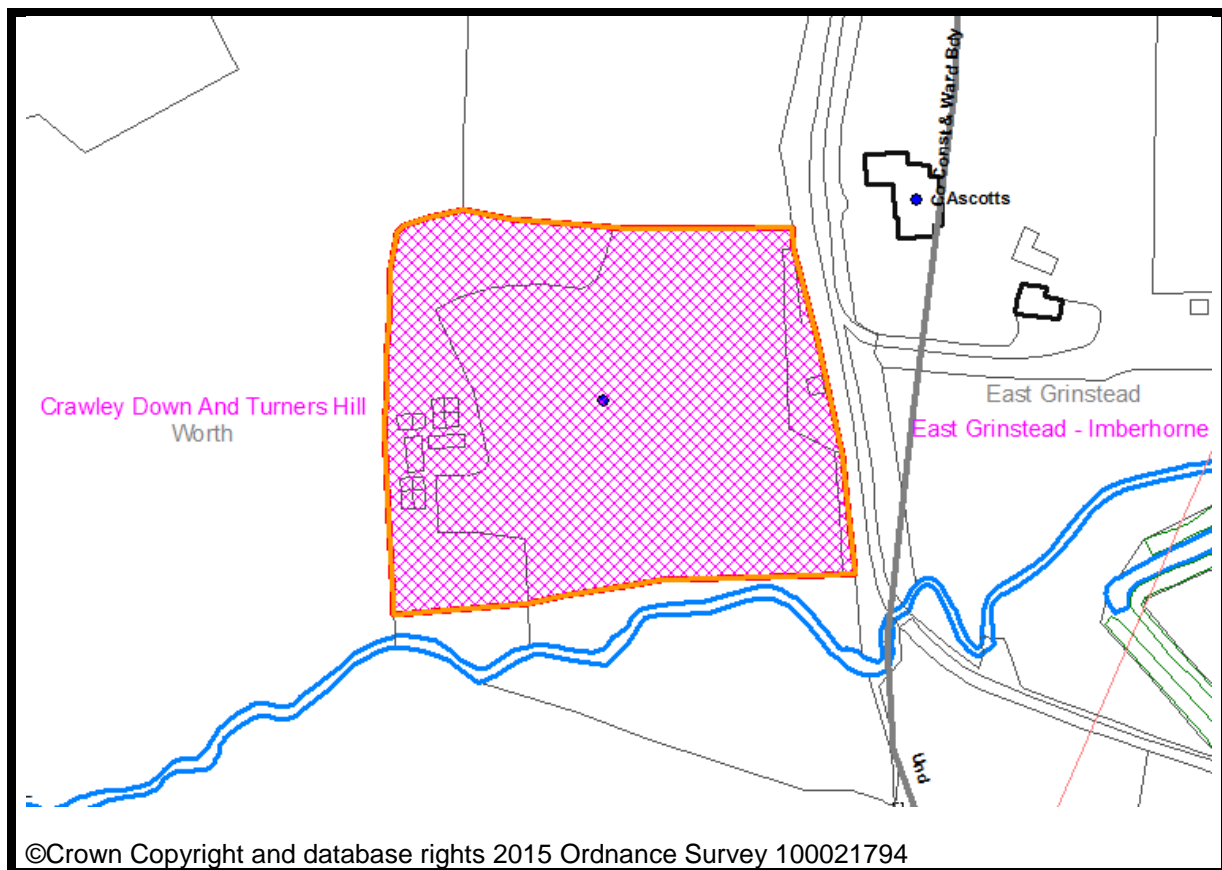
PLANNING COMMITTEE B

10 MAY 2018

PART I – RECOMMENDED FOR APPROVAL

Worth

1. DM/17/3647



**LAND SOUTH WEST OF ASCOTTS CRAWLEY DOWN ROAD FELBRIDGE
WEST SUSSEX
CONSTRUCTION OF A NEW 4 BEDROOM, TWO STOREY DWELLING
WITH SEPARATE GARAGE.
MR AND MRS NELSON
GRID REF: EAST 535992 NORTH 139070**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Flood Map - Zones 2 and 3 / Aerodrome Safeguarding (CAA) / Strategic Gaps / Archaeological Notification Area (WSSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 19th April 2018

WARD MEMBERS: Cllr Phillip Coote / Cllr Bruce Forbes / Cllr Neville Walker /

CASE OFFICER: Ms Susan Dubberley

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Full planning permission is sought for the construction of a new 4 bed two storey dwelling with separate garage on land South West of Ascotts, Crawley Down Road, Felbridge.

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).

In this case the development lies in the countryside, outside of the built up area of Crawley Down, and thus would be contrary to policy DP12 of the District Plan as the proposals are not necessary for the purposes of agriculture and are not supported by other policies in the Plan. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty.

Policy DP15 provides for exceptions to the presumption against new homes in the countryside in the where special justification exists. The proposals however do not accord with DP15.

Policy DP6 of the District Plan is not a relevant policy as the proposal is on an application site that is not contiguous with the built up area.

Whilst the proposal conflicts with policy DP12 and DP15 of the District Plan, the proposals are considered to accord with the relevant Neighbourhood Plan policies, namely CDPN05 of the Neighbourhood Plan that does not restrict the location of new developments. Section 38(5) of the Planning and Compulsory Purchase Act 2004

states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, in this case the District Plan. Only limited weight can thus be given to this policy in support of the application.

In accordance with the law, whilst this breach of district plan policy is the starting point for decision making, the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site, that are relevant to the application. These include:

There would be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. In this case however the development is not isolated or in open countryside as it is in close proximity to the built up area of East Grinstead to the north east and other development to the north and east. In visual terms therefore the site relates to the built up area boundary and to the urban grain of both historic and more recent development. The site itself is quite well contained by mature trees and hedges along the site boundaries. The proposal would not therefore be contrary to the aims of Policy DP12.

Whilst the development lies outside of the built up area of East Grinstead, it is situated in close proximity to this settlement and as such services within East Grinstead will be accessible to future residents by means other than the private car. The site is therefore relatively sustainably located.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. The development will provide a positive economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

There will be a neutral impact in respect of a number of issues such as the design, highways, landscaping, drainage, sustainability and on the Ashdown Forest.

