
11 March 2020

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 19TH MARCH, 2020 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|--|--|------------------|
| 1. | To receive apologies for absence. | |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 3. | To confirm the Minutes of the meeting of the Committee held on 27 February 2020. | 3 - 6 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |
| Items Recommended for Approval. | | |
| 5. | DM/19/5211 - Land adj. to Brookhurst, Furze Lane, East Grinstead, RH19 2BQ. | 7 - 58 |
| 6. | DM/20/0015 - Oakhurst, Maypole Road, East Grinstead, RH19 1HL. | 59 - 106 |
| 7. | DM/20/0238 - Clarks, Unit 7, The Orchards, Haywards Heath, RH16 3TH. | 107 - 112 |

Items Recommended for Refusal.

8. DM/20/0161 - Evergreen, Cottage Place, Copthorne Common Road, Copthorne, RH10 3LF. **113 - 136**

Other Matters.

None.

9. Questions pursuant to Council Procedure Rule 10.2 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:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Thursday, 27th February, 2020
from 7.00 - 7.52 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

G Allen	R Eggleston	D Sweatman
R Cartwright	A MacNaughton	N Walker
E Coe-Gunnell White	C Phillips	
J Dabell	M Pulfer	

Also Present: Councillor I Gibson.

1 TO RECEIVE APOLOGIES FOR ABSENCE.

No apologies were received.

2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

No declarations were received.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 6 FEBRUARY 2020.

The Minutes of the meeting of the Planning Committee held on 6 February 2020 were agreed as a correct record and signed by the Chairman.

4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman had no urgent business.

5 DM/19/5100 - LAND AT TURNERS HILL BURIAL GROUND, TURNERS HILL ROAD, TURNERS HILL, RH10 4PE.

Steven King, Planning Applications Team Leader, introduced the application which sought outline planning permission for the construction of a barn/workshop for the storage and maintenance of operational vehicles. The application seeks approval for the access, appearance, layout and scale however landscaping would be reserved for future consideration. He drew Member's attention to the Agenda Update Sheet which detailed additional comments from the MSDC Consultant Ecologist.

Ian Gibson, Ward Member, spoke against the application. He highlighted the need for burial grounds and the projected increase of the need for these such facilities in future. He believed that the application conflicted with Policies DP12: Protection and Enhancement of Countryside and DP26: Character and Design as the proposed

building would be visible from the North Downs as well as the design being out of character to other similar buildings in the area. He drew attention to the scale of the proposed building and stated that it would be large enough to house a JCB digger however a Burial Ground would not require machinery that large. He highlighted that the site had previously been identified through the SHELAA (Strategic Housing and Economic Land Availability Assessment) process for 175 dwellings but was not brought to the next round of selection and expressed concern that the site may be brought forward for 175 dwellings again in future.

The Vice Chairman asked what the red screening on the site was for and whether it required planning permission. He also made the comment that the proposal seems large compared to the type of equipment required for a natural burial ground. The Planning Applications Team Leader explained that the red hoarding does not appear to enclose anything and explained that if the hoarding is less than 2 metres in height then it would not require permission.

The Chairman asked for the Officer's clarification with respect to the determination of matters on the application by the Committee.

The Planning Applications Team Leader confirmed that only the landscaping around the proposed dwelling is reserved and all other matters are for the Committee to determine.

The Chairman noted that he lives in a rural part of the District, representing a rural ward and highlighted that a barn with concrete blockwork, timber cladding and metal dual pitched roof are not often seen in the countryside.

A Member compared the scale of the proposed building to that of the Council Chamber and felt it was questionable to have a barn of that size to serve a purpose that does not require something so big.

The Chairman drew attention to the Parish Council comments. He noted that there is also a natural burial ground in Hassocks and compared the size of the barn that they use to store their equipment.

A Member believed that the appearance of the barn is an essential part of the application. He highlighted that the chapel and barn is located in a rural setting however the concrete block construction is not what you would expect to be built in the countryside. He drew the Committee's attention to Paragraph 2.5 on P.31 in Appendix B as it outlined the specific details of the design. He believed that the Barn seemed to be a grand building with a poor design and expressed a preference for much more traditional construction.

The Planning Applications Team Leader explained that the applicant seeks to store and maintain two or three operational vehicles and ancillary equipment within the barn. He noted the reduction in size from the previous application which is much more in scale with the size of the chapel. In terms of the overall scale, Officers expressed that they are satisfied that the footprint is acceptable. In terms of the materials proposed for the barn, Officers agree that the block work is not satisfactory when compared to looking at an attractive chapel building. He highlighted that the details for the external materials is reserved through a condition.

The Member noted that an ecological assessment will be required and queried whether this would apply to the whole site or just the application site.

The Planning Applications Team Leader confirmed that the planning conditions proposed for this application relate just to this application.

A Member expressed concern that the chapel is yet to be built and that construction has not even started even though the application was approved in 2015.

A Member enquired whether the Committee could impose a pre-occupation condition for the chapel to be built for the barn. He also enquired whether a condition could be imposed over the materials to ensure that only natural materials are used for the natural burial ground.

The Planning Applications Team Leader explained that the Committee can add an informative about what type of materials that they would like to see however he did not recommend imposing a condition for it as this could be seen as being too prescriptive. He also noted that, with regard to imposing a condition on the construction of the chapel being carried out before the construction of the barn, the barn may need to be used to store items required to construct the chapel.

The Chairman expressed his understanding of the local community's frustration with the supported burial ground not being brought forward after a significant time. He believed that it would be likely that the construction of the barn would come before the construction of the chapel.

A Member sought guidance as to the size of the chapel compared with the proposed barn.

The Planning Applications Team Leader outlined the dimensions of the barn and compared it to the chapel. He noted that the barn is clearly subordinate to the chapel.

The Chairman highlighted the locality of the site as it is located close to Tulley's Farm which also has large barns but noted that these are of a more traditional design. He questioned if the Committee were to agree the site, would they be content if the Chairman and Vice Chairman were consulted regarding the materials/appearance of the barn.

The Planning Applications Team Leader confirmed that consultation with the Chairman and Vice Chairman can be made on the wording of condition 3 and that guidance can be provided over the materials by way on an informative but not in relation to the size or siting of the building.

The Committee were agreeable.

The Vice-Chairman stated that the barn is considerably different to barns he has seen at burial grounds in both Hassocks and Surrey and enquired whether the application could be deferred so as to allow the applicant to reply to the concerns of the Committee.

The Chairman expressed that he does not like deferring an application unless there is an actual need and asked the Committee to consider whether the reduction in scale following the Inspector's decision was acceptable.

The Planning Applications Team Leader highlighted that in terms of the size, the Committee must also look at how the building will fit in with the surrounding landscape and identify where harm could occur. If the Committee were to refuse the application, then it would need to be stated how the application results in harm to the

landscape or the High Weald Area of Outstanding Natural Beauty. He highlighted that the Planning Inspector found the chapel to be acceptable in terms of its impact on the landscape and that the chapel is a larger building than the proposed barn. He also highlighted that the Landscape Officer also finds the application acceptable depending on the materials which are covered by conditions. On this basis the Team Leader advised that a refusal based on the size of the building and its impact on the character of the landscape would be difficult to substantiate at an appeal.

The Chairman took Members to the recommendation to approve the application with the addition of an informative regarding the use of natural materials and to consult with the Chairman and Vice Chairman regarding the wording of condition 3 in relation to materials which was agreed with eleven Members in favour and one abstention.

RESOLVED

That the application be approved subject to the conditions set out in Appendix A and additional informative relating to the use of natural materials and the wording of condition 3.

