
3 October 2018

Dear Councillor,

A meeting of **PLANNING COMMITTEE A** will be held in the **Council Chamber** at these offices on **THURSDAY, 11TH OCTOBER, 2018 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the previous meeting of the Committee. **3 - 10**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended For Approval.

6. DM/18/1762 - Bell Hammer, East Grinstead, West Sussex, RH19 4EF **11 - 54**
7. DM/18/2739 - Land at the Corner of Lowdells Lane and Buckhurst Way, East Grinstead, West Sussex. **55 - 96**
8. DM/18/2868 - 1 Jefferies, Horstead Keynes, Haywards Heath, **97 - 108**

Working together for a better Mid Sussex

West Sussex

Items Recommended For Refusal.

None.

Other Matters.

None

9. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee A:** Councillors E Matthews, D Sweatman, J Ash-Edwards, M Hersey, G Marsh, H Mundin, C Trumble, N Walker, J Wilkinson and P Wyan

Minutes of a meeting of Planning Committee A held on Thursday, 13 September 2018 from 7.00 p.m. to 9.35 p.m.

Present: Edward Matthews (Chairman)
Dick Sweatman (Vice-Chairman)

Jonathan Ash-Edwards*
Colin Trumble*

Margaret Hersey
Gary Marsh
Howard Mundin

Neville Walker
John Wilkinson
Peter Wyan*

* Absent

Also Present: Councillor Moore, Councillor Jones, Councillor Forbes, Councillor Coote and Councillor Hansford.

1. **SUBSTITUTES**

Councillor Moore substituted for Councillor Trumble.

2. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Trumble, Councillor Ash-Edwards and Councillor Wyan.

3. **DECLARATIONS OF INTEREST**

Councillor Sweatman declared a pecunerary interest in item DM/18/0946 Saint Hill Manor, Saint Hill Road, East Grinstead, West Sussex, RH19 4JY and will remove himself from the meeting for the duration of discussion and voting on the item.

Councillor Marsh declared a predetermination interest in DM/17/2551 Bridge Road/Queens Road, Haywards Heath, West Sussex, RH16 1UA as he was the Cabinet Member at the time that the funds were agreed for the site. He will remove himself from the Members table for the duration of discussion and voting on the item.

Councillor Mundin declared a non-predetermination interest in the Haywards Heath applications as he is a Member of the Haywards Heath Town Council Planning Committee. He stated that he comes to this meeting with an open mind to consider the representations of the public speakers, Officers and Members of the Committee.

4. **MINUTES**

The minutes of the meeting of the Committee held on 16 August 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/0285 78 London Road, East Grinstead, West Sussex, RH19 1EP

As there were no speakers for this item, Councillor Marsh proposed that the recommendation be approved, including the recommendations made by the Council's waste services, detailed in the Agenda Update sheet. This was approved unanimously.

RESOLVED

That planning permission be granted subject to the details in the Agenda Update sheet and the following:

Recommendation A

Subject to the completion of a satisfactory S106 planning obligation to secure the required level of SAMM contributions and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 13 December 2018, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

"The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policy EG5 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development."

"The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework."

DM/18/0484 130 Lower Church Road, Burgess Hill, West Sussex, RH15 9AB

Deborah Lynn, Planning Officer, introduced the application for a two storey extension to the rear of the existing mosque and installation of a mezzanine floor at first floor level, as well as proposed alterations to the front elevation to accommodate a disabled access ramp. She confirmed that the mezzanine floor would be used as a space for women to pray, which is not currently provided for in the mosque. She noted that this internal work alone would not require planning permission, however the rear extension and alterations do require permission. The extension would provide a rest room for the Imam and washing facilities for the women. The side alleyway would be used as the access route for women, who are expected to attend for Friday midday prayer only and for two Eid days a year.

Paul Brown and Simon Sheeran spoke in objection to the application on the grounds that the extension is an over-development and would impact the neighbouring house at No.132, resulting in loss of light to the garden and kitchen and a loss of privacy as the narrow alleyway runs past the kitchen door. Concerns were also raised in respect of parking and impact on highway safety. The applicants, Mustak Miah and Sadik Ullah spoke in support of the application, noting that the mosque had received no complaints in the year since it opened, and that parking concerns are not relevant as a large proportion of the people attending live locally and attend on foot.

Councillor Hansford spoke as the Town Councillor, raising concerns that the extension represented an over development and that the Highways comments were incorrect as there is no available parking and any parking restrictions are not enforced. Councillor Jones spoke as Ward Member sympathising that the Bangladeshi community would want to expand their mosque but citing over development and the impact that the extension will have on the neighbouring property, plus noting that the Officers could not find parking themselves when they visited the site as the road is already busy.

A number of Members expressed concern regarding the size of the proposed extension, citing over development and that it is contrary to DP26 in terms of protecting the valued townscape. It was felt that a smaller extension may be acceptable, but in its current form it would significantly block light to the neighbouring property at No.132. A Member sought clarification on whether the extension at No.134 was single or double height, and a Member sought clarification on the percentage increase in footprint to the building which would be added by the proposed extension. Clarification was also sought on the degree to which the light would be blocked.

A Member noted that the Bangladeshi community had worked hard to successfully open the current building and had received no complaints in the past year. She noted that the majority of worshippers live locally and travel on foot, and she was pleased to see that the application would provide a much needed place of worship for women. She sought clarification on the legal right to use the alleyway, as it is a shared point of access.

The Planning Officer confirmed that the extension at No.134 was single storey. Regarding the proposed extension to No.130, she noted that it would cause harm to no. 132 in terms of impact on light, but that such harm was not considered to be significant in accordance with policy DP26 of the District Plan. The extension is north facing so light would mainly be impacted in the morning and whilst the neighbour's extension would be impacted by the 45 degree test, as the extension has a glass roof, impact would not be significant. She also noted that the proposed extension would have a low eaves height of 3 metres, with a pitched roof sloping away from the neighbouring property. With regards to the alleyway, there is a legal right to use it, although in the past its use has been limited. The extension will add 70m² to the internal floor area and Members were reminded that the site already contains a small extension and outhouse on the site.

The Chairman noted that the site was not within a conservation area, and that he did not believe it to be over development.

Councillor Marsh proposed that the application be refused under DP26 for causing significant harm to the neighbouring property. This was seconded by Councillor Margaret Hersey. As 4 Members voted in favour of refusal and 4 Members voted against, the Chairman had the casting vote against the refusal.

He then took Members to the recommendation to approve, as set out in the report. 4 Members voted in favour of approval, and 4 against. The Chairman's casting vote in favour confirmed that the application was approved.

RESOLVED

That planning permission be granted subject to the conditions outlined at Appendix A.

Councillor Sweatman removed himself from the committee at 7.55pm for the duration of the next item.

DM/18/0946 Saint Hill Manor, Saint Hill Road, East Grinstead, West Sussex, RH19 4JY

The Chairman noted that there was only one public speaker in favour of the Officers recommendation and confirmed with Members that they did not require a full presentation by the Planning Officer. He took Members to the recommendation as set out in the report which was unanimously approved.

RESOLVED

That planning permission be granted subject to the conditions outlined at Appendix A.

Councillor Sweatman returned to participate in the meeting at 7.56pm.

DM/18/1076 Ashton House Residential And Nursing Home, Bolnore Road, Haywards Heath, West Sussex, RH16 4BX

The Chairman noted that there was only one public speaker in favour of the Officers recommendation and confirmed with Members that they did not require a full presentation by the Planning Officer. He took Members to the recommendation as set out in the report which was unanimously approved.

RESOLVED

That planning permission be granted subject to the conditions outlined at Appendix A.

DM/18/1965 24 Park Road, Burgess Hill, West Sussex, RH15 8ET

Joanne Fisher, Senior Planning Officer introduced the application for a change of use from a single dwelling to a (D1) daycare nursery (accommodating up to 65 children) and a single bedroom flat, demolition of conservatory, erection of a single storey side extension and a two storey rear extension, proposed hard/soft landscaping works and introduction of a new access from park road along with the provision of 8 parking

spaces. She drew Members attention to the additional letter of objection and additional condition contained in the Agenda Update Sheet. The Officer advised that this case is a carefully balanced assessment where the benefits of the proposal must be weighed against the potential disadvantages of the scheme. There would be economic benefit in providing a service where there is a demand. However, this needs to be weighed against the strong objections that have been made by local residents in relation to two main concerns from the proposal being a significant loss of residential amenity from the operation of the business, including the use of the garden; and that there will be a highway safety issue through the increase in vehicular movements to the site. She advised that the use of the outdoor area would be structured and controlled managed by members of staff. The hours of use of the outdoor play area would be during the period of 09.00 and 17.00 with the number of children outside at one time limited. In respect of highway safety, she advised that there had been no objection from the Highways Authority. Whilst the site lies within the St Johns Conservation Area, it is considered that the change of use will result in a neutral impact due to the building being retained. It is considered that on balance, the application would comply with policies set out in the District Plan as well as the National Planning Policy Framework.

Sarah Sheath and Roy Apps spoke against the application on the grounds of impact to the character of the area, the impact on the neighbouring amenity and access and parking issues. Lisa da Silva spoke as the Agent for the application noting the economic and social benefit that the nursery will provide. Councillor Hansford spoke as Town Councillor acknowledging the economic case for a nursery but expressing sympathy for the residents who will be affected by noise and parking issues. He asked for the committee to consider an additional condition regarding refuse collection should the application be approved, to limit the disruptive early morning daily collection times. Councillor Jones also spoke in objection noting that the property falls within a conservation area and where there is a need to retain large family sized homes. She commented that the 8 parking spaces are insufficient and will cause parking issues on a main arterial road through the area, and noted that noise from children playing in the garden cannot be measured in advance but will have an impact on the neighbours.

A Member sought clarification on the entrance and exit to the site and although he acknowledged the commercial benefits, he felt there was inadequate parking provision and the development would significantly impact the neighbours and the street scene. He drew Members attention to p.132, paragraph 2 where Inspectors have found significant adverse impacts from nurseries being located in residential areas and cited an application that was dismissed at appeal which did not lie within a conservation area. Adding the conservation area element into this application, he felt it was not advisable to recommend for approval.

A Member agreed with the relevance of p.132 para 2 of the report and noted that surrounding residents are in the most part retired, and will be affected by the noise of children playing in the adjoining garden. She noted that the Environmental Protection Officer had concerns regarding noise, and she felt that the addition of 6ft fences would not do enough to mitigate this. She also noted that the Burgess Hill

Neighbourhood Plan advocated the protection of assets and conservation areas and felt that this application would change the street scene with the addition of signage and large gates. Another Member agreed with the need to adhere to the policies made, and protect the conservation areas.

Two Members expressed sympathy with the neighbours but could not find a sound planning reason for refusal, citing a recent appeal for a nursery in Bolnore Village where the appeal against a refusal was upheld.

The Chairman and a number of Members cited DP26 as a reason to refuse the application as there are a number of issues including noise, parking and change of street scene that will cause significant harm to the amenity of nearby residents. It was also reiterated that this site is within a conservation area, so not comparable to the site at Bolnore Village.