The proposal is therefore deemed to comply with the requirements of Policies DP13, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan, Policies CDNP04.2, CDNP05, CDNP08, CDNP10, CDNP11 of the Neighbourhood Plan as well as the broader requirements of the NPPF

Your officers have reviewed the planning application in the context of the adopted District Plan and other material planning considerations and recommend that planning permission is granted.

RECOMMENDATIONS

Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary SAMM contributions and the conditions listed in the appendix.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary SAMM payments by 10th August 2018 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the District Plan and Paragraph 118 of the National Planning Policy Framework.

SUMMARY OF REPRESENTATIONS

One letter of representation has been received objecting to this application for the following reasons:

- Track to site is a public footpath. Considers that the application is therefore contrary to parts a), d) and f) of CDNHP10 and this must be given full weight in the planning balance
- Considers that it is not justified in seeking to overcome the conflict by examining the intent of Policy DP12
- Considers that the proposal is contrary to DP6.
- The application does not address local housing needs, offers no benefit to the community while having a negative impact on the openness and character of the landscape.
- The CDNHP does not support the application,

SUMMARY OF CONSULTATIONS

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

MSDC Street Naming and Numbering

No objection subject to informative.

Aboriculturist

No objection.

WSCC Highways

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to conditions.

PARISH COUNCIL OBSERVATIONS

Object as no cumulative traffic impact assessment onto narrow lane. Contrary to Policy 10 of the CDNP.

INTRODUCTION

This application is seeking planning consent for the construction of a new 4 bed two storey dwelling with separate garage on land South West of Ascotts, Crawley Down Road, Felbridge.

RELEVANT PLANNING HISTORY

None on the site itself, however there is consent for two houses on land to the north of the site which are now almost complete (DM/16/1966) and permission has been granted for a two dwellings to the north of Ascotts (DM/17/0360).

SITE AND SURROUNDINGS

The application site consists of a large open field with mature trees and vegetation on the boundaries. The site is accessed via a single track lane and public footpath off Crawley Down Road. The site is relatively level at the northern end of the site, where the proposed dwelling is proposed and the land then slopes down towards a stream at the southern end of the plot.

To the north of the site are two houses at an advanced stage of construction, to the east on the opposite side of the lane is Ascotts a detached dwelling to the south and west is open countryside.

The application site is designated within the countryside in the District Plan and the site is within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The application site is close to the defined built up area boundaries of East Grinstead located in Crawley Down Road.

APPLICATION DETAILS

The proposal is seeking consent for the construction of a 4 bedroom two storey dwelling with a separate garage. The design of the building is contemporary with large floor to ceiling windows and full height sliding doors at first and second floors with balconies at first floor. At the rear a single storey projection is proposed above which would be the balcony to the main master bedroom.

The detached garage would be single storey with a pitched roof.

The proposed materials would be white rendered walls with blue/grey brick plinth, slate tiles for the roof and timber windows and doors.

LIST OF POLICIES

Mid Sussex District Plan

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

The most relevant policies are:

Policy DP1: Sustainable Economic Development
Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP13: Preventing Coalescence
Policy DP15: New Homes in the Countryside
Policy DP17: Ashdown Forest SPA and SAC
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Space Standards
Policy DP37: Trees, Woodland and Hedgerows
Policy DP39: Sustainable Design and Construction
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Worth - Crawley Down Neighbourhood Plan

The CDNP was 'made' in January 2016 and so forms part of the development plan. In accordance with the Planning and Compulsory Purchase Act 2004 and the NPPF, an assessment has been undertaken of the CDNP policies to identify if there are any in conflict with the District Plan. Where there is a conflict the weight to the policy has been identified.

The most relevant policies are:

Policy CDNP04.2: Infill Housing
Policy CDNP05: Control of New Developments
Policy CDNP06: Sustainable Drainage Systems
Policy CDNP08: Prevention of Coalescence
Policy CDNP09: Protect and Enhance Biodiversity
Policy CDNP10: Promoting Sustainable Transport
Policy CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

National Policy

National Planning Policy Framework (NPPF) (March 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.'

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

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

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 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.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT (Consideration of Key Issues)

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."

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

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and the Crawley Down Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is located within the Countryside the proposal is contrary to Policy DP12 of the District Plan.

Policy DP12 of the District Plan states:

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

and:

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

Policy DP15 of the District Plan relates to new homes in the countryside and allows for development where there is special justification:

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

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

The proposal does not fall within any of these special exceptions categories.

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates East Grinstead as a Category 1 Settlement,. It states:

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

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

As the application site is not contiguous with the built-up area of East Grinstead, then this policy is not relevant to this application.

The proposal must also be assessed against the Crawley Down Neighbourhood Plan Policy CDNP05 which states:

Policy CDNP05 : Control of New Developments Subject to the other policies of this Neighbourhood Plan, Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*

- b) *Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) *The individual plot sizes are proportionate to the scale of the dwelling.*
- e) *Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) *Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) *The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) *Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) *The development is arranged such that it integrates with the village.*
- j) *Housing need is justified.*
- k) *The development does not impact unacceptably on the local highway network.*
- l) *Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) *Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*
- n) *Includes affordable homes as required by District policy.*
- o) *Proposals for new housing developments must meet the standards set out in Appendix 1*
- p) *Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes.*

It is considered that the proposal would comply with criteria a), b), c), f), g), h) and k), o). Due to the small scale nature of the proposal, criteria d), e,) g) i), l), m) n) and p) are not considered to apply, so overall, it is considered that the application would comply with this policy.

Policy CDNP05 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). Policy DP12 of the District Plan has a more restrictive approach and there is therefore conflict with the adopted spatial strategy of the District Plan. It is important to take account of the law and section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan. Therefore only limited weight can be given to policy CDNP05 of the Neighbourhood Plan in support of the application.

The application proposal is thus contrary to the Development Plan. In accordance with the law it is necessary to have regard to other material considerations to

ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Material considerations

Turning to other relevant material considerations, all aspects of the development must be weighed up in the planning balance, as set out in the NPPF as a whole. In particular, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7, in which the planning system should perform an economic, social and environmental role.