6 DM/19/0260 - TAVISTOCK AND SUMMERHILL SCHOOL, SUMMERHILL LANE, LINDFIELD, RH16 1RP.

The Chairman introduced the application and explained that this had been withdrawn by the Officers as since the agenda was published, the applicants had made a new offer of a payment of £700,000 to go towards off site affordable housing, in addition to the other section 106 payments towards County Council and District Council infrastructure. The material change in circumstances is likely to alter the recommendation that is made to the planning committee and therefore it was decided that the application should be withdrawn from the agenda. The application will be re-considered by Officers, and the report will be rewritten to reflect the new offer that has been put forward by the applicants.

RESOLVED

That the application is withdrawn as an Agenda Item for consideration by the Committee.

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

None.

The meeting finished at 7.52 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

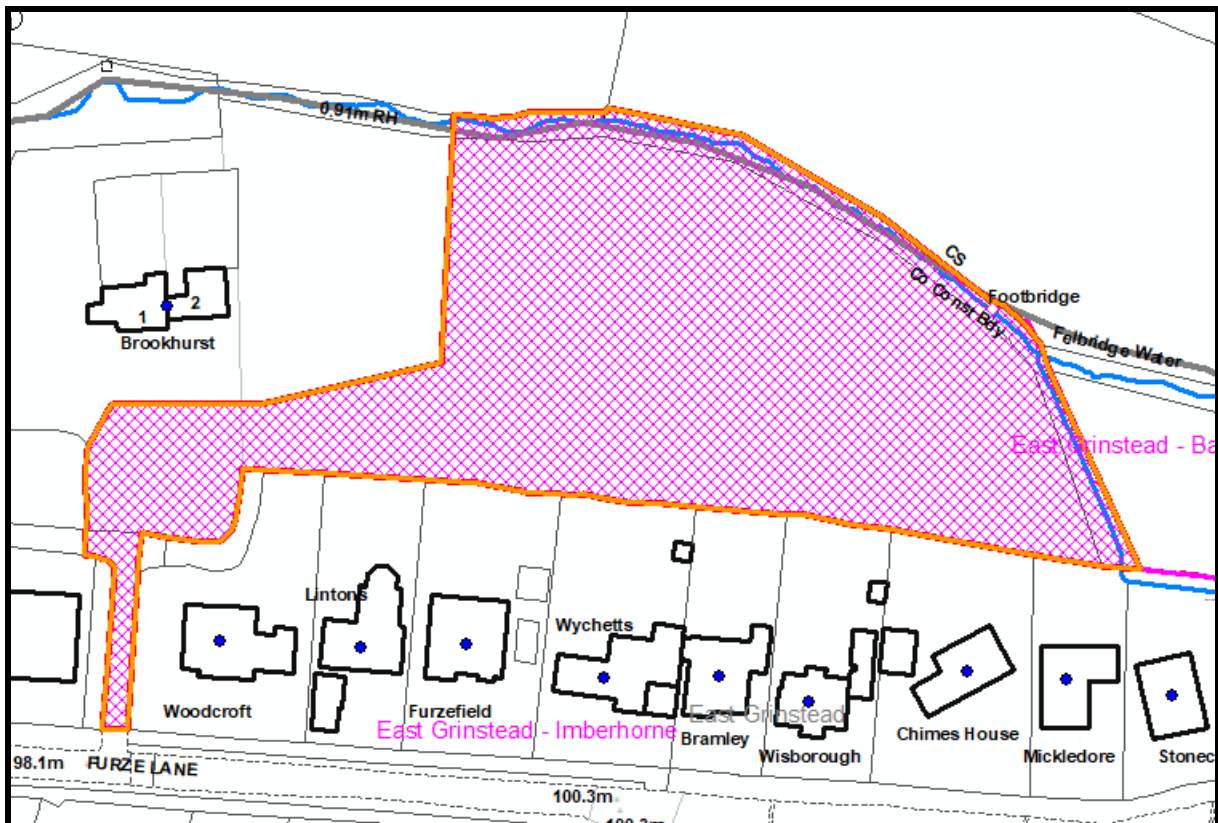
Planning Committee

19 MAR 2020

RECOMMENDED FOR PERMISSION

East Grinstead

DM/19/5211



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**LAND ADJACENT TO BROOKHURST FURZE LANE EAST GRINSTEAD
WEST SUSSEX
ERECTION OF 7 DWELLINGS WITH ASSOCIATED ACCESS, PARKING
AND LANDSCAPING,
RESIDE DEVELOPMENTS LTD**

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Areas of Townscape Character / Built Up Areas / Countryside Area
of Dev. Restraint / Green Belt / Revocation of planning permission /
Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 26th March 2020

WARD MEMBERS: Cllr Heidi Brunsdon / Cllr Rex Whittaker /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the erection of 7no. dwellings with associated access, parking and landscaping on land at Brookhurst, Furze Lane, East Grinstead.

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

National planning policy states that planning should be genuinely plan led. The Council has an 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 site lies within the countryside, as defined by the District Plan, where development is required to maintain or where possible enhance the quality of the rural landscape character; and is necessary for purposes of agriculture or supported by a specific policy reference elsewhere in the plan or the Development Plan as a whole. The proposed development is contiguous to the development boundary of East Grinstead, is for less than 10 dwellings and is considered to be sustainable. The proposal thereby meets the criteria set out in Policy DP6 of the District Plan. In addition, due to the scale of the development and the landscaping retained and proposed on the site, it is considered that the proposal would maintain the quality of the semi-rural character of the area. Thus, the principle for the development of the site for 7 dwellings is considered to be acceptable.

Although the proposal is to be in a rearward position, the development would continue the linear pattern of the surrounding residential development with the vegetative boundaries of the site reinforced and retained which would soften the appearance of the development. The proposal is therefore considered to preserve the semi-rural character of the area and the surrounding landscape.

The proposed design and scale of the development seeks to reflect the mixture in design of properties within Furze Lane. The design and scale of the proposed dwellings are considered to be acceptable in the locality. 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 which provides a comprehensive range of employment, retail, health, education, leisure services and facilities with good public transport provision. The site 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.

The proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC. In addition, there will be a neutral impact in respect of highway safety and parking provision, space standards and landscaping.

The application is therefore considered to comply with Policies DP4, DP6, DP12, DP15, DP17, DP20, DP21, DP26, DP27, DP30, DP37, DP38, DP39 and DP41 of the District Plan, Policies EG2A, EG3, EG5, EG7, EG11, EG12 and EG16 of the Neighbourhood Plan, and the requirements of the NPPF. Accordingly, the application is therefore recommended for approval.

Recommendation

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement/or legal undertaking 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 S106 Legal Agreement/or legal undertaking securing the necessary infrastructure and Ashdown Forest mitigation payments by the 19th June 2020, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 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

SUMMARY OF REPRESENTATIONS

24 letters of objection received stating the following;

- Access unsuitable for amount of traffic generated by development;
- Entrance into site too narrow;
- Access inadequate for construction traffic or emergency vehicles. Access too narrow to accommodate large vehicles;
- Additional vehicles during construction would have significant impacts on residents of Furze Lane and result in damage to existing unadopted roads;
- Result in additional noise, pollution and have negative impact on trees and wildlife in the area;
- Query on lighting of proposed roadway and access;
- Private road;
- Concern on impact to Oak trees which abut access road;
- Land acts as a barrier between built up area and farm land forming a natural green gap;
- Site allocation document did not recommend site for allocation;
- Site in countryside and not identified in District or Neighbourhood Plans for development;
- Backland development;
- Adjacent to Greenbelt in Tandridge;
- Size of development would not have an impact on housing targets and quota set in District and Neighbourhood Plan;
- Impact to character and amenity of Furpine Estate;
- Potential development of and to east of application site;
- Increased risk of flooding;
- Concern on existing foul water drainage and whether it would be able to cope with additional houses;
- Loss of natural environment;
- Impact to wildlife through loss of trees and habitats;
- Loss of amenity and outlook to residents;
- Turning circle in site intrusive to adjacent houses;
- Impact on local schools;
- Query where electric power will be sources, development would worsen power cuts in area;
- Health hazards from increase in road traffic and potential risk of accidents;
- Request if approved that conditions be placed on decision in relation to repair/maintenance of roads; covenant preventing further development; tree welfare; waiting, unloading and storage during construction period; waste collection.