In addressing Member's concerns, Steve King, the Planning Applications Team Leader, confirmed that any request for signage would require a separate application for advertisement consent. As such the Local Planning Authority would have control over this. He noted that there had been no objection from the Highways Authority who found it to be compliant with DP21 policy test. The Planning Applications Team Leader referred to the photographs of Park Road that had been distributed by the objectors who spoke against the scheme and advised Members that the content of the photographs did not provide any evidence of a highway safety issue from the proposal. He acknowledged that noise was an issue and may be the most solid planning reason for refusal should the committee be considering this. He pointed out that the issue was balanced but advised that the EHO had not objected to the scheme; if the EHO felt that the issue was clear cut the Planning Applications Team Leader advised Members that the EHO would have objected to the scheme.

Councillor Marsh proposed that the application be refused on the grounds of DP26 and the environment impact on the conservation area. This was seconded by Councillor Margaret Hersey and refusal was unanimously agreed.

RESOLVED

That planning permission be refused for the following reason:

The proposal will result in significant harm to the residential amenities of surrounding neighbours as a result of increased noise and disturbance caused by the use of the proposed outdoor play area associated with the Nursery use and also from the vehicular movements and associated activity in the car parking and tuning area. Such disturbance would be out of keeping with the qualities of the St Johns Conservation Area, where the proposed use would not conserve or enhance the special character of this designated heritage asset. The proposal would thereby conflict with policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031 and para 192 of the NPPF.

Councillor Marsh removed himself to the public area at 9.00pm for the duration of the following item.

DM/17/2551 Bridge Road/Queens Road, Haywards Heath, West Sussex, RH16 1UA

The Chairman noted that there were no public speakers and confirmed with Members that they did not require a full presentation by the Planning Officer. Councillor Wilkinson proposed that the application be approved. This was seconded by Councillor Mundin and unanimously approved.

RESOLVED

That planning permission be granted subject to the conditions outlined at Appendix A.

Councillor Marsh returned to participate in the meeting at 9.02pm.

DM/18/2675 Turners Hill Burial Ground, Turners Hill Road, Turners Hill, West Sussex, RH10 4PE

Andrew Watt, Senior Planning Officer, introduced the application for the construction of a new barn/workshop, hard standing area, internal site access road and footway, crossing to existing public right of way, and associated landscape works with all matters reserved apart from access and scale. He drew Members attention to the Agenda Update sheet where the discussion between the applicant and the Council's Landscape Officers had been detailed in full. He noted that the site falls within the countryside area of development restraint, with ancient woodland to the east and detailed the extensive planning history on the site since 2015 which has resulted in approval for use of the site as a natural burial ground with a car park, visitors centre and chapel building including a basement for storage of equipment related to the agreed use of the site. The current application, which is recommended for refusal would result in a road extending across the first field and into the northern field and a barn set at a 45 degree angle to both field boundaries. He cited DP12 and National Planning policies which seek to protect the countryside from development that does not have a need to be there, and noted that the Council's Landscape Officer queried the positioning of the building in the northern field, and why a barn of this scale is required for the burial ground. He noted that the applicant's own Landscape Officer does acknowledge that even with mitigation planting, the access road would continue to be visible. He also drew Members attention to the removal of trees by the applicant at the position where the entrance to the second field would be, which, in the Officers opinion were an unnecessary removal for that width of access.

The applicant's architectural consultant Cristian Halmaghe spoke in support stating that the barn was required to protect vehicles stored on site and that if he had to appeal it would be costly to the Council.

Councillor Forbes spoke as Ward Member representing the Parish and villagers noting that there is no business running on site so no need for the barn as there are no vehicles. If a need for a building later proves necessary, it should be placed close to the existing proposed building area. He also noted that the original application was for a natural burial ground with no formal pathways, to keep the natural element of the landscape, so queried why there was now a need for a significant gated road to

cut through the site. He listed DP12, 25, 26 and 35 and THP8 and 13 of the Neighbourhood Plan as reasons to refuse.

A Member noted that the initial field has now been scarred by recent planning applications but that no real development has happened on site since 2015. He noted that the applicant showed his real intention by submitting a planning application for 22 houses in 2017, which was refused. He commended the Officer for his detailed reason for refusal in light of the pressure he has received from the applicants team.

A Member agreed with the Ward Member that a proposal for an additional building if required, should be placed next to the original buildings which have been approved. He also queried why the applicant hadn't appealed the previous decision if the basement approved in 2017 was adequate for storage.

Prior to the vote on the recommendation, the Planning Applications Team Leader confirmed that works to implement the original planning permission for the natural burial ground had taken place and the permission had been lawfully commenced and was extant. He also advised Members that their decision must be made solely on the basis of what was presented in the planning application before the committee.

The Chairman took Members to the recommendation to refuse and read the refusal reasons as contained in Appendix A, sections 1 and 2.

Councillor Walker proposed that the application be refused. This was seconded by Councillor Wilkinson and unanimously refused.

RESOLVED

That planning permission be refused subject to the conditions outlined at Appendix A.

6. URGENT BUSINESS.

None.

7. QUESTIONS PERSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Meeting closed at 9.35pm

Chairman.

MID SUSSEX DISTRICT COUNCIL

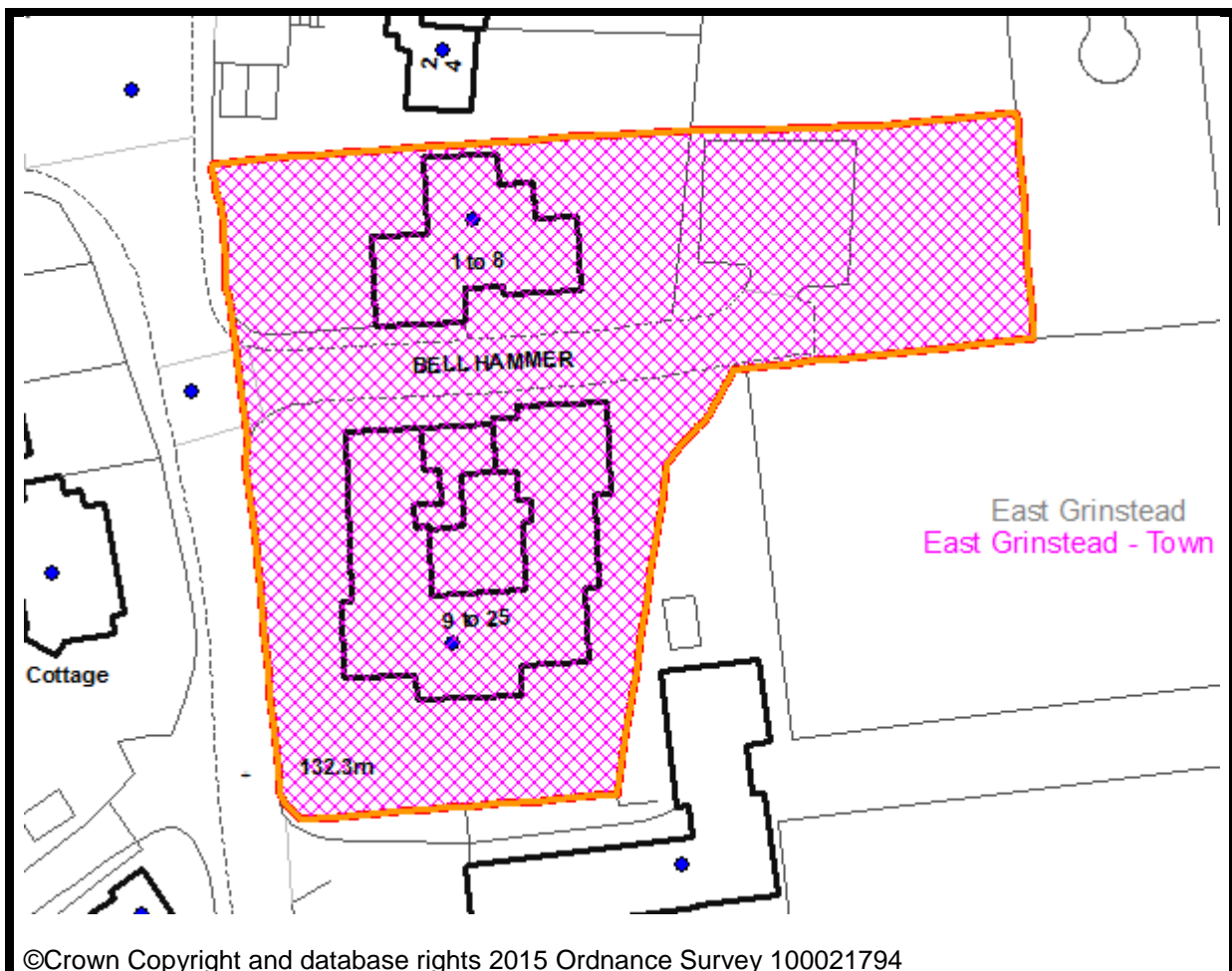
PLANNING COMMITTEE A

11 OCT 2018

RECOMMENDED FOR APPROVAL

East Grinstead

1. DM/18/1762



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**BELL HAMMER EAST GRINSTEAD WEST SUSSEX RH19 4EF
DEMOLITION OF FORMER SHELTERED HOUSING SCHEME AT BELL
HAMMER AND THE ERECTION OF 35 RETIREMENT LIVING
APARTMENTS FOR OLDER PERSONS, TO INCLUDE 31NO. 1 BED
APARTMENTS AND 4NO. 2 BED APARTMENTS.**

MOAT HOMES LTD

GRID REF: EAST 539436 NORTH 137861

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / District Plan Policy / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order Points / Archaeological Notification Area (WSSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th November 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of a former sheltered housing scheme and the erection of 35 retirement living apartments for older persons, to include 31no. 1-bed apartments and 4no. 2-bed apartments at Bell Hammer, East Grinstead.

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

The proposals will provide well equipped, accessible and much improved accommodation for the town's older population and as such the principle of the proposed re-development is deemed acceptable.

The replacement buildings will result in an attractive, contemporary development appropriate to its setting and wider street scene.

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.

On the basis of the above, the application complies with policies DP5, DP6, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6A, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure 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 11th January 2019, 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 policies 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 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

1 letter of comments from a neighbouring resident who supports the proposal but wishes consideration be given to the name/numbering of units.

East Grinstead Society

No objection

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Libraries - £141
TAD - £3,361

WSCC Flood Management Team

No objection.

MSDC Housing

Support.

MSDC Urban Designer

No objection subject to conditions.

MSDC Leisure

S106 Contributions:
FORMAL SPORT - £17,459
COMMUNITY BUILDINGS - £10,013

MSDC Drainage

No objection subject to conditions.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No comment.

MSDC Street Name & Numbering

Informative.

Sussex Police

No objection. Comments.

Southern Water

No objection. Condition and informative.