The Economic Role

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the Local Planning Authority to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed.

The economic dimension is met by this proposal owing to the New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community.

The Social Role

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 its health, social and cultural well-being". The provision of one dwelling on the site will make a minor but positive contribution to the district's housing supply.

The provision of 1 new dwelling on the site will make a minor but positive contribution to the district's housing supply, and this should be afforded some weight.

Due to the location of the site close to the built-up edge of East Grinstead where there are a number of services, it is considered that the location of the site is sustainable. Overall it is considered that the proposal would satisfy the social role of sustainable development.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

The proposed development is on land that is free from national designations, i.e. Area of Outstanding Natural Beauty or National Park, which cover 60 per cent of the district. 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. Given the fact that there is existing development adjacent to the site and the proposed layout, scale and appearance is considered to be in keeping with the character of the existing development, it is not considered that in this case there would be a significant adverse impact on the wider countryside. The proposal would not result in any highway safety problems.

It is considered that the impact on the character of the area will be acceptable and that the environmental role as set out in the NPPF is satisfied.

Design and visual impact

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside and potential coalescence issues need to be considered.

As the proposed development is located within the countryside the proposal is contrary to Policy DP12 of the District Plan. However, it is important to understand the intention behind the policy. The principal aim of Policy DP12 of the District Plan states: *"The countryside will be protected in recognition of its intrinsic character and beauty."* The supporting text sets out the following:

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

This policy aim follows national policy with one of the core planning principles of the NPPF, at para 17, is to: *"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."*

Paragraph 109 of the NPPF also refers to *'protecting and enhancing valued landscapes'* and case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes, not mere popularity.

Neighbourhood Plan policy CDNP05 (a) requires developments to fit unobtrusively with the surrounding character of the area.

Given that the application site is currently an undeveloped parcel of land, there will inevitably be a degree of visual change as a result of the proposal due to the introduction of built form on an undeveloped rural site. In this case however the development is not isolated as it is in close proximity to the built up area of East Grinstead to the north east and other development to the north and east. In visual terms therefore the site relates well to the built up area boundary and to the urban grain of both historic and more recent development. The site itself is quite well contained by trees and mature hedges along the boundaries.

The dwelling would be located within an area where there is a mix of styles including materials. The former Felbridge nurseries site has recently been developed and is now known as Coppice Vale and there are also two houses under construction on the adjoining field to the north of the site that are almost complete (DM/16/1966) and approval for a two dwellings to the north of Ascotts was granted under ref: DM/17/0360.

The wider visual impact of the development is therefore deemed quite minimal in this case, despite the fact that part of an undeveloped site is to be built on. Officers consider therefore that there would be a limited adverse impact on the landscape as a result of the proposed development but this is an inevitable outcome of developing on any greenfield site on the edge of villages and towns and in that respect is not unique to this site.

In terms of the coalescence, Policy DP13 of the District Plan and policy CDNP08 of the Neighbourhood Plan seeks to prevent coalescence. In this case the proposed dwellings would be seen in the context of the recent planning approval and development in the area, therefore it is not considered to impact on the gaps between neighbouring settlements.

Overall, although there is some adverse impact on the character of the area this is inevitable on an undeveloped site and the other detailed design requirements of local and neighbourhood policy are met. The development is not isolated and is in close proximity to the built up area of East Grinstead. Accordingly the application would comply with the aims of policy DP12, DP13 and DP26 of the District Plan, policies CDNP05(a) and CDNP08 of the Neighbourhood Plan and the requirements of the NPPF.

Standard of accommodation

Policy DP26 of the District Plan stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents, as follows:

The plans show that the proposed scheme can achieve these standards and would be in excess of these standards.

Impact on neighbouring amenity

Policies DP26 of the District Plan aims to protect amenity. A similar ethos is found within CDNP04.2 (f) of the Neighbourhood Plan.

In terms of overlooking and loss of privacy the dwelling on would be in excess of 50m from the nearest property to the north and there are mature trees along the northern boundary. Therefore the proposal is not considered to cause a significant impact upon nearby properties in terms of overlooking and loss of privacy. Furthermore, due to the distances and boundary treatment, it is not considered that the proposal would impact upon sunlight and daylight and loss of outlook. Consequently, it is considered that the above mentioned policies would be met and the proposal would not cause a significant detrimental impact upon the neighbouring residential amenities

Access, parking and impact on highway safety

Policy DP21 the 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.

The LHA has raised no objection and has noted that the site is accessed via a private track. The LHA do not consider that the development would cause an unacceptable intensification of traffic and there are no visibility concerns.

It is noted that Worth Parish Council have objected to the proposal in regards to CDNP10 as there is no cumulative traffic impact assessment onto narrow lane.

However as stated above the Highway Authority has been consulted on this application and have raised no objection to the application, subject to conditions securing the car parking and cycle parking. Therefore, the proposal is considered to comply with the above mentioned policies.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage Engineer has raised no objection and considers that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.

Ashdown Forest

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 the payment of £3,140 and the SANG contribution would be £2,033.

The District Council now 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. The necessary legal agreement has not yet been completed, but the decision will not be issued until it is completed and thus any impact on the Ashdown Forest will be mitigated so that no harm will result to its integrity and importance.

As it is considered that the recreational impact to the Ashdown Forest can be secured, the proposal therefore accords with Policy DP17 of the District Plan and Policy CDNP11 of the Neighbourhood Plan.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Trees

Policy DP37 of the 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 initially raised some concerns regarding the proposed location of the detached garage and its proximity to a tree group. Amended plans have now been received with the garage moved into a position clear of the trees and the Arboriculturist is now satisfied with the proposals.

On this basis, it is therefore considered that the proposal would comply with the above policies.

Planning Balance and Conclusions

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 NPPF.

National planning policy states that planning should be genuinely plan led. The Council is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan consists of the District Plan and the made Crawley Down Neighbourhood Plan. The application site lies in the countryside, outside the built up area of East Grinstead, and thus would be contrary to policy DP12 of the District Plan as the proposals are not necessary for the purposes of agriculture and are not supported by other policies in the Plan. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty.