East Grinstead Society

Recommend refusal. Talk about squeezing a quart into a pint pot. The access to the proposed site is very restricted off what appears to be an unadopted road. What protection do those currently maintaining the roadway have in these circumstances? There is considerable uncertainty whether emergency vehicles, large delivery lorries and refuse collection trucks could make it onto the site. If there was any excessive parking on the mini-estate we doubt they would ever get out again. It would indirectly add further traffic to the A22/A264 junction and cause further congestion problems within the Furze Lane area. Are the utilities in the area, gas, electricity, water and sewage capable of accepting additional demands?

SUMMARY OF CONSULTEES

WSCC Highways

No objection subject to conditions.

WSCC Public Rights of Way

No objection.

WSCC S106

S106 Contributions required:

Education - Primary: £34,025
Education - Secondary: £36,619
Education - 6th Form: £8,578
Libraries: £3,053
TAD: £30,183

MSDC Leisure

S106 Contributions required:

Children's Playing Space: £16,169
Formal Sport: £10,064
Community Buildings: £5,772

MSDC Parks and Landscapes

No objection.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No objection subject to conditions.

MSDC Drainage

No objection to conditions.

MSDC Ecology Consultant

Comments and suggested condition.

Environment Agency

No comment.

Tandridge District Council

Not received.

Natural England

No objection subject to securing appropriate mitigation.

MSDC Street Name and Numbering

Informative.

EAST GRINSTEAD TOWN COUNCIL

Recommend Refusal - the committee has concerns, the largest being the narrow access tack which is not suitable for everyday use by cars, emergency vehicles etc. Widening the road does not seem to be a possibility. EG3 the design (DP12 & 26) is poor for the layout of the site, the houses are too close together. The turning circle as proposed is too close to the existing houses and generally from access to design the site is poorly laid out.

INTRODUCTION

Planning permission is sought for the erection of 7no. dwellings with associated access, parking and landscaping on land at Brookhurst, Furze Lane, East Grinstead.

PLANNING HISTORY

There is no relevant planning history for the site.

The application site was put forward during the call for sites as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA Site 595) as a potential site for housing allocation within the Sites DPD for 30 units. The site was not however ultimately shortlisted, and the reasons cited are:

'The linear form of the site and areas of high surface water flood risk within the site are considered to reduce to potential yield. Additionally, the yield may be reduced further by constraints associated with limited access to the site from Furze Lane. In this context the final yield on site is considered likely to be below the threshold for allocation, though the site may have potential to come forward as windfall development.'

In the Site Selection Paper 3 main doc it states:

'Developable area of the site likely to be reduced by on site constraints including areas of high surface water flood risk. Final yield considered likely to fall below threshold for allocation meaning the site could come forward as windfall development.'

SITE AND SURROUNDINGS

The site is a relatively flat oblong piece of land approximately 0.77 ha in size. It comprises of relatively open rough grassland.

Immediately to the south is a row of detached dwellings which front onto Furze Lane, with this boundary also comprising of mature trees. The dwellings along Furze Lane vary in character, type and size although they are predominantly large dwellings within large plots. The northern and eastern boundary comprises a dense mature tree screening with agricultural land beyond.

The house of Brookhurst will be retained and falls immediately to the west of the development site. This comprises of a detached two-storey dwelling with various outbuildings set back from Furze Lane by a single access track.

Although the site lies within the countryside as defined in the District and Neighbourhood Plans, the site is contiguous with the development boundary of East Grinstead.

APPLICATION DETAILS

Full planning permission is sought for the erection of 7no. dwellings with associated access, parking and landscaping on land at Brookhurst, Furze Lane, East Grinstead.

Access would be taken from the existing access off Furze Lane which serves the current dwelling. It is proposed that this would be slightly widened to allow safe and suitable access. This would then split into two to serve Brookhurst and also the development. The internal access road to serve the development would be some 4.8 metres in width with 6 visitor parking spaces adjacent to this access. There would be a total of 28 parking spaces within the site. In addition, each dwelling would have 2 cycle parking spaces within the car ports or secure sheds within gardens.

The proposed dwellings are to be detached of a chalet design set in a linear form fronting the proposed internal access road. The properties are to be of varying designs and materials. The dwellings would be a mix of gable roofs and hipped roofs with pitched elements and a front and rear pitched roof dormer window to Plots 1, 2, 5 and 6; with Plot 7 having two pitched rear dormers. In addition, Plots 1,2,5 and 6 would benefit from car ports with Plots 3 and 4 having a single garage adjoining each other set back from the front of these properties, and Plot 7 benefitting from a single detached garage.

The dwellings are to be set within the site away from the southern boundary with the rear gardens of dwellings on Furze Lane. There would be reinforced planting on this boundary with landscaping, visitor parking and the access road between the southern boundary and the front elevations. The dwellings are to be set on substantial plots benefitting from large rear gardens. Materials are to comprise of a mix of brick, weatherboarding, render, tile hanging with tiled roofs and timber detailing to the garaging.

The proposed development would result in the following housing mix:

1 x 2-bed house
2 x 3-bed house
4 x 4- bed house

The existing trees on the northern boundary would be retained with additional hedge and tree planting within the site. The existing southern boundary hedgerow would be retained and reinforced with additional boundary planting.

As part of the scheme the proposal will also formalise the parking for Brookhurst, providing hard surfacing for 2 car parking spaces outside the existing garage.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

DP4 - Housing
DP6 - Settlement Hierarchy
DP12 - Protection and Enhancement of Countryside
DP15 - New Homes in the Countryside
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP22 - Rights of Way and other Recreational Routes
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix

DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
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:

EG2A - Preventing Coalescence
EG3 - Promoting Good Design
EG5 - Housing Proposals
EG7 - Housing Mix and Density
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest

Supplementary Planning Documents

Mid Sussex Development Infrastructure and Contributions

Mid Sussex Affordable Housing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

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

- The principle of development;
- Impact on the character of the area;
- Highways;
- Ecology and trees;
- Drainage and flooding;
- Impact on amenities of surrounding occupiers;
- Sustainability;
- Infrastructure;
- Housing Mix;
- Dwelling Space Standards
- 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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

Using this as the starting point the development plan in this part of Mid Sussex consists of the adopted District Plan and the East Grinstead Neighbourhood Plan.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land

supply. This has been confirmed at a recent Public Inquiry in respect of two planning appeals (references APP/D3830/W/19/3231997 and APP/D3830/W/19/3231996). In the consideration of these appeals, the ability of the Council to demonstrate a 5 year housing land supply was a matter in dispute between the parties. The Inspector went through the submitted evidence in detail and stated '*... I therefore conclude that the Council can demonstrate a 5YHLS.*' (para 115).

The balance to be applied in this case is therefore a non-tilted one.

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

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

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

The proposal complies with policy DP6 of the District Plan as the proposal is for fewer than 10 dwellings, is contiguous to the existing built up area of the settlement of East Grinstead; and is considered to be in a sustainable location due to its relationship with London Road and the local services and bus stops in close proximity to the site.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. It states:

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

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

The special justification requirement is met by the proposal as a result of compliance with Policy DP6. In addition, for reasons set out further in the report, it is considered that the proposal would maintain the quality of the rural and landscape character of the District in this location.

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

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

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

The proposal is supported by a specific policy reference in the District Plan (policy DP6) and is considered to comply with Policy DP12. Thus, the proposal accords with Policy DP15.

Policy EG2A of the Neighbourhood Plan seeks to prevent coalescence. Due to the location of the site and the surrounding development, it is not considered that the proposal would result in the coalescence of East Grinstead and Felbridge.

Policy EG5 of the 'made' East Grinstead Neighbourhood Plan relates to housing development and states:

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

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

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*

- f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and
- g) The proposal meets its own infrastructure needs.