EAST GRINSTEAD TOWN COUNCIL

Would support approval - The Committee were pleased to see this application finally coming forward and re-providing elderly person accommodation albeit not sheltered

accommodation, which would have been preferred. In accordance with NP policies EG5 and 6A this is supported.

INTRODUCTION

Planning permission is sought for the demolition of a former sheltered housing scheme and the erection of 35 retirement living apartments for older persons, to include 31no. 1-bed apartments and 4no. 2-bed apartments at Bell Hammer, East Grinstead.

RELEVANT PLANNING HISTORY

13/01343/FUL - Demolition of the existing, sheltered housing scheme at Bell Hammer and the erection of a new build 28 no. unit sheltered housing scheme for older people or other people needing care and support (with a mix of 1, 2 and 3 bed units), including 2 cottages to the rear of the site. Approved 15th October 2013.

DM/15/1860 - Non-material amendment to planning application 13/01343/FUL to amend the internal layout of the ground floor (reducing the footprint of the building) and to create an additional external bin store. Refused 2nd June 2015.

SITE AND SURROUNDINGS

The application site lies on the eastern side of Ship Street, close to the town centre of East Grinstead. The existing site consists of a vacant sheltered housing scheme of 24 units comprising of 1-bed units, a communal lounge, a laundry and gardens.

The existing building comprises two separate two storey blocks built in the 1970s. The buildings are considered to be of limited architectural value and do little to positively contribute towards the character and appearance of the site and surroundings.

The buildings are set at a slightly higher level than Ship Street, and have a single point of entry off the road which passes between the two existing buildings and serves a small car park to the rear.

The site frontage is marked by a stone wall and is well screened by vegetation and a small number of trees protected by a preservation order (GR/4/TPO/08).

To the south and east, East Grinstead Lawn Tennis and Squash Club, wraps around the application site.

To the north the side elevation of the current building abuts a small block of residential flats (Clarendon Court) and the car park that serves Judges Close doctors surgery.

In terms of planning policy the site falls within the built up area as defined by the Mid Sussex Local Plan and the East Grinstead Neighbourhood Plan.

APPLICATION DETAILS

The scheme would provide the erection of 35 retirement living apartments for older persons comprising of 31 no 1-bed flats and 4no 2-bed flats. There would be communal facilities within the main building comprising of a residents lounge, a Manager's office, a Buggy store, toilets and a communal garden.

The scheme has been designed to enable older persons to lead an active independent lifestyle, who may require access to personal care and support all in a safe, supported and secure environment. There will be flexibility to increase the level of care and/or support as individual needs change, allowing residents to remain in their home.

All units will be 100% affordable rent to address an identified housing need.

The scheme is almost identical to the approved scheme (13/01343/FUL), aside from the following changes:

- The number of units has increased from 28 to 35.
- The number of car parking spaces has increased from 14 to 18.
- There is a change in the unit mix to deliver a greater number of 1 bedroom units.
- The 2 previously proposed cottages to the rear of the site are now shown as 4 flats.
- The revised scheme relocates the communal areas to a more central position within the scheme, with a small alteration to the proposed front elevation to accommodate the change.

The development will provide 18 car parking spaces (of which 4 will be for wheelchair users) and 4 cycle spaces.

The application has been accompanied with the following supporting documents:

- Planning and Affordable Housing Statement;
- Design and Access Statement;
- Sustainability Statement;
- Archaeological and Heritage Statement;
- Transport Statement;
- Arboricultural Implications Assessment / Arboricultural Assessment;
- Preliminary Ecological Appraisal; and a
- Flood Risk Assessment and Drainage Strategy.

LIST OF POLICIES

District Plan

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protections Area (SPA) and Special Area of Conservation (SAC)

DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

East Grinstead 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
EG6A (2) - Housing Sites that are committed via planning permissions
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

Para 12 states "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Para 38 states that "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every

level should seek to approve applications for sustainable development where possible."

Para 47 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.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- 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 this part of 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 considered 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."

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.

It is acknowledged that Policy EG5 is not compliant with DP6 of the District Plan in respect of development proposed outside the built up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the Neighbourhood Plan area. As such this policy attracts less weight. However, the application site is within the built up area of East Grinstead and therefore this conflict is not relevant to the issue before the committee.

In addition, the site is identified under Policy EG6A (2) (Housing Sites that are committed via planning permissions) in the Neighbourhood Plan. The previous 2013 application has lapsed, however the principle of its re-development for housing is considered acceptable.

The proposal will provide well equipped, accessible and much improved accommodation for the town's older population. There are no objections therefore to the principle of the re-development of this site as proposed.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and

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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is found within Policy EG3 of the East Grinstead Neighbourhood Plan.

Para 124 of the NPPF seeks the creation of high quality buildings and states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

In addition, para 127 of the NPPF requires developments to *"function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"* and to also be *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*.

The main block to the front of the site broadly follows the general building line along Ship Street and sits roughly in a similar position to the existing building. Whilst a single building is effectively being proposed it is split into two separate buildings at ground floor to allow the existing access through to the rear of the site to be maintained. This also helps to break up the massing of the building and give it a more domesticated scale, which is further reinforced in the design through subdivision of the front elevation to give the appearance of a terrace of houses.

In order to try and further minimise the bulk of the proposed building the main apartment building has a double pitched roof linked by a central flat roofed area with bay elements. Therefore whilst three storeys in height and set at a higher level than the road it is not considered that the proposed buildings will appear overly bulky or dominant in the street scene.

At the rear of the site, the pair of 'cottages' to provide 4no flats makes use of the landlocked portion of the site and will provide independent dwellings that will also have full use of the communal facilities of the scheme. These cottages take on a simple form and will reflect the main apartment building through the use of a similar pallet of elements and materials.

The Councils Urban Designer has reviewed the application and raises no objection to the proposal. He considers that:

"this a good design that has successfully overcome the constrained nature of the site, and the need to achieve a domestically scaled building to fit in to the residential character of Ship Street."

Planning Officers agree with the Urban Designer comments and consider that the replacement buildings would be of an appropriate design and form which would not detract from the character of the area. The proposal will result in an attractive, contemporary development appropriate to its setting and wider street scene.

The siting of the proposed buildings has taken into consideration the presence of the TPO trees and for the large part, retains the existing matured landscaping, particularly across the frontage of the site. Whilst it is proposed to remove one Yew Tree that is present at the front of the site and is protected by a TPO, this tree is in poor health and the Council's Tree Officer has confirmed that he has no objection to its removal subject to a suitable replacement.

The proposal is thereby considered to comply with policies DP26 and DP37 of the District Plan, policy EG3 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Highway Safety and Parking Provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Policy EG11 of the Neighbourhood Plan requires proposals to be supported by an appropriate assessment of the impact of the proposal on the highway network and include access arrangements that are appropriately designed and include adequate visibility splays. In addition, policy EG12 requires sufficient on site car parking.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 109 states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

The proposal is to re-use the existing access point, and to provide 18 on-site parking spaces, the majority to the rear with a couple at the front of the site.

The site lies close to East Grinstead town centre, close to local services and bus stops.

The Highways Authority has considered the proposal and raises no objection. They consider that the access to serve the development is acceptable and will not result in harm to highway capacity.

Consequently the application is deemed to comply with policy DP21 of the District Plan, policies EG11 and EG12 of the Neighbourhood Plan and para 108 of the NPPF.

Residential Amenity

Policy DP26 of the District Plan states in part that proposal should "*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 test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

With regard to neighbour amenity, the closest neighbouring residential properties lie to the north of the application site. This is a small flatted development of four units known as Clarendon Court. The closest elevation has been set no closer than the existing building and is stepped further away from the boundary where the proposed building will project beyond the rear elevation of the neighbouring building. Whilst the replacement building will present a larger structure to this neighbouring building it has been designed in such a way that there should not be a significant detrimental

impact on the amenities of these adjoining occupiers, by virtue of its bulk and proximity.

There are windows proposed in the side facing elevation towards Claredon Court at ground and first floor. These are to be secondary windows to residential units as well as well as serving communal stairwells. Whilst it is not considered that these windows are likely to cause any overlooking or loss of privacy due to their size and use, a condition could be utilised to ensure the first floor windows are obscure glazed to prevent any overlooking occurring therefrom.

On the opposite side of the road the closest residential properties are to be set in excess of 25 metres from the proposed building. Within a town centre location such as this, it is considered this is ample distance to protect the amenity of the opposite residential from any significant loss of privacy; especially with the intention to retain much of the frontage landscaping and despite the introduction of the glazed balconies.

The proposal is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

Provision of affordable housing

Policy DP31 of the District Plan relates to the provision of affordable housing and states the Council will seek a minimum of 30% on-site affordable housing to be provided on sites such as this, subject to a number of criteria, including viability considerations.

The applicants have provided an Affordable Housing Statement which sets out that *"100% of the units will be affordable rent to address the identified housing need within the District."*

However, it is advised that *"Moat would not be prepared to enter into a Section 106 limiting this development to affordable rent in perpetuity. In terms of an asset we need to ensure that the development is capable of being charged to secure funds and a Section 106 on the basis suggested would impact significantly."*

It should be noted that whilst the current site is a sheltered housing development, there is no legal agreement on the site that requires this to be the case.

The Councils Housing Officer has stated that *"The applicant is Moat Housing Association, an established affordable housing provider and existing stock holder in Mid Sussex with a local management base. They are proposing the redevelopment of the existing building at Bell Hammer (previously used as a sheltered housing scheme but no longer fit for purpose)." She goes on to state that "It is agreed that 100% of the units will be for affordable rent to address an identified housing need. We are very keen to see this scheme delivered and as such this application receives our full support."*

Within the Section 106 Agreement, 30% of the housing is to be secured. This equates to 11 dwellings which are all to be provided as affordable rented tenure of 9 x 1 bed and 2 x 2 bed units

The scheme is policy compliant through the provision of 30% affordable housing and will provide a further benefit with the additional 70% also for affordable rent.

On the basis that the proposal will deliver 100% retirement living with 30% secured as affordable housing; it is considered that the proposal will comply with Policy DP31 of the District Plan.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

"56 Planning obligations must only be sought where they meet all of the following tests:

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Libraries - £141

TAD - £3,361

District Council Contributions

Formal Sport - £17,459

Community Buildings - £10,013

Local Community Infrastructure - £11,309

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

The development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Drainage

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is partly 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.

It is proposed that the development will manage surface water drainage through the use of rainwater harvesting, soakaways and permeable paving, and that foul water will discharge to mains sewer.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

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

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 £12,339 and if the approved scheme provides for a strategic SANG contribution, this would be £11,302.

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 is to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to

mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. 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 is being progressed, 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.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The proposals will provide well equipped, accessible and much improved accommodation for the town's older population and as such the principle of the proposed re-development is deemed acceptable.

The replacement buildings will result in an attractive, contemporary development appropriate to its setting and wider street scene.

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.

On the basis of the above, the application complies with policies DP5, DP6, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6A, EG11, EG12 and EG16 of the Neighbourhood Plan, and

paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

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.

Pre-commencement conditions

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 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2010).