Policy DP15 provides for exceptions to the presumption against new homes in the countryside in the where special justification exists. The proposals do not accord with DP15.

Policy DP6 of the District Plan is not a relevant policy as the proposal is on an application site that is not contiguous with the built up area.

Whilst the proposal conflicts with policy DP12 and DP15 of the District Plan, the proposals are considered to accord with the relevant Neighbourhood Plan policies, namely CDNP05 of the Neighbourhood Plan that does not restrict the location of new developments. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan. Only limited weight can thus be given to this policy in support of the application.

In accordance with the law, whilst this breach of district plan policy is the starting point for decision making, the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site, that are relevant to the application. These include:

There would be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. In this case however the development is not isolated or in open countryside as it is in close proximity to the built up area of East Grinstead to the north east and other development to the north and east. In visual terms therefore the site relates to the built up area boundary and to the urban grain of both historic and more recent development. The site itself is quite well contained

by mature trees and hedges along the site boundaries. The proposal would not therefore be contrary to the aims of Policy DP12.

Whilst the development lies outside of the built up area of East Grinstead, it is situated in close proximity to this settlement and as such services within East Grinstead will be accessible to future residents by means other than the private car. The site is therefore relatively sustainably located.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. The development will provide a positive economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

There will be a neutral impact in respect of a number of issues such as the design, highways, landscaping, drainage, sustainability and on the Ashdown Forest.

The proposal is therefore deemed to comply with the requirements of Policies DP13, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan, Policies CDNP04.2, CDNP05, CDNP08, CDNP10, CDNP11 of the Neighbourhood Plan as well as the broader requirements 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.

2. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roof of the proposed building 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 DP26 of the District Plan and Policy CDNP05.02 of the Neighbourhood Plan.

3. 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 DP26 of the District Plan and Policy CDNP05.02 of the Neighbourhood Plan.

4. No part of the development hereby permitted shall be occupied 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 2017.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The proposed dwellings shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan

6. The building shall not be occupied until the car parking and cycle parking on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan

Approved Plans

7. 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.

8. 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 DP26 of the District Plan and Policy CDNP05.02 of the Neighbourhood Plan.

INFORMATIVES

1. 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.

2. The applicant is advised that to satisfy condition 4 above there are likely to be two options:

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of

mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	02	B	31.01.2018
Existing Site Plan	SP01		06.09.2017
Proposed Floor Plans	02		06.09.2017
Proposed Floor Plans	03		06.09.2017
Proposed Elevations	04		06.09.2017
Proposed Floor and Elevations Plan	G01	Garage	06.09.2017
Proposed Floor Plans	06	Basement	06.09.2017
Tree Survey			06.09.2017
Location Plan			06.09.2017
Design and Access Statement	INC SUSTAINABILITY+ DRAINAGAE		06.09.2017
Tree Survey			06.09.2017
Other	TREE MAP		06.09.2017

APPENDIX B – CONSULTATIONS

Worth Parish Council

Object as no cumulative traffic impact assessment onto narrow lane. Contrary to Policy 10 of the CDNP

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 and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Arboriculturist

No objection.

WSCC Highways

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

The proposal is for 4-bedroom dwelling accessed via privately maintained access road (also footpath no. 44W). It is conceivable that the Public Right of Way (PROW) will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from his exercise of private access rights.

The existing vehicle access will be utilised to serve the dwelling. The plans show that a triple garage and sufficient space for turning within the site will be provided, so that a car can exit in a forward gear.

The PROW joins with the public highway on to Felbridge Road approximately 150 metres to the north and is split by the county boundary. There is no apparent visibility concern to the west, within the West Sussex county boundary. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a recorded injury accident in the vicinity. However, from an inspection of accident data it is clear that this was not due to any defect with the junction.

No highway safety or capacity concerns.

If the LPA are minded to approve the application the following conditions would be advised:

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

MSDC Drainage Engineer

Recommendation:

No objection subject to conditions.

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.

- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area.

This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will utilise soakage (application)

Foul Water Drainage Proposals

It is proposed that the development will utilise on-site treatment (application)

Suggested Conditions

C18D - Single Dwelling

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

[Flood Risk and Drainage Information for Planning Applications](#)

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a

guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

- Planning Practice Guidance - Flood Risk and Coastal Change
- Flood Risk Assessment for Planning Applications
- Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

Guidance for the level of information required is set out below:

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment (1) will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

(1) This level of assessment will need to be carried out to our satisfaction by a suitably qualified person.

For the use of SuDS (1) (2) (3):

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and the worst case taken as this will be precautionary (4). A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

(1) Suitable SuDS Guidance can be found using CIRIA Guidance Document C697 "SuDS Manual"

(2) Climate Change consideration should be calculated following Environment Agency Guidance

(3) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"

(4) Submitted SuDS designs will need to be undertaken by a suitably qualified person

For the use of attenuation, swales and soakaways (1):

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus have 40% capacity for climate change(2).

(1) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"

(2) Climate Change consideration should be calculated following Environment Agency Guidance

For the use of Public Sewers (1):

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted.

(1) Any design and construction of sewers should follow the standards of the WRC guidance "Sewers for Adoption" and should be agreed with the appropriate sewerage authority.

For the proposal of works to an Ordinary Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005. There is guidance and a form available [here](#)

For the use of watercourse to discharge surface water (1):

Calculations, plans and details will need to be submitted that demonstrate that discharge from the proposed development will be restricted to Greenfield run-off rate or QBar run-off rate, whichever provides the better rate of discharge(2). This will need to be for up to the 1 in 100 year storm event plus 40% capacity for climate change.

(1) In accordance with The Land Drainage Act 1991.

(2) Approved methods to calculate this include:

Institute of Hydrology - Report 124 - "Flood Estimation for Small Catchments"

Centre for Ecology and Hydrology 1999 - "Flood Estimation Handbook" - (FEH)

WinDes Software - Generated FEH Output

(For Highway) DMBR Standards HA106/04 - "Drainage of Runoff from Natural Catchments"

For the presence of an Ordinary Watercourse running through or adjacent to the site:

Consultation will need to be made with Mid Sussex District Council if there is a watercourse running through or adjacent to the proposed development. It is common practice to require the development to leave a strip of land, at least 5 to 8 metres wide, in order to provide access for future maintenance.