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

Policy EG5 is a permissive policy for housing development provided it complies with other policies within the plan. It is acknowledged that Policy EG5 is in conflict with the DP6 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. Notwithstanding this, as set out further in the report, it is considered that the proposal contributes to sustainable development; is acceptable in terms of its environmental and visual impact on the area; does not result in a severe cumulative impact in terms of road safety; is of an acceptable design and would provide contributions to the Ashdown Forest. The proposal thereby complies with Policy EG5 of the Neighbourhood Plan.

As the proposal accords with Policies DP6, DP12 and DP15 of the District Plan and Policies EG2A and EG5 of the Neighbourhood Plan, the application proposal is thus acceptable in principle.

Impact on the character of the area and design

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside.

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

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

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

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy EG3 of the Neighbourhood Plan relates to promoting good design and states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Para 170 of the NPPF requires proposals to contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*'.

In addition, para 127 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

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

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that '*the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.*'

The Council has a draft design guide which is also considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The proposed development is located within the countryside outside of the built-up area of East Grinstead. The site is however contiguous with the built-up area boundary. Whilst the development is set within a rearward position from Furze Lane, the development would reflect the linear nature of development within the surrounding vicinity fronting onto a private access road serving the development. The proposed dwellings set on large plots would also reflect the layout and pattern of development characteristic of the area. Whilst forming rearward development, due to the proposed siting and layout and the vegetation and trees on the north, east and southern boundaries, it is considered that the development would preserve the verdant character of the area and maintain the semi-rural setting. As such the proposal would maintain the rural and landscape character of this part of the District.

In addition, the cul-de-sac nature, design and proposed landscaping of the development seeks to create a sense of place whilst addressing the character of the surrounding buildings and landscape. As such the design and scale of the proposed dwellings are considered to be acceptable in this location as the dwellings seek to reflect the mixture in design of properties within Furze Lane and relate well to their context. It is considered that the variations in the design of the properties would add to the visual interest to the proposed cul-de-sac.

The proposed layout is deemed to provide spacious plots for each dwelling, with properties well-spaced between each other. The long gardens reflect the character of the area. As such it is considered that the proposal would not form an overdevelopment of the site.

In light of the above, the proposal is considered to comply with Policies DP6, DP12 and DP26 of the District Plan, Policy EG3 of the Neighbourhood Plan and para 170 of the NPPF.

Highways and Accessibility

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

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the*

countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);

- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *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;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

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 to the site will be via the existing driveway, which will be slightly widened. The driveway narrows to avoid a tree, however, once within the site opens out to 4.1m, to allow two cars to pass. Visibility splays of 2.4 x 11 metres have been demonstrated from the site access to Furze Lane. This is based on the 10mph speed limit of this lane.

The Highways Authority has considered the information received and raise no objection to the proposal. They acknowledged that the widening of the existing vehicle crossover will allow for a fire appliance to access the site as demonstrated in the swept path tracking diagrams. They also advise that it has also been demonstrated that a turning head within the new site access road will allow a fire appliance vehicle to turn within the site. They consider that due to the volume of existing traffic on Furze Lane and number of properties served by the private lane, that the increase in vehicular movements will not result in a capacity issue to the nearby publicly maintained road network. In addition, they acknowledge that whilst privately maintained, Furze Lane is also Public Right of Way (PROW) Byway no. 46aEG. There is an informal footway on southern side of Furze Lane and due to the nature of the lane vehicle speeds are anticipated to be low and the route is expected to work partially as shared use, as per existing arrangements. Overall the Highways Authority does not consider that *'the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network'*.

Concerns raised over the right of access onto the private highway are noted. However, this is a private legal matter between the developer and the owners of the lane.

In respect of waste collection, due to the width of the access into the site, the applicant has advised that a private waste contractor would undertake collection. This is because the access would not be wide enough for a standard refuse freighter to safely enter and exit the site whereas private refuse collection company vehicles are smaller and can utilise the access into the site. The agent has provided details of a private contractor who could provide refuse, recycling and garden waste collection for the development. Private refuse collections could be secured by condition. Such a condition has been accepted by Inspectors in their determination of appeals such as a development in Godalming (appeal reference APP/R3650/W/17/3181559) where a condition concerning refuse collection was considered necessary in relation to living conditions and environmental quality. The agent has confirmed that the costs of the private waste collection would be included within the overall management company. The costs payable to the management company would be set out on purchase, so purchasers would be aware of the waste collection service being provided, the cost implications and that it is not provided by the local authority.

The site is in a sustainable location within walking distance of local services accessed by a pedestrian path once on London Road and close to bus stops.

Consequently, the application is deemed to comply with Policy DP21 of the District Plan and the aims of the NPPF.

Ecology and Impact on trees

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

Policy DP37 of the District Plan seeks to support the protection and enhancement of trees, woodland and hedgerows. It states that:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*

- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

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

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Para's 174 - 177 of the NPPF relate to habitats and biodiversity. Para 175 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as*

ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'. In addition, it considers that 'development whose primary objective is to conserve or enhance biodiversity should be supported'.

A Preliminary Ecological Appraisal and a Phase 2 Report and mitigation plan has been submitted with the application. The Preliminary Ecological Appraisal identified that further survey works were required due to the habitats present on the site of the grassland, tree line, small watercourse present and adjacent to the site boundaries as well as a waterbody being within 500m of the site. A number of these habitats were recorded to be of suitability to support a range of protected species.

This appraisal identified that the 'hardstanding and amenity grassland to be affected by the proposed development are of negligible - low ecological value. The semi-improved grassland has been assessed to be of elevated ecological value in the context of the site, and is of potential suitability to support reptile and amphibian species. The scrub to be affected by the proposed development has the potential to support dormice.'

In addition, it identified that the *'proposed trees that are proposed for removal will directly impact features that have been identified as being of value to bats. Further survey work with respect to bats has therefore also been recommended.'*

The submitted Phase 2 Report and Mitigation Plan identifies that:

'Bats, reptiles and dormice have been confirmed using the site, particularly in the western and Northern sections, and therefore the proposals have the potential to impact upon them. Recommendations have been made outlining impact avoidance, mitigation, compensation and enhancement measures'.

In respect of site enhancements this report acknowledges that

'Any future planting should seek to maintain and enhance wildlife corridors and provide food and shelter for a wide range of faunal species. The general landscaping scheme should incorporate a variety of native wildflowers and shrubs, which will increase the diversity of insects on which bats and birds and other faunal species feed.

All amenity planting and formal landscaped areas should be created from a palette of native or wildlife beneficial ornamental plants chosen to increase the availability of nectar or fruit'.

The Phase 2 Report recommends that the boundaries of the site are enhanced with mixed native hedgerows which should aim to form continuous wildlife corridors to move animals around the site from areas of surrounding habitat.

In addition, it proposes that bird boxes are integrated into the development through the installation of integrated bird boxes within new buildings and installation of boxes on retained trees.

A Tree Survey and an Arboricultural Implications Assessment (AIA) has also been submitted in support of the proposal. Trees and hedgerows are largely confined to the outer edges of the site, although 4no. trees of low value within the site are proposed for removal to accommodate the proposal. As these trees are of limited amenity value their removal is considered justified. In addition, the design and layout of the proposed development is such that the most important category A trees located on the southern boundary, are to be in a public amenity area to the front of the properties as opposed to the rear gardens. As a result, this should significantly reduce the future pressure and threat to these trees.

The Council's Ecology Consultant has reviewed the application and the information submitted. He considers that the

'supporting Preliminary Ecological Assessment suggests protecting the line of trees along the northern boundary with a restrictive covenant on homeowners, but it is unclear how this could be enforced. In my view, it would be better to place this in communal ownership with a management arrangement in place to ensure appropriate positive management to maintain its 'corridor' value for wildlife.

Otherwise, subject to MSDC being satisfied that significant impacts on the Ashdown Forest European sites can be avoided through its HRA process, there are no biodiversity policy reasons, in my opinion, for refusal or amendment of the proposals'.