4. 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 District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.

5. The development shall not be implemented until the surface water drainage of the site has been designed so as to prevent the discharge of water onto the public highway. Details must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.

6. Development shall not begin until a scheme detailing provision for on-site parking and transfer of materials for construction vehicles and workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary so that a safe means of access is available for all traffic, including during the construction phase.

7. No works shall begin on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent the deposition of mud and gravel on the highway in the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.

8. 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 by the local planning authority. The scheme as

approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan. This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.

9. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

10. No construction of buildings shall be carried out unless and until samples and details of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan. This pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period.

11. No construction of buildings shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority section and elevation drawings at a 1:20 scale of a typical bay façade. This should include details of privacy screening to the side elevations of the balconies on the bays. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Construction phase

12. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

13. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

14. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Pre-occupation conditions

15. The building shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. 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 District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

16. Prior to the first occupation of the development sufficient space shall be provided within the site to enable a delivery vehicle and emergency vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme

submitted to and approved in writing by the Local Planning Authority and retained permanently for that specific use.

Reason: In the interests of highway safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

Post-occupation monitoring/management conditions

17. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

18. The first floor windows on the northern (side) elevation of the buildings hereby approved shall at all times be glazed with obscured glass fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

19. The development hereby permitted shall only be occupied by persons of 55 years of age and over.

Reason: To ensure that the proposal provides sheltered housing for older persons in order to meet the identified need and to accord with Policy DP30 of the District Plan 2014 - 2031.

INFORMATIVES

1. 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:

- 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.

2. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne,

Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>

3. 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.
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 and Block Plan	AA6847-2005		30.04.2018
Proposed Floor Plans	AA6847-2010		30.04.2018
Proposed Floor Plans	AA6847-2011		30.04.2018
Proposed Roof Plan	AA6847-2012		30.04.2018
Proposed Elevations	AA6847-2020		30.04.2018
Proposed Elevations	AA6847-2021		30.04.2018
Landscaping Details	AA6847-2013		30.04.2018
Tree Survey	J45.70/03		30.04.2018
Tree Survey	J45.70/01	B	30.04.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 16th July 2018:- Would support approval - The Committee were pleased to see this application finally coming forward and re-providing elderly person accommodation albeit not sheltered accommodation, which would have been preferred. In accordance with NP policies EG5 and 6A this is supported.

WSCC Highways Authority

There is no objection to the development (given that a similar proposal on the site received planning consent in 2013), subject to conditions.

The highway authority's concerns about emergency access do not seem to have been addressed in the transport statement and no information has been provided on the emergency services' views. This must be attended to by the applicant before construction begins.

The proposed bridge joining the front two parts of the development has headroom underneath of approximately 2.8m. This is not enough to allow access to the rear properties by larger vehicles including emergency vehicles. The applicant may wish to consider whether the bridge dimensions can be modified to enable such access.

Provided that sufficient parking and turning space can be provided at the front of the main building for emergency and service vehicles, the applicant may consider that the current proposal for rear access is appropriate. A condition must be attached to any consent regarding parking and turning (see below). The highway authority will object to any application to discharge such a condition where vehicles of any sort cannot enter and leave the site nose-first.

Table 4.1 in the transport statement has been updated by the transport consultant. The number of vehicle trips due to the development is shown in the extract from the revised table below, where the numbers with decimal points are the trip rates per flat and the whole numbers are the actual numbers of vehicle movements:

Vehicles						
8am-9am	0.082	3	0.082	3	0.164	6
5pm-6pm	0.041	1	0.062	2	0.103	4
7am-7pm	0.882	31	0.876	31	1.758	62

The highway authority considers that these figures are within the capacity of the site access and are unlikely to result in a severe impact on the local road network. There is therefore no objection to the size and scope of the development.

The number of parking spaces proposed is close to County Council standards and no further information is needed on this issue.

Conditions

Drainage

The development shall not be implemented until the surface water drainage of the site has been designed so as to prevent the discharge of water onto the public highway. Details must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Parking and turning

Prior to the first occupation of the development sufficient space shall be provided within the site to enable a delivery vehicle and emergency vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained permanently for that specific use.

Reason: In the interests of highway safety.

Construction Traffic

Development shall not begin until a scheme detailing provision for on-site parking and transfer of materials for construction vehicles and workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Wheel Cleaning Facilities - Temporary for Construction Vehicles

No works shall begin on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent the deposition of mud and gravel on the highway in the interests of road safety.

WSCC County Planning Officer

Summary of Contributions

Education			
Locality	East Grinstead		
Population Adjustment	16.7		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£141		
Population Adjustment	0.9		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	11		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	16.7		
Net Parking Spaces	4		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	No contribution		
Education - Secondary	No contribution		
Education - 6th Form	No contribution		
Libraries	£141		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Secured under Condition		
TAD	£3,361		
Total Contribution	£3,501		

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 proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions Consultation Draft April 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 11 Net dwellings and an additional 4 car parking spaces.

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>).

5. 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 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on new equipment at East Grinstead Library.

The contributions generated by this proposal shall be spent on pedestrian improvements between the development and East Grinstead High Street.

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.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

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. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,252** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

2. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

WSCC Flood Management Team

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

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

Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p>	

Modelled ground water flood risk susceptibility	Moderate risk
<p>Comments: The majority of the proposed development is shown to be at moderate risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses near the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application propose that sustainable drainage techniques (permeable paving and soakaways) would be used to control the surface water run-off from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

MSDC Housing

The applicant is Moat Housing Association, an established affordable housing provider and existing stock holder in Mid Sussex with a local management base. They are proposing the redevelopment of the existing building at Bell Hammer (previously used as a sheltered housing scheme but no longer fit for purpose). The proposal involves the demolition of the former scheme and the erection of a new older persons housing scheme containing 31 one bed apartments and 4 two bed apartments. The scheme has been designed to enable older persons to lead an active independent lifestyle in a safe, supported and secure environment and will provide accessible and much improved accommodation to help meet the demand for this type of housing in the town. It is agreed that 100% of the units will be for affordable rent to address an identified housing need. We are very keen to see this scheme delivered and as such this application receives our full support.

MSDC Urban Designer

Summary and Overall Assessment

The architects (PRP), responsible for the 2013 consent (13/01343/FUL), have been retained and the architectural approach is much the same. Therefore my observations dated 24/5/13 are still mostly relevant, as are my conclusions that this a good design that has successfully overcome the constrained nature of the site, and the need to achieve a domestically scaled building to fit in to the residential character of Ship Street. I therefore have no objections.

To secure the quality of the design I would nevertheless recommend that there is a condition requiring 1:20 scale section and elevation of a typical bay façade. In addition to this, I would like the usual conditions covering landscaping (including boundary treatment) and facing materials. On the latter, buff brick is best avoided as it is not the local colour; a more neutral brick with some red and perhaps buff tones would be more appropriate.

Key Changes (since the 2013 consent)

The more central position of the main entrance and communal areas works well in terms of the frontage; the disadvantage is that the external sitting-out area is now divorced from the lounge.

The loss of the vertically articulated roof and hidden gutters is a shame. However the proposed elevations satisfactorily integrate both the gutters and rainwater downpipes with the latter employed to define a series of vertically proportioned bays that alongside the grouped windows and balconies helps give the frontage the appearance of a replicated run of terrace houses. This gives the building both a domestic scale and underlying rhythm, and there has been an improvement upon the consented scheme as these elements are now better employed in the rear elevation and the pair of cottages too.

The building frontage is marginally forward of the consented scheme which will place marginally greater pressure on the existing trees. I will nevertheless defer to Will Argent on this.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 35 residential dwellings at Bell Hammer East Grinstead West Sussex RH19 4E on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Play space and kickabout contributions are not considered necessary to make this development for older people acceptable in planning terms.

FORMAL SPORT

In the case of this development, a financial contribution of £17,459 is required to increase capacity at the East Grinstead Tennis and Squash Club which is next door to the development site.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £10,013 is required to make improvements to Jubilee Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set

out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC 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 partly 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

It is proposed that the development will manage surface water drainage through the use of rainwater harvesting, soakaways and permeable paving.

The principle of the proposed drainage scheme outlined in the Flood Risk Assessment & Drainage Strategy dated 23 January 2018 is acceptable. To discharge planning conditions we will require confirmation of the proposed layout and detailed design drawings.

Foul Water Drainage Proposals

It is proposed that the development will discharge to mains 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)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√				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 Tree Officer

Further to reviewing the submitted AIA report provided and a visit to site, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

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

The site is not within a Conservation Area but has five trees currently subject to TPO (GR/04/TPO/08). One TPO'd tree recorded (T34 Yew) is third party. Consequently, any planned works to this tree will require the permission of MSDC and will have to be applied for separately.

TPO'd tree T36 (Yew) has been classified grade U and will be removed regardless of the development, this is due to the tree being in poor health and condition.

T2 (Red Oak) & T14 (Red Oak) are also subject to protection with works recommended. In regard to T14, recommended works are to reduce the crown by 3m and shape to balance. These works are acceptable and necessary to facilitate the development. The recommendations for T2 "Reduce to Previous cut points" are deemed excessive as the tree has not been reduced for some years. A similar 3m crown reduction would be more appropriate.

Several trees are to be removed to facilitate the development. Most of the trees recommended for removal have been classified grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. However, T38 (Yew) & T39 (Yew) are both subject to protection, and if removed, should be replaced with a like for replacement.

Protection measures for retained trees have been detailed within the submitted AIA report, including: Construction Exclusion Zones using suitable fencing/signage and ground protection.

As there will be groundworks undertaken within the RPA of retained trees with heavy plant/vehicles accessing site also, methodology and good working practice (treatment of disturbed roots etc.) must be set out within an AMS report. This AMS report should be submitted before works commence as site contractors' can then use this report as a guide.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: size, planting, support and feeding are required.

No objection will be raised subject to receiving the above mentioned replacement tree planting specification, amendments to recommended works for T2 and the submission of an AMS report detailing good working practices and protection measures on site.

Below is the amendment I would like to see for T2 Red Oak:

"T2 (Red Oak) & T14 (Red Oak) are also subject to protection with works recommended. In regard to T14, recommended works are to reduce the crown by 3m and shape to balance. These works are acceptable and necessary to facilitate the development. The recommendations for T2 "Reduce to Previous cut points" are deemed excessive as the tree has not been reduced for some years. A similar 3m crown reduction would be more appropriate."

MSDC Environmental Protection

Main Comments:

The application seeks permission for the development of the site into 35 retirement living apartments for older persons.

The proposed development is in a busy town centre therefore Environmental Protection therefore recommends the following conditions should the application be granted permission.

Recommendation: Approve with 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 of 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.

Minimise dust emissions: 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 by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents

Plant & 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 Contaminated Land Officer

No comment.