For the presence of a Public Sewer running under or adjacent to the proposed development:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker (1). Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

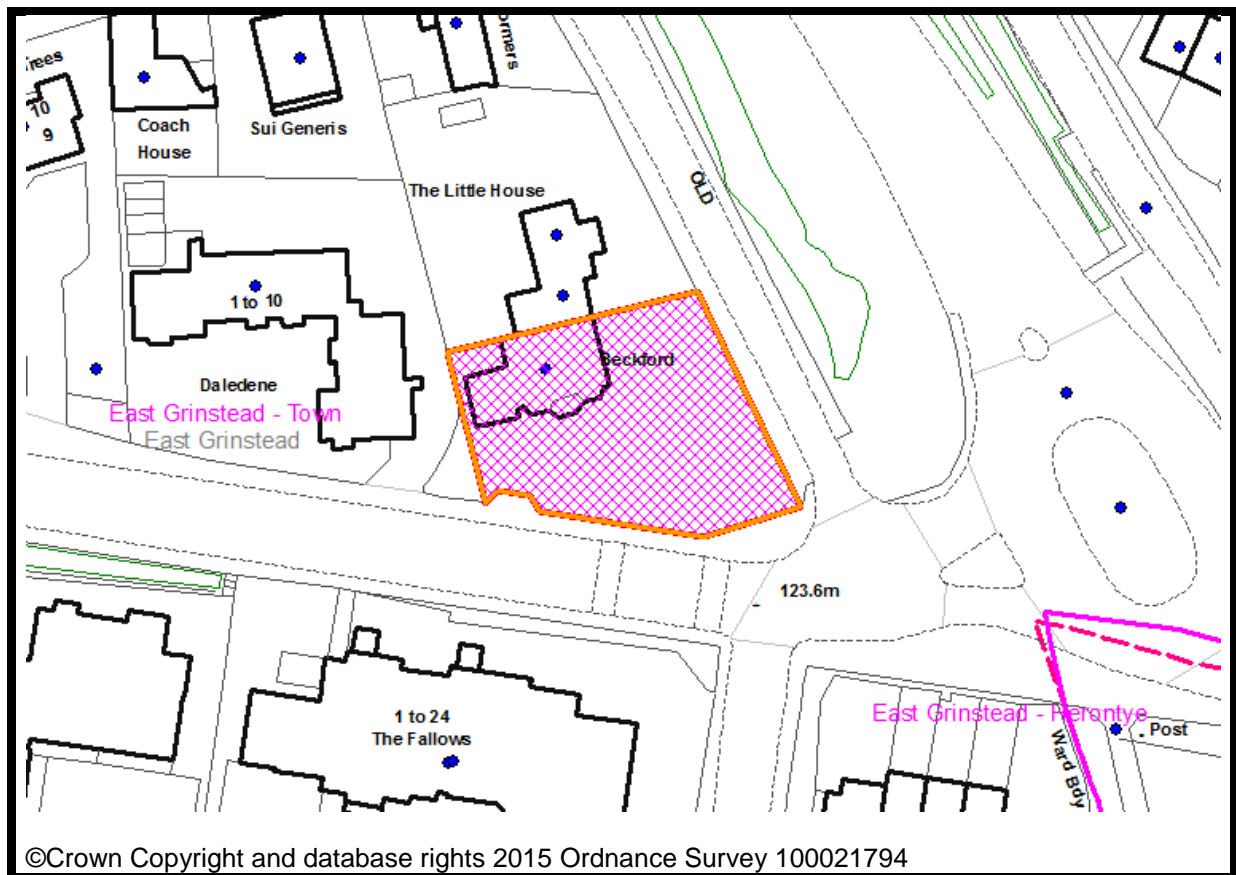
(1) Southern Water and Thames Water provide suitable online guidance notes for the building over or near Public Sewers.

For the presence of a Mid Sussex District Council (MSDC) owned culvert running under or adjacent to the site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477055.

East Grinstead

2. DM/18/0768



**BECKFORD LEWES ROAD EAST GRINSTEAD WEST SUSSEX
CONSTRUCTION OF A SINGLE STOREY REAR EXTENSION TO THE
GARAGE WITH REPLACEMENT PITCHED ROOF, SINGLE STOREY
EXTENSION TO THE EAST ELEVATION, FRONT PORCH EXTENSION,
FIRST FLOOR BAY EXTENSION, VELUX ROOF WINDOWS AND
FENESTRATION ALTERATIONS. PROPOSED CONVERSION OF
EXISTING HOUSE AND GARAGE TO FORM TWO STUDIO FLATS, TWO 1
BEDROOM FLATS AND THREE 2 BEDROOM FLATS, SEVEN CAR
PARKING SPACES WITH ASSOCIATED CYCLE AND REFUSE STORAGE.
MISS JULIET YATES
GRID REF: EAST 539979 NORTH 137975**

POLICY: Ashdown Forest SPA/SAC / Areas of Townscape Character / Built
Up Areas / Classified Roads - 20m buffer / Planning Agreement /
Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 21st May 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Mrs Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the construction of a single storey rear extension to the garage with replacement pitched roof, single storey extension to the east elevation, front porch extension, first floor bay extension, Velux roof windows and fenestration alterations. Proposed conversion of existing house and garage to form two studio flats, two 1 bedroom flats and three 2 bedroom flats, seven car parking spaces with associated cycle and refuse storage at Beckford, Lewes Road, East Grinstead.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies in the built up area of East Grinstead and results in the conversion and extension of an existing large dwelling to form a net increase in 6 additional residential units. The proposal is considered to be sensitive to the character of the area and will not detract from the street scene. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of highway safety and parking provision, space standards, impact on neighbouring amenities, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP17, DP21, DP26, DP27 and DP37 of the District Plan, policies EG3, EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraphs 7, 14, 17, 49, and 56 of the NPPF.