Following discussion with the Agent, it has been confirmed that the drainage ditch and trees and hedgerows to the northern boundary of the site will be retained within a management company and not private gardens as previously identified. A proposed landscaping condition could control details of the future maintenance and management of these landscaped areas to ensure that these are protected and controlled suitably.

The proposal thereby complies with Policies DP37 and DP38 of the District Plan and para 175 of the NPPF.

Drainage and Flooding

Policy DP41 of the District Plan seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site.

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible surface water (pluvial) flood risk. The increased area of surface water flood risk appears to be located along the watercourse (Felbridge Water) located along the northern boundary of the site.

The application is supported by a drainage strategy report which includes details of how maintenance access shall be maintained to the watercourse. The report states property ownership will extend up to the watercourse, with property owners responsible for maintenance of their section of the watercourse. A 5 metre maintenance strip from top of bank shall also be provided, with access available via

demountable post and rail fencing. The report also states that no sheds or structures will be allowed within the maintenance strip. Notwithstanding this, during the course of the application the Agent has confirmed that the drainage ditch will now be retained within a management company and not private gardens.

The drainage strategy report states that infiltration is considered unlikely to be possible on the site due to its proximity to a watercourse. A single attenuation tank is proposed beneath the garden of Plot 3 with all surface water drainage from the wider site collected within it. Permeable paving will be utilised across the access road and parking areas and will also drain into the attenuation tank.

It is proposed that the development will manage foul water drainage through a gravity fed system discharging to the existing public foul water sewer located at the south west of the site.

The Councils Drainage Engineer has no objections to the principle of the development subject to conditions.

In light of the above it is considered that the proposal could comply with Policy DP41 of the District Plan.

Impact on neighbour amenity

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

The 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 submitted site plan shows that the proposed houses are set within the site away from the southern boundary of the rear gardens of dwellings along Furze Lane. Along this southern boundary are mature trees and hedging. Plans show that these would be retained with the existing hedgerow retained and reinforced. The proposed dwellings would be set away from this southern boundary by a minimum of some 13 metres and a maximum of some 21.5 metres. These dwellings would be set a minimum of some 28 metres and a maximum of some 45 metres from the rear or properties along Furze Lane. Between the proposed dwellings and rear gardens of properties to the south of the site would be landscaping onto the internal access road to serve the development with visitor parking and the dwellings to the north. Due to

the boundary screening, the distances between the proposed and existing dwellings and the chalet design of the proposal, it is considered that the development would not result in significant harm through overlooking, loss of amenity or an overbearing impact.

In addition, the relationship between each dwelling is considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms and complies with policy DP26 of the District Plan and policy EG3 of the Neighbourhood Plan.

Sustainability

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

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 Statement accompanies the applications. This sets out that the scheme can provide a number of energy efficient and sustainability measures. It states that:

'It is proposed that the new development will take a 'fabric first' approach, seeking to maximise the performance of components and materials to provide dwellings of a high standard of energy efficiency.

This approach will aim to maximise air tightness, provide high levels of insulation and optimise solar gains and natural ventilation to reduce energy consumption and CO2 emissions across the lifetime of the development. Furthermore, there will be a preference towards the use of sustainably sourced, local materials and supplied where viable to reduce the carbon footprint of the development.

In addition the buildings can provide a number of energy efficient and sustainability measures as set out below;

- Water saving fittings will be used with flow regulators;*
- Appliances (where supplied) will be specified to minimise water usage and be energy efficient;*
- Water efficient WCs;*
- Low-flow aerated taps;*
- Wherever possible, labour will be sourced from the local area thereby supporting the local economy and providing employment opportunities for local tradespeople and businesses.*
- Glazing will be of a high performance specification to reduce heat loss and unwanted heat gains.*
- Provision of water butts.*
- Cycle storage.*

Additionally, it is proposed that each dwelling will benefit from vehicle electric charging points, encouraging the uptake of electric vehicles.'

The NPPF seeks to encourage development in sustainable locations. The NPPF however acknowledges opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The site is on the edge of the built-up area of East Grinstead which is a category 1 settlement. Understandably this influences walking and cycling times to nearby services. There are services within reasonable walking and cycling distance from the site. There is also a continuous footway on London Road close to the site. It is therefore considered that the site is within a relatively sustainable location due to its proximity to the development boundary of East Grinstead.

The proposal is considered to be acceptable in sustainability terms and complies with policies DP21 and DP39 of the District Plan.

Infrastructure

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

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

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

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

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

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

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

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

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

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

Due to the number of units provided, the proposal does not require affordable housing contributions as set out in Policy DP31 of the District Plan.

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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

Education - Primary: £34,025
Education - Secondary: £36,619
Education - 6th Form: £8,578
Libraries: £3,053
TAD: £30,183

District Council Contributions

Children's Playing Space: £16,169
Formal Sport: £10,064
Community Buildings: £5,772
Local Community Infrastructure: £6,551

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

Housing mix

Policy DP30 of the District Plan relates to Housing Mix. It states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

In addition, Policy EG7 of the Neighbourhood Plan relates to housing mix and density and states:

'Planning permission will be granted for new housing schemes where they meet the following criteria:

(1) Achieve a minimum density of 30 dwellings per hectare unless local character indicates a different density level and this justification is provided;

(2) On sites of 5 or more dwellings, provide a minimum of 20% small family accommodation in the form of 2 and 3 bedroom units;

(3) Variations in the above mix will only be considered where a viability assessment has been provided to justify a departure from this policy or there are clear design and location reasons which indicate a higher density is appropriate; and

(4) Provides affordable housing in accordance with District policy.'

As set out in the submitted Planning Statement, the housing mix would be as follows:

Market housing

1 x 2-bed house
2 x 3-bed house
4 x 4- bed house

The Neighbourhood Plan requires 20% of the development to provide small family accommodation in the form of 2 and 3 bed dwellings. The above mix meets this requirement and would provide a mix that meets a broad range of housing needs. The scheme thereby meets the requirements of Policy DP30 of the District Plan and Policy EG7 of the Neighbourhood 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.

Based upon the information submitted, the proposals exceed the national space standards and therefore the application complies with the policy DP27 of the District Plan.

Ashdown Forest

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This

process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 7 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £19,962, and if the approved scheme provides for a strategic SANG contribution, this would be £12,789.

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 contributions to SAMM and SANG have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions is being progressed, subject to this being completed it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection subject to securing appropriate mitigation.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Other matters

The Furpine Residents Association has requested that if the application were approved that conditions be placed on such a decision in relation to the repair/maintenance of roads; covenant preventing further development; tree welfare; waiting, unloading and storage during construction period; waste collection. Conditions in relation to the maintenance of the road are a private matter. In addition, planning applications do not place covenants on future development of land. This would be subject to full consideration on any future planning application submitted. Future tree welfare could be controlled through a landscaping condition with regards

to the future management and maintenance of the northern boundary tree belt. Due to the location of the trees, it is not considered necessary to place a TPO on these as they are not visible from public viewpoints and not under threat as the development is set away from trees on the boundaries of the site. However, a condition in respect of a construction management plan could be placed on an approval to ensure that construction vehicle parking and storage of materials are undertaken on site and also to consider the routing of construction traffic.

With regards to concerns in respect of damage to the public right of way of Furze Lane, it has been requested that a condition be placed on an approval to ensure that the any damage to the surface of a public right of way caused through private vehicular rights and construction traffic, to be repaired to a standard at least as good as was previously there. As this is a legal requirement covered by the Highways Act, a condition is not considered necessary. However, an informative could be placed on a permission advising the developer of such a requirement.

Finally, a query has been raised within a representation letter regarding where electric power will be sourced and concerns that the development would worsen power cuts in area. Whilst this is noted, this is not a planning matter and would be a matter for the necessary electricity provider.