MSDC Street Name and Numbering

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

Informative: Info29

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

Sussex Police

Thank you for your correspondence of 25th June 2018, advising me of an outline planning application for the demolition of former sheltered housing scheme at Bell Hammer and the erection of 35 retirement living apartments for older persons, to include 31no. 1 bed apartments and 4no. 2 bed apartments, at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the

proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I was pleased to note the inclusion of a number of security measures within the Design and Access Statement submitted in support of the application. There was mention of controlled gates at the under-croft. I would recommend implementing controlled gates at the access to the site, these combined with a secure perimeter would create a very secure environment and assist in reducing the fear of crime.

Considering for whom the development has been designed for, a safe secure and sustainable development will be paramount. To achieve this, controlled access into the residential areas will need to be implemented. I recommend all external entrances to the building are accredited to LPS 1175 SR2 or STS 202 BR2, along with any easily accessible windows that conform to PAS 024-2016. Details of accredited doors and windows can be found within SBD Homes 2016. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets.

There are two access points and a cycle store entrance within the illuminated under-croft. These are to access the cycle / mobility scooter store and residential access into either side of the development. I have concerns with the location of these as this is the main vehicle route into and out of the development. It has been described as a shared surface, but I have concerns over vehicle / pedestrian collisions occurring, especially from residents egressing the building and cycle / mobility scooter store.

Clear boundary and demarcation between public space and private areas has been clearly indicated. However, as the first line of defence, perimeter fencing or walling must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. Gates that provide access to the side of the development or rear access to the gardens must be robustly constructed, be the same height as the adjoining fence or wall and be lockable from both sides. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Should CCTV be a consideration, I recommend that a set of Operational Requirements is created. This will enable the CCTV system to be used to its best ability ensuring that it is fit for purpose. Details on how to set up a set of O.R.'s can be found on the Home Office website; see CCTV Operational Requirements Manual 2009.

It will be important to maintain the landscaping and to that end I recommend in order to avoid loitering and places of concealment, ground planting is no higher than 1 metre with tree canopies no lower than two metres. This arrangement provides a window of observation across the development.

Finally, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear

duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Southern Water

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

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

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructurecharges>

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

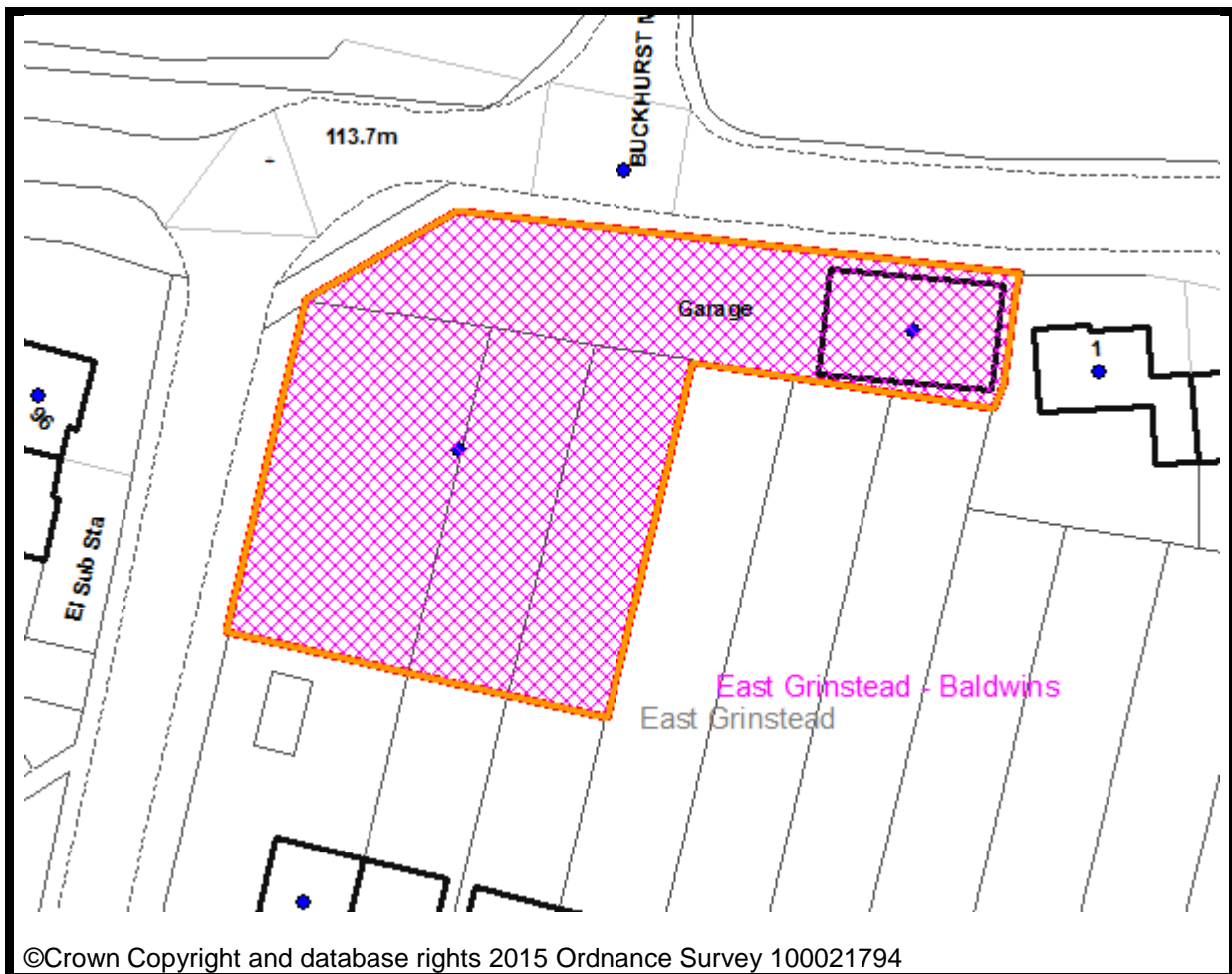
If the applicant wishes to offer drainage for adoption, the assessment of this proposals should be carried out by Southern Water on applicants request under Section 104 of the Water Industry Act 1991 before implementing on the site. All works should comply with Sewers for Adoption standards.

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

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

East Grinstead

2. DM/18/2739



**LAND AT THE CORNER OF LOWDELLS LANE AND BUCKHURST WAY
EAST GRINSTEAD WEST SUSSEX**

**PROPOSED 3NO. ONE-BED FLATS AND 5NO. TWO-BED FLATS WITH
ASSOCIATED PARKING. AMENDED PLANS RECEIVED 21/8/18
SHOWING REMOVAL OF DORMER WINDOWS TO WESTERN
ELEVATION AND REPLACEMENT WITH ROOFLIGHTS AND THE
REPOSITIONING OF 1 DORMER AND FENESTRATION ON THE GABLE
OF THE EASTERN ELEVATION.**

C/O AGENT

GRID REF: EAST 538359 NORTH 139454

**POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Areas of Townscape Character / Brownfield Land / Built Up Areas /
Miscellaneous Charges / Planning Agreement / Planning Obligation /
Aerodrome Safeguarding (CAA) / Tree Preservation Order /
Highways Agreement (WSCC) /**

ODPM CODE: Minor Dwellings

8 WEEK DATE: 15th October 2018

WARD MEMBERS: Cllr Margaret Belsey / Cllr Norman Webster /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for 3no. one-bed flats and 5no. two-bed flats with associated parking at Land at the Corner of Lowdells Lane and Buckhurst Way, East Grinstead.

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

The application site lies in the built up area of East Grinstead and results in the formation of 8 additional residential units. The proposed design, scale and access arrangements of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

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 space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure 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 11th January 2019, 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 policies 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 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

9 letters of OBJECTION concerning the following points:

- The modification to windows makes no difference. The addition of one more dwelling is wholly inappropriate on this already overdeveloped site.
- Inadequate parking and amenity space right on a busy corner without street space to accommodate overflow remains the issue;
- Velux windows does not stop people being able to look out over the gardens to the east.
- Both buildings are ugly, poorly conceived and overbearing;
- No buildings as high as this anywhere in the local proximity;
- Out of character of area;
- Proposal will add to the probability of more on street parking in an area that is already over crowded during the peak school run period. Added to this is the already dangerous corner at the end of Buckhurst Way;
- Proposal falls short of parking requirements.

East Grinstead Society

Amended: We recommended refusal when this planning application was originally brought forward. These minor amendments do not change our opinion.

Original: Recommend refusal. The mass of the proposed application is out of keeping with the area both on height and density and would cause considerable traffic problems for the neighbours and the school traffic.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:
Primary Education - £16,684
Secondary Education - £17,995
Education 6th Form - £4,206
Libraries - £2,206
TAD - £15,100

MSDC Urban Designer

No objection.

MSDC Leisure

S106 Contributions:
CHILDRENS PLAYING SPACE - £8,303
FORMAL SPORT - £7,290
COMMUNITY BUILDINGS - £4,181

MSDC Drainage

No objection subject to conditions.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No comment.

MSDC Street Name & Numbering

Informative.

EAST GRINSTEAD TOWN COUNCIL

Amended

Would Support Approval.

Original

Recommend Refusal - overdevelopment of the site. This application is an example of the developer pushing to maximise the value of the site at the expense of existing residents. The traffic levels added to this busy road will be adverse, raising safety concerns. The committee are keen to see this site developed but this application is out of proportion and constitutes over development. If MSDC are minded to approve, committee ask that permeable paving is essential to avoid flooding and ice forming on the pavements. If approved Vegetation that could affect the public highway must be a condition for maintenance management.

INTRODUCTION

Planning permission is sought for 3no. one-bed flats and 5no. two-bed flats with associated parking at Land at the Corner of Lowdells Lane and Buckhurst Way, East Grinstead.

RELEVANT PLANNING HISTORY

Various applications have been submitted for consideration in relation to the site concerning its re-development which have been refused.

Most recently, planning permission was approved by Planning Committee A under reference DM/16/3264 for the construction of 2 No. 1 bedroom flats, 5 No. 2 bedroom flats with associated car parking.

Subsequent to this an application for the discharge of conditions under reference DM/18/0866 in respect of conditions nos. 2, 3, 5, 6, 7, 10, 14, 15.1, 15.4 and 16 of DM/16/3264 has been approved. Works have commenced on site to implement the 2016 permission for 7 units.

SITE AND SURROUNDINGS

The site is located on the south side of Lowdells Lane on the corner with Buckhurst Way. The site previously had garaging on which has been removed and construction has commenced for the 2016 permission.

The southern boundary of the site has fencing on the boundaries with the rear gardens of the Knole Grove dwellings.

To the east of the site is a small two-storey residential dwelling that fronts Lowdells Lane.

Lowdells Lane to the east of the application site comprises of a variety of dwellings types generally two storeys in height consisting of semi-detached units.

To the north of the application site is the junction of Buckhurst Mead a small cul-de-sac of two-storey semi-detached dwellings. The north side of Lowdells Lane itself is notable for its very mature vegetation and verdant appearance.

The western boundary of the application site is marked by mature hedging and trees. These trees are all protected by a Tree Preservation Order (GR/4/TPO/90). On the opposite side of the road there are two semi-detached dwellings that face the application site.