RECOMMENDATION

Recommendation A: It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

Recommendation B: It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 10th August 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 118 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

East Grinstead Society

No objection.

SUMMARY OF CONSULTATIONS

WSSC Highways

No objection.

WSSC S106 Contributions

Contributions required:

Education - Primary:	£4,145
Education - Secondary:	£4,461
Education - 6th Form:	£1,045

MSDC Drainage

No objection subject to conditions

MSDC Tree Officer

No objection.

MSDC Environmental Protection Officer

No objection to this application, subject to the conditions.

MSDC Street Naming and Numbering Officer

Recommend Informative.

TOWN COUNCIL OBSERVATIONS

Recommend Refusal: While the Committee appreciate that the overall size has been slightly reduced it is still felt to be overdevelopment and the concerns of 18th April 2017 and 24th August 2017 remain.

Previous comments of 24th August 2017

Recommend Refusal: There is no comment from WSCC which is necessary. The Committee felt that little had been altered to the plan that was considered on 18th April 2017 and the points raised by the committee were still valid and resulted in this plan being wholeheartedly rejected by the committee.

18.04.17: Recommend Refusal: The EGNP EG11 requires a traffic assessment to be provided for all new development. It is not provided and therefore this application cannot proceed at this time. EG3 EG3e and EG12 are also not complied with. The proposal is an overdevelopment, there is insufficient parking space allocated, the access to the road will not be appropriate. The Committee support the recommendations of the Tree Officers report also.

INTRODUCTION

Planning permission is sought for the construction of a single storey rear extension to the garage with replacement pitched roof, single storey extension to the east elevation, front porch extension, first floor bay extension, Velux roof windows and fenestration alterations. Proposed conversion of existing house and garage to form two studio flats, two 1 bedroom flats and three 2 bedroom flats, seven car parking spaces with associated cycle and refuse storage at Beckford, Lewes Road, East Grinstead.

RELEVANT PLANNING HISTORY

An application was submitted under reference DM/17/0994 for the construction of a two storey side extension, front porch extension, first floor bay extension, dormer window, front gable roof features, Velux roof windows and fenestration alterations to existing dwelling. Conversion of existing house to x1 Studio flat and 2x one bed flat and 3x two bedroom flat. Erection of detached building to contain 2x three bedroom

flats. 8 No. car parking spaces with associated cycle and refuse storage. However, this was withdrawn following officer concerns.

Following this, an application was refused under reference DM/172967 for the construction of a two storey side extension, single storey side extension, front porch extension, first floor bay extension, dormer window, Velux roof windows and fenestration alteration to existing dwelling. Conversion of existing house to 3x studio flat, 2x one bed flat and 3x two bed flat. 8no car parking spaces with associated cycle and refuse storage. This was refused as the proposed two storey side extension by virtue of its proximity to the neighbouring boundary and the orientation of the properties will result in an overbearing impact and a loss of light on the neighbouring residential amenities of 'The Little House'. In addition, the application was refused as the proposal did not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC).

SITE AND SURROUNDINGS

The application site comprises of a semi-detached period dwelling with a single flat roofed garage set to the front of the dwelling. The property is accessed from London Road and is situated on a corner plot of Lewes Road and Old Road.

To the front of the site is a stone wall and vegetation, with a vegetation boundary to the east of the site with Old Road. On the northern boundary with the attached dwelling 'The Little House' is a low fence. To the western boundary with 'Daledene' a flatted development is a brick wall with trellis and fencing above and the vehicular access serving these flats.

In terms of planning policy the site falls within the built up area of East Grinstead as defined by the District and Neighbourhood Plans.

APPLICATION DETAILS

Various extensions are proposed to the existing dwelling consisting of a single storey rear extension to the garage with the replacement of the existing flat roof with a pitched roof and the conversion of this to form one unit of accommodation split over two floors with the bedroom in the roofspace. The conversion and extension of the garage would result in a building measuring some 7.6 metres in depth, 5.45 metres in width with an eaves height (from the front of the building) of some 3 metres and an overall ridge height of some 5.2 metres. This extension would be set off the rear boundary by some 2.5 metres and the side boundary by a minimum of some 1.35 metres.

To the eastern (side) elevation, a single storey extension is proposed to provide two studio units. This extension would be set slightly forward of the existing dwelling by some 1 metres, and measure some 10.65 metres in width and 9.65 metres in depth. There would be a flat roofed link from the side of the main dwelling connecting to the extension with a height of some 3.5 metres. The main single storey extension would have an eaves height of some 2.9 metres, and an overall ridge height of some 5 metres. This extension would be set off the shared boundary with the adjoining

property 'The Little House' by some 1.4 metres with vegetation along the shared boundary.

The extensions would be brick built with a hipped tiled roof to match the existing dwelling.

In addition, the existing house would be remodelled internally to provide a second floor within the existing loft space. Accommodation within the roofspace would be served by 4no. rooflights to both the front and rear elevations, and 2 no. rooflights to both the eastern and western (side) elevations.

The development would result in a net increase of 6 units.

The existing front hardstanding would be enlarged into the existing garden area to allow for 7 off road parking spaces, cycle parking and communal bins. The existing driveway provide vehicular access onto Lewes Road and the existing stone wall and vegetation on the front boundary retained.

To the east of the car parking and to the front of the new single storey extension would be a communal garden area with vegetation retained on the eastern boundary with Old Road.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodlands and Hedgerows

Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

EG3 - Promoting Good Design
EG5 - Housing Proposals
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest

National Policy

National Planning Policy Framework (NPPF) (March 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.'

Para 12 states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

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

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 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.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- District Plan spatial strategy
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest;
- Other material considerations; and
- 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) Any 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."

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

Using this as the starting point, the development plan in Mid Sussex consists of the District Plan and the East Grinstead Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

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

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

In addition, policy EG5 of the 'made' East Grinstead Neighbourhood Plan relates to housing development and states *"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"*. It lists various criteria including that *"a) The proposed development contributes to sustainable development"*. Policy EG5 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

Impact to the character of the area

The proposal is situated within a residential area of East Grinstead where there is a mixture of design and scale of units. Along Lewes Road to the west of the site is a two-storey block of flats and opposite the site to the south are residential flat units. To the north is an adjoining two storey dwelling which has various extensions.