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 an 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 site lies within the countryside, as defined by the District Plan, where development is required to maintain or where possible enhance the quality of the rural landscape character; and is necessary for purposes of agriculture or supported by a specific policy reference elsewhere in the plan or the Development Plan as a whole. The proposed development is contiguous to the development boundary of East Grinstead, is for less than 10 dwellings and is considered to be sustainable. The proposal thereby meets the criteria set out in Policy DP6 of the District Plan. In addition, due to the scale of the development and the landscaping retained and proposed it is considered that the proposal would maintain the quality of the rural character of the area. Thus, the principle for the development of the site for 7 dwellings is considered to be acceptable.

Although the proposal is to be in a rearward position, the development would continue the linear pattern of the surrounding residential development with the

vegetative boundaries of the site reinforced and retained which would soften the appearance of the development. The proposal is therefore considered to preserve the semi-rural character of the area and the surrounding landscape.

The proposed design and scale of the development seeks to reflect the mixture in design of properties within Furze Lane. The design and scale of the proposed dwellings are considered to be acceptable in the locality. 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 which provides a comprehensive range of employment, retail, health, education, leisure services and facilities with good public transport provision. The site is therefore considered to be a suitable and sustainable location for residential development.

The proposal will provide minor but positive social and economic benefits through the delivery of 7 additional dwellings contiguous with the built up area of East Grinstead in a sustainable location. 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 limited.

The proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC. In addition, there will be a neutral impact in respect of highway safety and parking provision, space standards and landscaping.

The application is therefore considered to comply with Policies DP4, DP6, DP12, DP15, DP17, DP20, DP21, DP26, DP27, DP30, DP37, DP38, DP39 and DP41 of the District Plan, Policies EG2A, EG3, EG5, EG7, EG11, EG12 and EG16 of the Neighbourhood Plan, and the requirements of the NPPF. Accordingly, the application is therefore 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. 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 Mid Sussex District Plan 2014 - 2031.

4. No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

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

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- temporary site security fencing;
- measures to control noise or vibration affecting nearby residents;
- artificial illumination;
- dust control measures; and
- pollution incident control; and site contact details in case of complaints.

Reason: In the interests to the amenities of the nearby residential amenities and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A method statement and protection plan to cover avoidance and mitigation measures for wildlife during site clearance and construction phases. This shall include, but not be limited to relocation of reptiles to a suitably prepared area.

Lighting details demonstrating that light pollution has been avoided so far as reasonably practicable through height and type of lighting, timers etc. in accordance with best practice.

A wildlife habitat enhancement plan showing how the recommendations in the supporting reports by Darwin Ecology will be implemented in practice. This must include measures to ensure that animals can move through rear gardens.

Reason: To protect the ecological value of the site and to accord with policies DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

7. No development above ground level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed dwellings and garaging 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 a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Construction Phase

8. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation

9. The dwellings 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. Details shall also be provided in respect of the future management & maintenance of the landscaped areas and the management of the northern boundary tree belt and watercourse including details of the management company and maintenance schedules. The details shall be implemented as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

10. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

11. Prior to the occupation of each plot vehicle parking and turning spaces shall be 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 accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

12. Prior to the occupation of each plot covered and secure cycle parking spaces shall be provided in accordance with the approved plan.

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.

13. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

14. Prior to the occupation of any dwellings hereby permitted, a scheme for the collection of refuse and recycling collection must be submitted to and approved in writing by the Local Plan Authority. These details must be implemented as approved.

Reason: To ensure a suitable means of collection of refuse and waste is carried out for the development and to safeguard the amenities of the area and to accord with DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Post construction

15. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

16. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sunday Bank/Public Holidays or at any time other than between the hours 8 am and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

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

Accordingly, you are requested that:

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

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

3. 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. The proposed access to the site during the construction phase is to be along public byway 46aEG and the local residents are especially concerned that these heavy vehicles will cause damage to the surface along here. There is a legal requirement under the Highways Act 1980 for any damage to the

surface of a public right of way (PROW) caused through private vehicular rights (including construction traffic) to be repaired to a standard at least as good as was previously there.

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 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	LOC-01		23.12.2019
Block Plan	BLOC-01		23.12.2019
Proposed Site Plan	001		23.12.2019
Proposed Floor Plans	PL-010	REV E	23.12.2019
Proposed Floor Plans	PL-011	REV F	23.12.2019
Proposed Floor Plans	PL-012	REV F	23.12.2019
Proposed Elevations	PL-013	REV C	23.12.2019
Proposed Elevations	PL-014	REV C	23.12.2019
Proposed Elevations	PL-015	REV B	23.12.2019
Proposed Floor and Elevations Plan	PL-016	REV A	23.12.2019
Proposed Visual	PL-020	REV B	23.12.2019
Proposed Sections	PL-021	REV A	23.12.2019
Proposed Sections	PL-022		23.12.2019
General	SCI		23.12.2019
Tree Survey			23.12.2019
General	Ecology		23.12.2019
General	s106		23.12.2019
Drainage Details			23.12.2019
General	Ecology		23.12.2019
Highways Plans	notes		23.12.2019
Design and Access Statement			23.12.2019

APPENDIX B – CONSULTATIONS

WSCC Highways

Summary

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for 7 x dwellings on land adjacent (east) of Brookhurst.

Pre-application advice was provided in November 2018 for a development of 6 x dwellings at the site.

The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber" with comments raised regarding assessment of access and visibility.

Considering the site is accessed via privately maintained road (Furze Lane) the LHA can only provide access and visibility comments in an advice capacity and a site visit will not be undertaken on this occasion.

The LHA have assessed the application from the point of view of any anticipated impact on the nearest publicly maintained highway (junction with A22, London Road). The application is supported by technical drawings, Planning Statement, Design & Access Statement and Highways Technical Note.

Access, Visibility & Internal Layout

Access to the site will be via the existing driveway, which will be slightly widened. The driveway narrows to avoid a tree however once within the site opens out to 4.1m, to allow two cars to pass.

Under pre-application advice the proposed access widening allowed two vehicles to pass within the access. This does not appear to be proposed with this application and it is possible that a car could attempt to access the site whilst a car was exiting, requiring the car to reverse to Furze Lane. Nevertheless, the LHA is aware that Furze Lane is privately maintained and thus no reverse manoeuvre to the publicly maintained highway is anticipated as a result of the proposals and no highway safety to resist the application on this basis could be raised. MSDC may wish to assess the proposed access width/ arrangements from an amenity point of view.

Widening of the existing vehicle crossover will allow for a fire appliance to access the site as demonstrated in the swept path tracking diagrams. It has also been demonstrated that a turning head within the new site access road will allow fire appliance vehicle to turn within the site.

The Highways Technical Note clarifies the servicing arrangements whereby refuse collection is not to be within the site. Whilst this will require residents to carry waste beyond the recommended 30 metres this is not considered to result in a highway safety concern.

Visibility splays of 2.4 x 11 metres have been demonstrated from the site access to Furze Lane. This is based on the 10mph speed limit and is in line with SSD (Stopping Sight Distance) outlined in Manual for Streets (MfS) table 7.1. Considering the lane is privately maintained and the splays are outside of red edge (applicant's control) they could not be secured via condition.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the site access and no evidence to suggest that the site access has been operating unsafely. There have been two recorded injury accidents at the junction of Furze Lane with London Road. However, from an inspection of accident data it is clear that this was not due to any defect with the junction or nearby road layout.

A shared surface environment is proposed which is considered appropriate for the anticipated level of vehicle movements, as per MfS paragraph 7.2.14.

Widening of the crossover will require location of the telegraph pole located on privately maintained land. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the telecommunications pole. The applicant is also advised that any widening/ alteration to access where it joins Furze Lane should have permission of proprietor of private lane.