In terms of planning policy the site falls within the built up area as defined by the Mid Sussex Local Plan and the East Grinstead Neighbourhood Plan.

APPLICATION DETAILS

The proposal is to form 8 flats within two buildings comprising of 3no 1-bed and 5no 2-bed units.

The scheme is almost identical to the approved scheme (DM/16/3264), aside from the following changes:

- The number of units has increased from 7 to 8 with the additional unit within the roofspace of the 3 storey block;
- Elevational changes to the 3 storey block comprising of two dormer windows on the eastern elevation and rooflights.

The proposal is to provide two separate buildings on the site. To the western end is to be a three storey block which would provide 6no flats. This building is to measure some 24.2 metres in depth and set a minimum of some 3 metres off the rear southern boundary. The building will have a maximum width of some 10 metres to the front and some 7.5 metres to the rear. The building seeks to provide a three storey height building with pitched roof elements to the eastern and western side elevations, and rendered box detailing to the northern front and western (side) elevation. To the eastern elevation is to be 2no flat roofed dormer windows measuring some 1.8 metres in width, 1.7 metres in depth and 1.7 metres in height with one rooflight and a window on the pitched element. To the western elevation is to be 5no rooflights and a window within the pitched element. The maximum eaves height of the building would be some 7.6 metres, with a maximum ridge height of some 12 metres. To part of the ground floor element of the building would be undercroft parking to provide 4no. parking spaces.

To the eastern end of the site is to be a two-storey block providing undercroft parking for 4no vehicles at ground floor and 2no. 1-bed units at first floor each with their own entrance. This building is to measure some 21 metres in length and 6.4 metres in depth. The building will have a maximum eaves height of some 4.9 metres, with a maximum ridge height of some 8.7 metres. This building is to be set close to the rear southern boundary by a minimum of some 0.4 and a maximum of some 2.6 metres.

The development will provide 8 car parking spaces in the form of undercroft parking of 4 spaces per building, and enclosed cycle storage to the western elevation of the 3 storey block.

The buildings would be constructed in brick with a slate roof.

Access to the site is gained from Lowdells Lane through two new access points.

The boundaries of the site to the east and south are to have 1.8metre high close boarded fence with 5no. trees planted between the southern elevation of the 3-storey block with the boundary.

LIST OF POLICIES

District Plan

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protections Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

East Grinstead 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
EG6B - Housing Sites which could be brought forward include
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a

strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

Para 12 states "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Para 38 states that "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

Para 47 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.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- 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 this part of 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 considered 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."

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.

It is acknowledged that Policy EG5 is not compliant with DP6 of the District Plan in respect of development proposed outside the built up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the Neighbourhood Plan area. As such this policy attracts less weight. However, the application site is within the built up area of East Grinstead and therefore this conflict is not relevant to the issue before the committee.

In addition, the site is identified under Policy EG6B (4) (Housing Sites which could be brought forward) in the Neighbourhood Plan. This states "*Meadway Garage, Lowdells Lane (0.16ha, Shlaa ref 324). This site has some tree coverage but historically was used as a garage. It is now redundant and dilapidated. To conform to the character of the area some 9 dwellings is considered appropriate in two storey buildings.*" The previous 2016 scheme for 7 units in 2 blocks comprising of 1no 2-storey and 1no 3 storey block has been implemented. The principle for the re-development of the site for housing is considered acceptable.

There are no objections therefore to the principle of the re-development of this site as proposed.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is found within Policy EG3 of the East Grinstead Neighbourhood Plan.

Para 124 of the NPPF seeks the creation of high quality buildings and states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

In addition, para 127 of the NPPF requires developments to *"function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"* and to also be *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*.

The development is the same footprint and design as the previously approved 2016 scheme with no increase in the height of the buildings. The only alteration to the previously approved scheme is the formation of two dormer windows and a window to the end gable of the eastern elevation, a window to the end gable on the eastern elevation, as well as rooflights to the 3 storey building in order to provide an additional unit within the roofspace. Whilst it is acknowledged that the proposed 3 storey block is bigger than the surrounding (predominantly 2 storey) buildings, it will however be largely screened by the large trees on the Sackville Road boundary and permission has previously been given for a 3 storey development under the 2016 permission. It was previously considered that although two-storey dwellings dominate the area that the introduction of a three storey feature on this plot is acceptable, creating a focal point and some interest to the street scene.

The Councils Urban Designer has considered the scheme and raises no objection. He states that *"Except for the utilisation of the roof space on the 3 storey building, it is the same layout and massing. The external differences will have minimal impact upon the public realm as the additional roof level fenestration at the front follows the profile of the previously approved scheme with the 2 dormers limited to the rear."*

Planning Officers agree with the Urban Designer comments and consider that the proposed amendments to the previously approved scheme are of an appropriate design and form which would not detract from the character of the area. The proposal will result in an attractive, contemporary development appropriate to its setting and wider street scene.

The proposal is thereby considered to comply with policy DP26 of the District Plan, policy EG3 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Highway Safety and Parking Provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Policy EG11 of the Neighbourhood Plan requires proposals to be supported by an appropriate assessment of the impact of the proposal on the highway network and include access arrangements that are appropriately designed and include adequate visibility splays. In addition, policy EG12 requires sufficient on site car parking.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 109 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Access will be achieved via two new points of access both serving independent undercroft parking and turning areas. Two existing points of access will be closed as a result of this proposal. The site would provide 8 unallocated parking spaces in the form of undercroft parking (4 parking spaces per building). This would result in one space per unit. In addition enclosed cycle parking spaces will be provided to the rear of the three storey building.

The Highways Authority has considered the proposal and raises no objection. They consider that *"the increase of one dwelling to the previously permitted scheme is not anticipated to give rise to a highway safety or capacity concern to the nearby road network."*

Consequently the application is deemed to comply with policy DP21 of the District Plan, policies EG11 and EG12 of the Neighbourhood Plan and para 108 of the NPPF.

Residential Amenity

Policy DP26 of the District Plan states in part that proposals should *"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 test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed three storey building is to be set some 3 metres from the rear southern boundary with properties on Knole Grove. There would be a distance of

some 17 metres between the rear elevation of the neighbouring properties and the side elevation of this proposed building. This is a side to rear relationship, with no windows overlooking the neighbouring rear gardens. Due to the proximity of the building with the neighbouring rear boundary and garden, the site being within a residential area and there being tree planting proposed to this southern boundary, it is considered that the proposed building would not cause an overbearing impact to the amenities of the neighbouring occupiers of no's 1 and 2 Knole Grove nor a loss of privacy.

The three storey building is to provide an additional unit of accommodation within the roofspace from the previously approved 2016 scheme. This is to result in the addition of two dormer windows to the eastern (side) elevation as well as a window to the end gable on the eastern and western elevations and rooflights. It is not considered that this additional unit in the roofspace would result in further overlooking to the neighbouring gardens. The three storey building previously approved had fenestration on the eastern and western elevations at first and second floor levels and these additional proposed windows and rooflights would not result in further significant detriment to the amenities of surrounding occupiers.

In respect of the two-storey building to the eastern end of the site, this is to be set close to the southern boundary with properties on Knole Grove (no's 4-6). These existing properties benefit from long rear gardens measuring some 38 metres in length from the rear wall of the dwellings. The rear elevation of this proposed two storey building is to have rear openings at ground floor serving the undercroft parking. On this boundary would be 1.8 metre high fencing.

At first floor there are to be no windows; however there are to be 8no. rooflights on the rear roofslope to provide light into the first floor accommodation. Due to the depth of the gardens at 4-6 Knole Grove resulting in a back to back distance of over 36 metres between the buildings, it is considered that the proposed building would not cause an overbearing impact to the amenities of the neighbouring occupiers. In addition, the formation of rooflights only to the rear elevation of this proposed building would prevent any overlooking into the private amenity space of these dwellings.

The proposal is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

Sustainability

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

A Sustainability Report has been submitted with the application. This sets out a number of measures which will be incorporated into the development. This states that energy assessment calculations will be carried out to demonstrate that the dwellings comply with Part L1A (2013) of the Building Regulations; with 100% of the internal light fittings will be dedicated energy efficient fittings. In addition, appliances and fittings that use water in the dwelling will be specified so that the water consumption will be no more than 120 litres per person per day.

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

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.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

"54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning

obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

and:

"56 Planning obligations must only be sought where they meet all of the following tests:

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Primary Education - £16,684
Secondary Education - £17,995
Education 6th Form - £4,206
Libraries - £2,206
TAD - £15,100

District Council Contributions

Childrens Playing Space - £8,303
Formal Sport - £7,290
Community Buildings - £4,181
Local Community Infrastructure - £4,745

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

The development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

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.

It is proposed that the development will manage surface water drainage through the use of permeable paving and an infiltration blanket soakaway, and that foul water will discharge to mains sewer.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

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

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 £14,942 and if the approved scheme provides for a strategic SANG contribution, this would be £9,033.

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 is to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. 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 is being progressed, 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.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. 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. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of East Grinstead and results in the formation of 8 additional residential units. The proposed design, scale and access arrangements of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

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 provide a minor but positive social and economic benefit through the delivery of 8 additional units in the built up area of East Grinstead within a sustainable location which reflects one of the key objectives of the NPPF. 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 proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework.

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.

Pre-commencement conditions

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 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2010).

4. 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 DP41 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences).

5. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the District Plan 2014 - 2031. (This pre-commencement condition is necessary so that a safe means of access is available for all traffic, including during the construction phase.)

6. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.)

7. No development shall be carried out unless and until samples and details of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan. (The pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period).

Construction phase

8. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

9. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

10. 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 and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Pre-occupation conditions

11. The building shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. 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 District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

12. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

13. No part of the development shall be first occupied until visibility splays have been provided at the proposed site vehicular access points onto Lowdells Lane in accordance with the approved planning drawing, 2788/100C. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

14. 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 and be provided on an unallocated basis for their designated purpose.

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.

15. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings.

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.

16. No part of the development shall be first occupied until such time as the existing vehicular access points onto Lowdells Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety 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 & 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.
2. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

3. 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.
4. 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			03.07.2018
Proposed Site Plan	2788/100	D	21.08.2018
Proposed Floor Plans	2788/101	C	21.08.2018
Proposed Floor Plans	2788/102	B	21.08.2018
Proposed Floor Plans	2788/103	C	21.08.2018
Proposed Elevations	2788/104	B	03.07.2018
Proposed Elevations	2788/105	C	21.08.2018
Proposed Elevations	2788/106	C	21.08.2018
Proposed Roof Plan	2788/107	A	21.08.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council – Amended comments

As per East Grinstead Planning Committee meeting held on 17th September 2018, the following observations were made:- Would support approval.

East Grinstead Town Council – Original comments

As per East Grinstead Town Council Planning Committee meeting held on 6th August 2018:- Recommend Refusal - overdevelopment of the site. This application is an example of the developer pushing to maximise the value of the site at the expense of existing residents. The traffic levels added to this busy road will be adverse, raising safety concerns. The committee are keen to see this site developed but this application is out of proportion and constitutes over development. If MSDC are minded to approve, committee ask that permeable paving is essential to avoid flooding and ice forming on the pavements. If approved Vegetation that could affect the public highway must be a condition for maintenance management.