Policy DP26 of the District Plan relates to character and design and states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development."

The property is the only period style dwelling within this part of Lewes Road with other plots being previously redeveloped for flats. Whilst visible within the street scene the existing dwelling is set back from the highway with a stone wall and some trees and vegetation on the front and side boundaries. The existing single storey flat roofed garage and a front glazed conservatory are visible when driving along the highway. Whilst the property contributes to the character and appearance of the area, there is a mixture in design and scales of units surrounding the site. It is considered that the proposed side extensions to the existing property would be sensitive to the existing design and character of the building and form subordinate and subservient features to the main building. As such, the proposal would be sensitive to the existing character of the building and not result in a detrimental impact to the character of the area or street scene.

Whilst the proposal is to result in some loss of the existing garden set to the east of the property, there would still be an area of communal private garden retained to the front and side of the proposed single storey extension, with the retention of the front and side boundary planting to soften the development. In addition, the extensions are to be set off the boundary. It is thereby considered that the development would not result in an overdevelopment of the site.

Due to the retention of the frontage wall, hedgerow on the boundary with Old Road, the garden area and the scale of the extensions, it is considered that the proposal would still contribute to the character of the area.

The proposal thereby complies with policy DP26 of the District Plan, and policy EG3 of the Neighbourhood Plan.

District Plan Spatial Strategy

The NPPF sets out the principles of sustainable development. The District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy at DP6 of the District Plan. East Grinstead is designated as a Category 1 settlement which is a settlement with a comprehensive range of employment, retail, health, education leisure services and

facilities. These settlements benefit from good public transport provision and will act as a main service centre for the smaller settlements within the District.

The application site is thus, in principle, a suitable and sustainable location for residential development.

Neighbouring Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *"not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution"*.

The single storey eastern side extension is to be set off the shared boundary with 'The Little House' by some 1.4 metres. Whilst there are to be 4 rear windows facing the neighbours front driveway, due to the single storey nature of the extension and the boundary providing screening, it is considered that there would be no overlooking or loss of privacy caused by this element. Due to the single storey nature of this extension and its relationship with the adjoining neighbouring property, it is not considered that this would result in a significant overbearing impact to neighbouring amenities. In addition there would be no harm through a loss of outlook due to the positioning of the extension and the oblique angles gained towards the site from the neighbouring eastern (front) windows.

With regards to the conversion and extension of the garage, there would be two windows inserted to the rear elevation at ground floor level to serve a hallway and a bathroom (one window to be obscure glazed) facing to the adjoining neighbouring property. The rear of this unit is to be set off the shared boundary by some 2.5 metres with a 2 metre high fence on the boundary. It is considered that this element would not result in a loss of privacy to the neighbouring property as the windows would be screened by the existing boundary treatment of the fence. Due to the extension being set off the shared boundary by a minimum of some 2.5 metres, the extension being subordinate to the main ridge line and the existing relationship with the neighbouring property, it is considered that the extension would not result in a significant overbearing impact nor a loss of outlook to the amenities of the neighbouring occupier 'The Little House' which is set to the north.

Whilst there are to be rooflights to the existing main building due to their positioning within the roofslope there would be limited overlooking to the neighbouring property.

The proposal is not considered to result in significant harm to the neighbouring amenities and is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

Access and Parking

Paragraph 32 of the NPPF is relevant in respect of transport matters and states that:

"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 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."

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

It is proposed to use the existing access which serves the dwelling and to provide 7no. off road parking spaces to the front of the building and 7 cycle parking spaces.

The Town Council has referred to their previous objections to the refused scheme DM/17/2967 in which they considered that the proposal conflicts with Policies EG11 and EG12 of the Neighbourhood Plan as there is insufficient parking space allocated, the access to the road will not be appropriate.

The proposal shows that the site can adequately accommodate 7 off road car parking spaces to serve the development and provide suitable access arrangements utilising the existing access point.

The Highways Authority has considered the application and raised no highway objection. They consider that *"there appears to be no apparent visibility issue at the point of access onto Lewes Road. The application will not result in a 'material' increase in traffic movements over the existing use in line paragraph 32 of the National Planning Policy Framework (NPPF)."*

As such it is considered that the development would not cause a 'severe' residual impact on the nearby road network and would therefore not be contrary to paragraph 32 of the National Planning Policy Framework.

Consequently the proposal is considered acceptable on highway safety and transport grounds, and complies with policy DP21 of the District Plan, and policies EG11 and EG12 of the Neighbourhood Plan.

Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The units would meet the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of each of the units proposed.

Sustainability

Paragraph 93 of the NPPF states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

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

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."

A Sustainability Statement has been submitted with the application. It states that the as part of the conversion and renovation of the existing dwelling, the building will have thermal improvements including thermally efficient double glazing. In addition all units will benefit from smart energy metering, energy efficient fittings and bulbs, white goods provided will be A+ rated.

In addition, the development is situated in a sustainable location close to the town centre as well as a bus stop.

Therefore, it is considered that the proposal complies with the relevant criteria policy DP19 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (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) are 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 of £8,914 and if the approved scheme provides for a strategic SANG contribution, this would be £5,336.

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

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

The financial contribution to SAMM has been 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. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions. 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.

The Planning Obligation securing the SAMM contribution has been completed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP15 of the Submission Mid Sussex District Plan.

Other material considerations

Turning to other relevant material considerations, all aspects of the development must be weighed up in the planning balance, as set out in the NPPF as a whole. In particular, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7, in which the planning system should perform an economic, social and environmental role.

The Economic Role

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the Local Planning Authority to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for each the units proposed.

The economic dimension is met by this proposal owing to the New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community.

The Social Role

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 its health, social and cultural well-being."*

The Council can demonstrate a five-year housing land supply. National planning policy states that planning should be genuinely plan led. As the application site falls within development boundary of East Grinstead the principle of housing in this location complies with the Development Plan.