Trip Generation

An estimation of the anticipated trip generation as a result of the development has been provided using TRICs (Trip Rate Information Computer Systems) database. Suitable parameters were applied including sites in England excluding Greater London and edge of town/suburban areas. It was found that four vehicular trips in the AM and three in the PM peak could result, with 33 two-way vehicular trips over the weekday period.

Considering the volume of existing traffic on Furze Lane and number of properties served by the private lane, the LHA does not consider that the increase in vehicular movements will result in a capacity issue to the nearby publicly maintained road network.

Accessibility

Whilst privately maintained, Furze Lane is also Public Right of Way (PROW) Byway no. 46aEG. There is an informal footway on southern side of Furze Lane and due to the nature of the lane vehicle speeds are anticipated to be low and the route is expected to work partially as shared use, as per existing arrangements.

It is considered that bus stops on London Road are reachable on foot and provide regular services to various nearby town and village centres. East Grinstead Railway Station is just over 2km walking distance from the site, broadly meeting with maximum walking distances advised in Chartered Institute of Highways and Transport - Providing for Pedestrian Journeys on Foot (1999).

Whilst some daily journeys may realistically take place by private car, it is considered that there is some opportunity to utilise sustainable transport modes from and to the site.

Car & Bicycle Parking

The proposed car parking provision has been assessed on the basis of 1 x 2-bedroom, 2 x 3-bedroom and 4 x 4-bedroom dwellings being provided. The Planning Statement states that 2 x spaces will be provided per 2 and 3-bedroom house and 4 x spaces will be provided per 4-bedroom house. However, the plans and other supporting documentation appear to show 3 x spaces per 4-bedroom dwelling. On this basis the WSCC Car Parking Demand Calculator envisions a total demand for 22 x spaces, including 4 x visitor spaces. Considering that 18 x allocated spaces will be provided and 6 x visitor spaces, the LHA are satisfied with the proposed car parking provision.

Secure and covered bicycle storage will be available for each plot within garden shed. WSCC guidance states that dwellings with 5+ rooms require 2 x bicycle parking spaces. It is considered that the garden sheds will provide ample opportunity for this.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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(s) would be advised:

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have 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.

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 plan.

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

WSCC Public Rights of Way

No objection.

I refer to your consultation in respect of the above planning application and would provide the following comments on behalf of West Sussex County Council Public Rights of Way.

The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

Although the development site itself does not contain any PROW the proposed access for this development is along Furze Lane, which carries Public Byway 46EG but we can safely assume that Yew Lane and Pine Grove will also be used for access. These routes carry public byways 48EG and 47EG respectively.

Public Byways carry public vehicular rights for recreational use, so access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

This includes during the construction phase whilst contractors vehicles are accessing the site.

It is an offence to damage / alter the surface of a PROW without the prior consent of the WSCC PROW Team. Where a PROW surface is damaged (for example by contractors vehicles during development) and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

WSCC S106

Summary of Contributions

Education			
School Planning Area	East Grinstead		
Population Adjustment	18.9		
	Primary	Secondary	6th Form
Child Product	0.2646	0.2646	0.1429
Total Places Required	1.8522	1.3230	0.2858
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,053		
Population Adjustment	18.9		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	7		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	18.9		
Net Parking Spaces	24		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£34,025
Education - Secondary	£36,619
Education - 6th Form	£8,578
Libraries	£3,053
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£30,183
Total Contribution	£112,458

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, 2019.

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 July 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 7 Net dwellings, and an additional 24 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 2020. 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 on additional facilities at Imberhorne School.

The contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be spent on providing additional stock at East Grinstead Library.

The contributions generated by this proposal shall be spent on the A22/A264 Highways Mitigation scheme.

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.

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. 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 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,370 per child
- Secondary Schools: £27,679 per child
- Sixth Form Schools: £30,019 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:

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.

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

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,384 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 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 2019/2020 is £1,407 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 (£703).

Sustainable transport contribution = (net car parking - occupancy) x 703

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

MSDC Leisure

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 five or more dwellings.

CHILDRENS PLAYING SPACE

Imberhorne Lane Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £16,169 is required to make improvements to play equipment (£8,788) and kickabout provision (£7,382) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £10,064 is required toward formal sport facility improvements 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 £5,772 is required to make improvements to the Jubilee Community Centre, Charlwoods Road, East Grinstead.

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 Parks and Landscapes

Thank you for sending the landscape masterplan for planning application DM/19/5211

I can confirm that from a landscape point of view we have no comments to make and we are happy with the planting choice and layout.

MSDC Tree Officer

I have reviewed the AIA/ AMS which satisfactorily provides mitigation for the impact on the RPAs of the category C trees that will be impacted due to the development of the access to the site.

The tree protection measures are appropriate.

The design and layout of the proposed development is such that the most important category A trees located on the southern boundary, are to be in a public amenity area to the front of the properties as opposed to the rear gardens, and as a result this should significantly reduce the future pressure and threat to these trees.

Consequently, providing the arboricultural reports are fully adhered to, I have no objections to the proposed development on arboricultural grounds.

MSDC Environmental Protection

Environmental Protection has no objection to this application subject to the following conditions:

Construction hours: Works of construction, 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.

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

Monday to Friday: 08:00 - 18:00 hrs;

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of 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 nuisance.

Accordingly, you are requested that:

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

MSDC Contaminated Land Officer

Having examined historical mapping there does not appear to have been any known historical uses with the potential to cause localised contamination on or nearby the site.

However given the sensitivity of the proposed development, a discovery strategy condition is recommended, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Drainage

Recommendation - No objection subject to conditions

Advice

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible surface water (pluvial) flood risk. The increased area of surface water flood risk appears to be located along the watercourse (Felbridge Water) located along the northern boundary of the site.

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.

The application is supported by a drainage strategy report which includes details of how maintenance access shall be maintained to the watercourse. The report states property ownership will extend up to the watercourse, with property owners responsible for maintenance of their section of the watercourse. A 5m maintenance strip from top of bank shall also be provided, with access available via demountable post and rail fencing. The report also states that no sheds or structures will be allowed within the maintenance strip.

The proposed watercourse management measures, including access and the maintenance strip are good practice and are acceptable in terms of flood risk.

SURFACE WATER DRAINAGE

The drainage strategy report states that infiltration is considered unlikely to be possible on the site due to its proximity to a watercourse. The drainage strategy states infiltration testing should be undertaken prior to detailed design; however, the strategy is based on attenuation and discharge of surface water to the watercourse.

A single attenuation tank is proposed beneath the garden of Plot 3 with all surface water drainage from the wider site collected within it. Permeable paving will be utilised across the access road and parking areas and will also drain into the attenuation tank.

A total of 180m³ of storage is proposed within the buried attenuation tank located in the rear garden of Plot 3 before discharging at a controlled 2l/s into the adjacent watercourse (Felbridge Water).

The proposed discharge rate is likely to be acceptable. However, confirmation that this correlates with the Greenfield runoff rate for the positively drained area of the site at detailed design stage will be required as part of a discharge of conditions application.

The principle of a single attenuation tank, and single discharge point for the site is likely to be acceptable. However, shared surface water drainage features, such as attenuation tanks and outfalls, should be located within areas of public realm. This is to ensure appropriate maintenance of the system can be achieved for the lifetime of the development.

Clear delineation of responsibility for surface water drainage features such as permeable paving, attenuation tanks and outfalls should be provided to ensure maintenance of the system is achieved.

FOUL WATER DRAINAGE

It is proposed that the development will manage foul water drainage through a gravity fed system discharging to the existing public foul water sewer located at the south west of the site.

FURTHER FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The principles of flood risk management, and maintenance access of watercourse is acceptable.

The principles of the surface water drainage strategy, being attenuation and discharge to the watercourse, is likely to be acceptable should infiltration not be possible. However, shared attenuation features, and outfalls to the watercourse should be located within areas of public realm. Modification to the existing scheme will be required as part of the discharge of conditions application. A maintenance and management plan will also be required for the site.

We would also advise the applicant that Ordinary Watercourse Consent will be required for the proposed outfall. This is a separate consent to planning obtained from West Sussex County Council.