WSSC Highways Authority

Background & Context

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been consulted on proposals for 8 x flats (3 x 1-bedroom and 5 x 2-bedroom) with associated 8 x car parking spaces and bicycle storage at the corner plot of Lowdells Lane with Buckhurst Way. Both roads are unclassified and subject to a 30 mph speed restriction.

The LHA was consulted previously on Highway Matters for 7 x flats in this location under planning application DM/16/3264 to which no objections were raised. The site has a historic use as vehicle repair workshop.

The site is included in the East Grinstead Neighbourhood Plan under Policy EG6B as a housing site which could be brought forward where 9 dwellings in two storey buildings was considered acceptable.

Access, Visibility & Road Safety Audit (RSA)

As per previous history on the site vehicle crossovers (VCO) are considered appropriate to serve the development. Two new VCO's are proposed in the same location as that proposed under DM/16/3264. As per the previous application an RSA from the 2007 scheme has been included and the agents 2016 response to this. The RSA cannot be assessed as part of the application documents as it was carried out to outdated standards (HD19/03) not to the current WSCC RSA Policy HD19/15 (adopted in September 2015). Nevertheless, WSCC Safety Audit policy only requires an RSA for 'major' residential developments. The amended scheme does not fall into this category and the LHA could not insist on a new Audit to be carried out.

Manual for Streets (MfS) sets out visibility splay standards of 2.4m by 43m for vehicle speeds of 30mph. The western most access has splays of 2.4m by 100m to the east (leading direction) and has been annotated as 9.8m to the west (trailing direction). However, a measure of the plan shows the western splay is in fact approximately 19.6m. These splays have previously been agreed under DM/16/3264. Consideration has been given to the proximity of the corner/ junction where vehicle speeds are anticipated to be below 30mph due to the geometry of the road layout in this location. Furthermore, the access will be moved further west which has already been assessed as a highway safety benefit considering the historic use at the site and level of vehicular activity associated with the vehicle repair workshop use.

As previously commented the eastern most access affords splays of 2.4m by 20m due to the position of the under croft parking building. These splays could be improved if a reduced 'X' distance of 2m were utilised, which has previously been considered as acceptable in this lightly trafficked low-speed location (as per guidance within MfS 2 Paragraph 10.5.8)

Internal Layout and Parking

The eastern most VCO will provide access to parking car barn for 4 x cars. From an inspection of the plans the parking spaces within this are suitable dimensions and at least 6 metre rear of these are available for a turn on site.

The western most access will lead to under croft parking of a further 4 x spaces. The internal access route to the parking area is approximately 4.8m at its narrowest which as per guidelines set out in MfS is sufficient width to allow two cars to pass in opposing directions. The access route rear of the car parking widens out to 6 metres to allow a car to manoeuvre to and from these spaces and turn on site.

The parking provision has been assessed using the WSCC Car Parking Demand Calculator. On the basis that the spaces remain unallocated, as indicated by the proposed plans, the demand in this location would be seven spaces. The LHA are

therefore satisfied with the level of parking provision offered. Furthermore, the site is sustainably located in regard to use of public passenger transport with regular bus services from London Road and East Grinstead Train Station could be reached by a seven minute cycle ride distant. Details for the secure and covered bicycle storage facility can be secured via condition.

Conclusion

In summary the increase of one dwelling to the previously permitted scheme is not anticipated to give rise to a highway safety or capacity concern to the nearby road network. The proposals therefore meet with paragraph 109 of the National Planning Policy Framework in that a 'severe' residual impact to the safe operation of the highway is not anticipated and there are no transport grounds to resist the proposals. If the LPA is minded to approve the application, previously advised conditions should be secured, as detailed below:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Access closure

No part of the development shall be first occupied until such time as the existing vehicular access points onto Lowdells Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings.

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

Car parking space

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 and be provided on an unallocated basis for their designated purpose.

Reason: To provide car-parking space for the use

Visibility

No part of the development shall be first occupied until visibility splays have been provided at the proposed site vehicular access points onto Lowdells Lane in accordance with the approved planning drawing, 2788/100C. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVE

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

WSCC County Planning Officer

Section 106 Contributions

Education			
Locality	East Grinstead		
Population Adjustment	14.0		
	Primary	Secondary	6th Form
Child Product	0.1330	0.1330	0.0718
Total Places Required	0.9310	0.6650	0.1436
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,206		
Population Adjustment	14.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	8		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	14.0		
Net Parking Spaces	8		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£16,684
Education - Secondary	£17,955
Education - 6th Form	£4,206
Libraries	£2,206
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£15,100
Total Contribution	£56,151

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 proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions Consultation Draft April 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 8 Net dwellings and an additional 8 car parking spaces.

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>).

5. 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 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

d) Review of the contributions towards school building costs should be by reference to the DfE 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.

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

The contributions generated by this proposal shall be spent on additional equipment at Baldwins Hill Primary School.

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

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

The contributions generated by this proposal shall be spent on flexible shelving to enable increased community use at East Grinstead Library.

The contributions generated by this proposal shall be spent on a safer routes to school scheme at Imberhorne Secondary School.

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.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

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).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

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 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - **£17,920 per child**
- Secondary Schools - **£27,000 per child**
- Sixth Form Schools - **£29,283 per child**

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure

varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,252** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

MSDC Urban Designer

I have no objections to this revised scheme. Except for the utilisation of the roof space on the 3 storey building, it is the same layout and massing. The external differences will have minimal impact upon the public realm as the additional roof level fenestration at the front follows the profile of the previously approved scheme with the 2 dormers limited to the rear.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

De La Warr Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site and this facility will face increased demand from the new development. A contribution of £8,303 is required to make improvements to play equipment (£4,513) and kickabout provision (£3,791) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £7,290 is required toward playing pitch drainage at Imberhorne Lane Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £4,181 is required to make improvements to community facilities at East Court.

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

MSDC Drainage

Recommendation: No objection subject to conditions

Summary and overall assessment

The submitted surface water drainage report references an earlier application for the site and is a development of only 7 dwellings. We will require the report to be updated for the proposed 8 dwelling scheme.

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

It is proposed that the development will manage surface water drainage through the use of permeable paving and an infiltration blanket soakaway.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the main foul 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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√	√	√	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

Main Comments:

The application seeks to construct 8 residential units.

There are concerns regarding the potential for noise and dust disturbance to existing nearby premises, especially the nearby residents during both the clearance and construction phases, particularly if any of the following activities take place: piling, concrete breaking and vibrational rolling. I therefore recommend a construction management plan condition, along with construction conditions to ensure that good practice is followed to minimise disturbance.

Recommendation:

Approve with conditions

1. 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 to 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.

2. 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

3. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

4. 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.

MSDC Contaminated Land Officer

Main Comments:

The application seeks to construct 8 residential units.

As part of the application a Ground Investigation report by Leap Environmental Ltd (ref: LP1546), dated the 9Th February 2018 was submitted.

I have previously reviewed the report as it was submitted for application DM/18/0866. The report was found to be satisfactory, but required further works in the form of barrier piping.

Information was also provided with application DM/18/0866 showing photo evidence of the installed barrier piping, written confirmation of its installation, and confirmation that ground work found no further contamination on site.

This appears to be a change to the design, and does not impact the works done. As such I have no comments to make with regards to this application.

Recommendation:

No Comment.

MSDC Street Name and Numbering

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

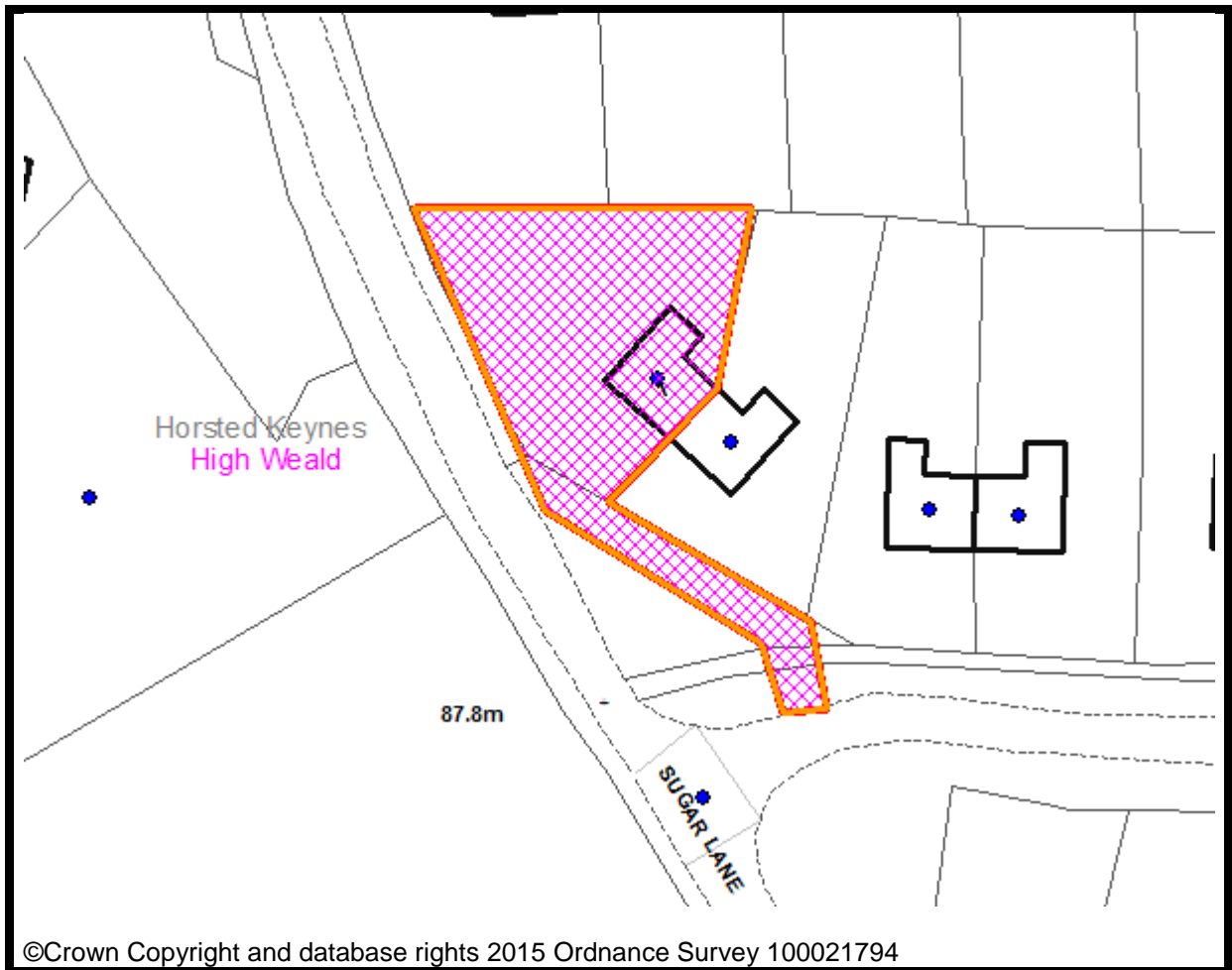
Informative: Info29

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

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Horsted Keynes

3. DM/18/2868



**1 JEFFERIES HORSTED KEYNES HAYWARDS HEATH WEST SUSSEX
PROPOSED FORMATION OF A PARKING SPACE TO THE FRONT OF
THE PROPERTY WITH LANDSCAPING WITHIN A POST AND RAIL
FENCE WITH GATE.**

MRS PAULA TASKER

GRID REF: EAST 538066 NORTH 127950

POLICY: Areas of Outstanding Natural Beauty / Aquifer (Source) Protection Zone / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer /

ODPM CODE: Minor Other

8 WEEK DATE: 1st November 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application seeks full planning consent for the formation of a parking space to the front of the property with landscaping within a post and rail fence with gate on land to the front of 1 Jefferies, Horsted Keynes.