The provision of a net increase of 6 additional units on the site within a Category 1 settlement in a sustainable location will make a minor but positive contribution to the district's housing supply.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

There is an overriding need to ensure that development contributes to protecting and enhancing the natural, built and historic environment. It is considered that proposal is sensitive to the character of the area and will not detract from the street scene. The proposal would not result in any highway safety problems. In addition the development will not give rise to significant detriment to the amenities of neighbouring occupiers.

As such, the environmental role of sustainable development would be satisfied by this proposal.

CONCLUSION

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies in the built up area of East Grinstead and results in the conversion and extension of an existing large dwelling to form a net increase in 6 additional residential units. The proposal is considered to be sensitive to the character of the area and will not detract from the street scene. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of highway safety and parking provision, space standards, impact on neighbouring amenities, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP17, DP21, DP26, DP27 and DP37 of the District Plan, policies EG3, EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraphs 7, 14, 17, 49, and 56 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 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 be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed extensions 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031, and Policy EG3 of the Neighbourhood Plan.

5. Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Mid Sussex District Plan 2014 - 2031.

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

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

7. No part of the development shall be occupied until there has been submitted to, and approved in writing by, the Local Planning Authority full details of a hard and soft landscaping scheme and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of 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 DP26 of the Mid Sussex District Plan 2014 - 2031, and Policy EG3 of the Neighbourhood Plan.

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

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

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 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.
 - 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. The applicant is advised that to satisfy condition 3 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	D16085_A_1000	P1	19.02.2018
Existing Floor Plans	D16085_A_1030	P1	19.02.2018
Existing Elevations	D16085_A_1031	P1	19.02.2018
Block Plan	D16085_A_1032	P1	19.02.2018
Block Plan	D16085_A_1033	P3	19.02.2018
Proposed Site Plan	D16085_A_1034	P3	19.02.2018
Proposed Floor Plans	D16085_A_1035	P5	13.04.2018
Proposed Elevations	D16085_A_1036	P5	13.04.2008
Proposed Elevations	D16085_A_1037	P2	19.02.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 26th March 2018:- Recommend Refusal: While the Committee appreciate that the overall size has been slightly reduced it is still felt to be overdevelopment and the concerns of 18th April 2017 and 24th August 2017 remain.

WSCC Highways

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

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

Introduction

The development will create 7 flats in total with associated car parking to the front of the site. WSCC in its capacity of Local Highway Authority (LHA) has been consulted for highway safety, capacity and accessibility. The site is located to the eastern side of East Grinstead town centre and on the northern side of Lewes Road which runs from east to west connecting the main shopping thoroughfare of London Road with the A22 Beeching Way.

Comments

The proposals will utilise an existing access onto Lewes Road with no changes proposed. From inspection of the plans, there appears to be no apparent visibility issue at the point of access onto Lewes Road. The application will not result in a 'material' increase in traffic movements over the existing use in line paragraph 32 of the National Planning Policy Framework (NPPF). In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

I have also checked the most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access. Evidence suggests that developments of this type are unlikely to result in increased access or safety concerns.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

WSCC S106 Contributions

Please can these Section 106 Contributions sought be made available to the relevant case officer:

Education			
Locality	East Grinstead		
Population Adjustment	2.7		
	Primary	Secondary	6th Form
Child Product	0.0378	0.0378	0.0204
Total Places Required	0.2646	0.1890	0.0408

Summary of Contributions

S106 type	Monies Due		
Education - Primary	£4,145		
Education - Secondary	£4,461		
Education - 6 th Form	£1,045		
Total Contribution	£9,651		

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2012*.

The basis for this advice is contained in the County Council's adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1".

The calculations have been derived on the basis of an increase in 6 Net dwellings.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Deed of Planning Obligations

a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed

development to reimburse its reasonable legal fees incurred in the preparation of the deed.

b) The deed would provide for payment of the financial contribution upon commencement of the development.

c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2018.

d) Review of the contributions towards school building costs should be by reference to the DfF adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on supporting the National Curriculum at Estcots Primary School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School Sixth Form.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further

explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school - 7 year groups (aged 4 to 11)
- Secondary School - 5 year groups (aged 11 to 16)
- Sixth Form School Places - 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing and Social Rented Housing as a nil child product is assumed for these dwellings.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2017/2018, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - £15,666 per child
- Secondary Schools - £23,604 per child
- Sixth Form Schools - £25,600 per child

MSDC Tree Officer

I've reviewed the AIA & AMS that accompany this application, please find my comments below.

All of the trees on site have been plotted, measured, identified and classified as per BS5837.

The RPA of each tree has been calculated and plotted on the site plan provided.

A tree protection plan has also been provided within the AIA, tree protection measures for all retained trees are denoted within the site plan including Construction Exclusion Zones using suitable fencing and signage.

The site is not within a conservation area and none of the trees on site are subject to TPOs. However, there are several third party trees which border the site that are subject to TPOs.

The only one of these trees that has been recorded within the survey is T10 (Silver Birch). This tree's RPA does encroach onto the planned development, although this is well below the 20% threshold outlined within BS 5837.

Design changes have been made (subject to previous MSDC comments) and the adjacent existing garage will now be retained and not demolished as was originally planned. This is a positive step and makes more likely the future health of T10.

Several trees are to be removed to facilitate the development. These removals are considered appropriate under the circumstances and the trees in question are not of high amenity value.

Accordingly, I have no objection to the above application.

MSDC Drainage

Recommendation:

No objection subject to conditions.

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

No details of how surface water drainage shall be managed on site have been provided. However the application suggests the use of soakaways and permeable paving.

Foul Water Drainage Proposals

No details of how foul water drainage shall be managed on site have been provided. However, the application suggests foul water shall be discharged to the foul water sewer.

Suggested Conditions

C18F - Multiple Dwellings

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

scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results

		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the

1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

MSDC Environmental Protection Officer

The above application seeks to convert a large family home into 7 residential dwellings in a suburban area. In the event that planning permission is granted, Environmental Health recommend that the following conditions are applied:

Conditions:

- **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 amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

- **Plant and Machinery:** The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.

Informative:

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.

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (e.g. noise or artificial light) caused as a result of the extension and/or use of the building.

MSDC Street Naming and Numbering Officer

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 or by phone on 01444 477175.