The application is before committee only because it is on land that is owned by Mid Sussex District Council.

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.

In this case the proposal is acceptable in visual terms, will preserve the natural beauty of the AONB, will not significantly harm neighbouring residential amenity and will not adversely affect highway safety.

The proposal is therefore deemed to comply with the requirements of Policies DP16, DP21 and DP26 of the District Plan 2014-31 as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Planning permission should therefore be granted.

RECOMMENDATION

It is recommended that permission be granted, subject to the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

One letter concerned about the use of the area for car parking rather than just access; concerned that the area could be used for the parking of a large vehicle or caravan and that this will detract from the view from the neighbour.

SUMMARY OF CONSULTATIONS

WSCC Highways: No objections subject to conditions

SUMMARY OF PARISH COUNCIL COMMENTS

Balanced case, applicant needs to satisfy highways about manoeuvring and turning space, bank stability a concern and potential precedent although pleased that less cars will be parked on road.

Introduction

Application DM/18/2868 seeks planning permission for the formation of a parking space to the front of the property with landscaping within a post and rail fence with gate on land to the front of 1 Jefferies, Horsted Keynes.

Relevant Planning History

Planning permission was granted under DM/18/0433 to create a new access and parking area involving constructing a new access, off of an existing neighbouring crossover, over highways land to a new parking area in the front garden of the property.

This has not been implemented. It is worth noting that at the time of the decision being taken on the previous application it was understood by all parties that West Sussex County Council owned the land but it has recently come to light since the current application was submitted that it is in fact owned by Mid Sussex District Council.

Site and Surroundings

1 Jefferies is a semi-detached dwelling located on the edge of the village of Horsted Keynes. The application site is to the front of the house and is part of a substantial area of grass verge which forms part of the public highway but is owned by Mid Sussex District Council.

The site is within the built up area of Horsted Keynes and the High Weald Area of Outstanding Natural Beauty.

Application Details

The application differs from the previous permission in that it does not include parking in the front garden of the house or access to it. Instead the applicant is now proposing to have a parking area on the grass verge itself, rather than use this area as access to the parking area as before.

The parking/turning area is triangular in shape and measures approximately 17.5 m by 9 m by 10.1 m. A post and rail fence is proposed along the Sugar Lane boundary and inside the footpath on Jefferies itself.

List of Policies

District Plan

DP16 - AONB

DP21 - Transport

DP26 - Character and Design

Horsted Keynes Neighbourhood Plan

The Neighbourhood Plan was withdrawn from examination in July 2018 to allow for further work to be undertaken.

National Policy and Other Legislation

National Planning Policy Framework (NPPF - 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

National Planning Policy Guidance

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

Assessment

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

The main issues in this case relate to the visual impact, the effects on highway safety and any impact on neighbouring residential amenity.

One of the key issues is the design and the subsequent visual impact on the character of the area. The newly published NPPF makes reference to the importance of good design at para 127 which states in part that:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."*

Such requirements are similar to those found at district level within DP26 which states in part that:

"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;"*

When assessing the visual impact it is important to take into account the previous approval which is an important material planning consideration. This permitted a driveway to the front of the dwelling albeit the area was smaller than the area now proposed under the current application. Nonetheless the parking and turning area is to be built using reinforced grass mesh giving a natural finish to the proposal and this is also what was permitted under the last application. It should be noted that a landscaping plan has been submitted alongside a turning/parking plan. The landscaping plan has been updated to clarify that the area to be grass mesh incorporates the achievable turning/parking area and this is acceptable in visual terms.

A post and rail fence was also permitted under the last application although this is now intended to cover a bigger area than before. This is acceptable and is in keeping with similar boundary treatments in the vicinity whilst also reflecting the location on the edge of the village.

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

Paragraph 172 of the NPPF states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."* A similar ethos is found at local level where Policy DP16 of the District Plan requires that proposals preserve or enhance natural beauty.

In this case the minor nature of the proposal means that the scheme accords with such AONB policy as natural beauty is preserved.

Overall on the issue of visual amenity planning officers are content that the design of the proposal, alongside its modest nature, means the impact on the character of the area is acceptable and the application complies with the design and landscape requirements at district plan and national level.

Impact on neighbouring properties

District Plan Policy DP26 is applicable and this states, in part where relevant, that:

"All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)."

The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm.

In this case the neighbour has raised concerns about the visibility of larger vehicles such as caravans being kept on the parking area for a long period of time. Due to the lie of the land, the screening effects of the hedge and the distance to the neighbouring house, the use of this area for the parking of cars will have little visual impact on the neighbour. The applicant has confirmed it is their intention to use the area for the parking of cars. There is no guarantee however that this would be the case in the future.

In such circumstances it would be reasonable to apply a condition that restricts the use of the car parking area to prevent the stationing of high-sided vehicles that can often be stored on driveways such as caravans, campervans or boats. The condition will restrict the use to private cars.

The proposal not will not result in significant harm to neighbouring amenity in any other respect, including through noise and disturbance or loss of privacy.

In light of the above points, coupled with the use of condition, there will be no significant harm to neighbouring residential amenity meaning the proposal accords with Policy DP26 of the District Plan.

Highways, Access and Parking

There is currently no vehicular access to the site and direct access from Sugar Lane is unlikely to be acceptable or possible.

Policy DP21 in the District Plan states:

"The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the

development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.

The NPPF, as published in July 2018, states the following:

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

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

West Sussex County Council has been consulted on the merits of the application and their comments are set out in full within Appendix B. Regarding the parking and turning arrangements West Sussex has confirmed the following:

"The applicant has provided a plan which demonstrates a parking space and turning area. The Local Highways Authority has undertaken an internal tracking assessment and would conclude that turning a single vehicle on this area would be achievable. The Local Highways Authority would note that if a vehicle was to reverse from the proposed hardstanding area onto Jefferies this would be considered inconvenient but not unsafe in highways terms."

West Sussex has suggested a condition to secure the turning/parking as per the submitted plans and this is set out in Appendix A, condition 3.

The West Sussex comments also reference land ownership issues (since resolved as the land is owned by MSDC) and the need for a stopping up order which is a separate requirement to planning permission.

West Sussex conclude their comments by confirming that: *"The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."*

Taking into account the above consultee comments it can be reasonably concluded that there are no sustainable reasons to refuse the scheme on highways, access or parking grounds as the proposal complies with Policy DP21 of the District Plan.

Other Planning Issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

The proposal will not set a precedent as each case needs to be assessed on its individual merits.

The proposal does not include any re-grading works to the Sugar Lane highway bank itself and the impacts of this proposal will be less likely to impact upon bank stability than the previous scheme that was supported by West Sussex. The previous application required a bank stability assessment secured via planning condition but this has not been requested on the current application by West Sussex meaning a similar condition is not necessary.

Planning Balance and Conclusion

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

In this case the proposal is acceptable in visual terms, will preserve the natural beauty of the AONB, will not significantly harm neighbouring residential amenity and will not adversely affect highway safety.

The proposal is therefore deemed to comply with the requirements of Policies DP16, DP21 and DP26 of the District Plan 2014-31 as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Time Limit

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.

Pre-occupation

2. The parking and turning area shall not be brought into use unless and until the landscaping has been carried out in accordance with the approved plans with details of the post and rail fence to be agreed in writing with the local planning authority prior to such use.

Reason: In the interests of visual amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

3. The land subject of this application will not be used for the parking and turning of vehicles until such time as the vehicle parking and turning space has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the District Plan.

Post-occupation and management conditions

4. No boat, caravan or campervan shall be stationed on the parking/turning area hereby permitted with this area to be used only for the parking of private cars.

Reason: To protect neighbouring residential amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Approved Plans

5. 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.

INFORMATIVES

1. 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.

2. 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.

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	-	-	16.07.2018
Highways Plans	PARKING	-	16.07.2018
Landscaping	-	-	27.09.2018

APPENDIX B – CONSULTATIONS

West Sussex 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.

Context & History

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/18/0433 seeking the implementation of a vehicular access to serve a hardstanding parking area within the frontage of 1 Jefferies using an existing crossover.

No overriding highways concerns were raised and consent was granted by the Local Planning Authority. This latest iteration of the scheme seeks to provide the parking and turning area on an area of Highway Land fronting 1 & 2 Jefferies.

Parking & Turning Area

The applicant has provided a plan which demonstrates a parking space and turning area. The Local Highways Authority has undertaken an internal tracking assessment and would conclude that turning a single vehicle on this area would be achievable.

The Local Highways Authority would note that if a vehicle was to reverse from the proposed hardstanding area onto Jefferies this would be considered inconvenient but not unsafe in highways terms.

Public Highway

Notwithstanding any land ownership issues, which will be discussed below, the land in question is designated as Public Highway.

It is noted that the application has been made with the intention that it will be used by 1 Jefferies only. Reference is made within the application documents to bollards and in the future a post and rail fence enclosing this land.

As such in order for the permission to be implemented the Public Highway in question must first be 'Stopped Up' and have its highway rights extinguished. Providing the development has not commenced this process can be sought under S 247 of the Town and Country Planning Act 1990, and is administered by the Department of Transport National Transport Casework Team. Prior to commencement the applicant would be advised to complete the 'Stopping Up' Process. The granting of planning permission and comment provided here does not guarantee that a 'Stopping Up' application, which will be subject to additional consultation, will be successful.

It is understood this process has been commenced by WSCC Legal Services. Typically the applicant would be advised to contact the Department of Transport National Transport Casework Team to commence this process.

Land Ownership

While not strictly a planning matter the land subject of this application does not seem to be within ownership of 1 Jefferies. I can confirm it is not within the ownership of West Sussex County Council. The applicants would be advised to ensure they have the appropriate permission / access rights to use this land as once the Highway rights are extinguished access would become a private concern.

Conclusion

The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following condition would be advised.

Vehicle parking and turning

The land subject of this application will not be used for the parking and turning of vehicles until such time as the vehicle parking and turning space has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

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