Further information into our general requirements for foul and surface water drainage, and Ordinary Watercourse Consent are included within the 'Further Advice' section.

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.

WORKS WITHIN 5M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

MSDC Ecology Consultant

The supporting Preliminary Ecological Assessment suggests protecting the line of trees along the northern boundary with a restrictive covenant on homeowners, but it is unclear how this could be enforced. In my view, it would be better to place this in communal ownership with a management arrangement in place to ensure appropriate positive management to maintain its 'corridor' value for wildlife.

Otherwise, subject to MSDC being satisfied that significant impacts on the Ashdown Forest European sites can be avoided through its HRA process, there are no biodiversity policy reasons, in my opinion, for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A method statement and protection plan to cover avoidance and mitigation measures for wildlife during site clearance and construction phases. This shall include, but not be limited to relocation of reptiles to a suitably prepared area.

Lighting details demonstrating that light pollution has been avoided so far as reasonably practicable through height and type of lighting, timers etc. in accordance with best practice.

A wildlife habitat enhancement plan showing how the recommendations in the supporting reports by Darwin Ecology will be implemented in practice. This must include measures to ensure that animals can move through rear gardens.

Reason: To protect the ecological value of the site and to accord with policies DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

Environment Agency

This application falls outside out external consultation list so we have no comments to make.

Tandridge District Council

Not received

Natural England

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

MSDC Street Name and Numbering

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of

fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MID SUSSEX DISTRICT COUNCIL

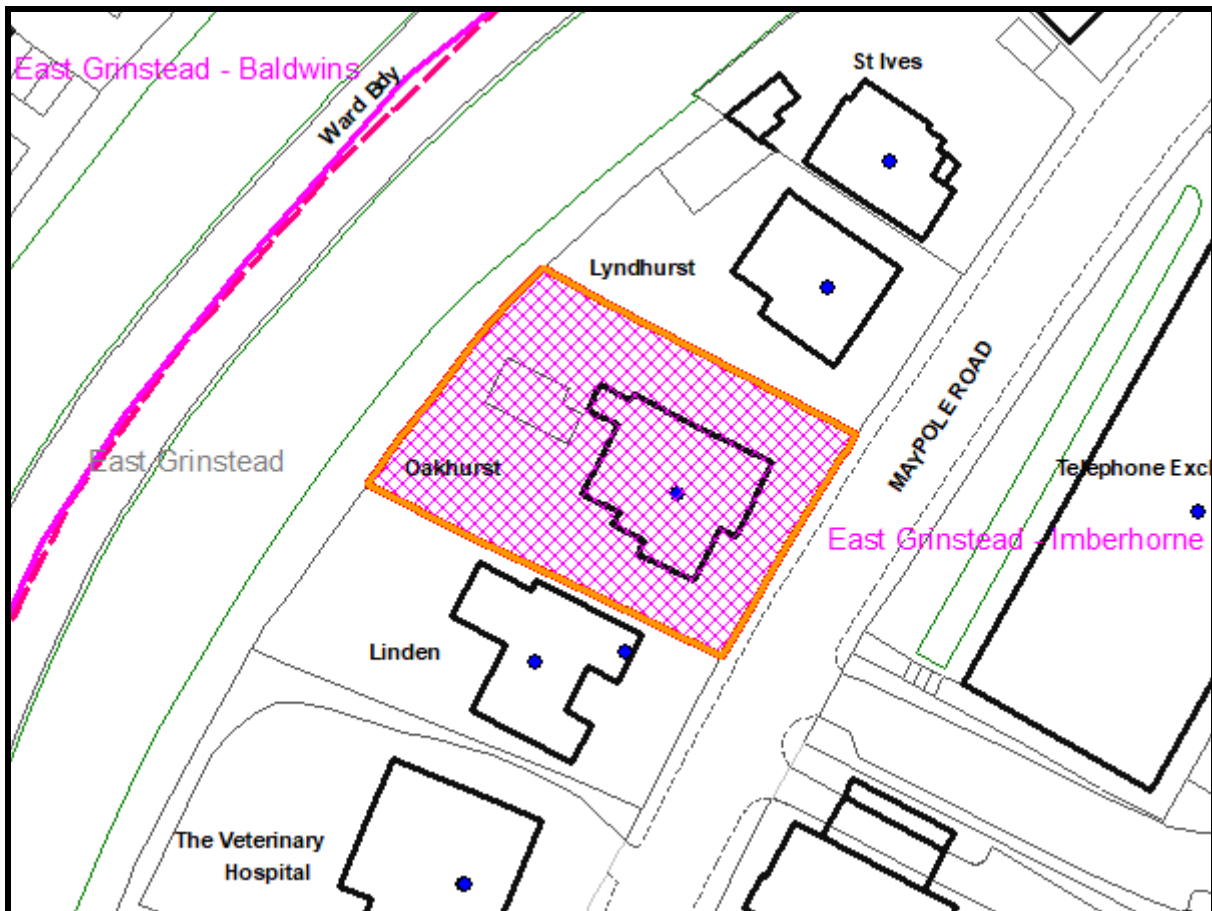
Planning Committee

19 MAR 2020

RECOMMENDED FOR PERMISSION

East Grinstead

DM/20/0015



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**OAKHURST MAYPOLE ROAD EAST GRINSTEAD WEST SUSSEX
THE DEMOLITION OF AN EXISTING RESIDENTIAL BUILDING
CONTAINING 2 UNITS AND THE CONSTRUCTION OF A REPLACEMENT
10 UNIT RESIDENTIAL BUILDING WITH ASSOCIATED LANDSCAPING
WORKS.**

MR ROGER FINE

POLICY: Ashdown Forest SPA/SAC / Areas of Townscape Character / Built Up Areas / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Site of Nature Conservation Importance / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 7th April 2020

WARD MEMBERS: Cllr Heidi Brunsdon / Cllr Rex Whittaker /

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 an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

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

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 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 a net increase in 8 additional residential units. East Grinstead is classified as a Settlement 1 Category in the District Plan and is therefore considered to be a suitable and sustainable location for residential development. Having regard to the recent appeal decision on the site, the redevelopment for a total of 10 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from 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 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. Because, however, of the small scale of the development proposed these benefits would be limited.

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

The application is thereby considered to comply with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan, policies EG3, EG5, EG11, EG12 and EG16 of the Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement/or legal undertaking 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 S106 Legal Agreement/or legal undertaking securing the necessary infrastructure and Ashdown Forest mitigation payments by the 19th June 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 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

East Grinstead Society

No objection.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Education: Primary - £9,451
Education: Secondary - £10,172
Education: 6th Form - £2,383
Libraries - £2,374
TAD - £17,374

Natural England

No objection subject to securing appropriate mitigation.

Ecology Consultant

No objection subject to condition.

MSDC Urban Designer

No comments.

MSDC Leisure

S106 Contributions:

CHILDRENS PLAYING SPACE - £13,285
FORMAL SPORT - £8,269
COMMUNITY BUILDINGS - £4,742

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 objection subject to conditions.

MSDC Street Name & Numbering

Informative.

EAST GRINSTEAD TOWN COUNCIL

Recommend Refusal - Committee are alarmed to see this application return with a vastly inferior design to that approved. It is more intrusive and overbearing to the neighbouring property. The application is strongly resisted under EG3 and the committee would like to see the approved plans implemented.

INTRODUCTION

Planning permission is sought for the demolition of an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

RELEVANT PLANNING HISTORY

DM/15/3567 - Outline application for the approval of details for appearance, layout and scale for the extension, renovation and subdivision of existing residential property into 9 flats. Application was returned and not dealt with.

DM/17/4298 - The demolition of an existing 2 unit residential building and the construction of a replacement 12 unit residential building with associated landscaping works. Amended plans received 5/3/18 showing reduction in windows proposed to the northern (side) elevation, provision of a 1.8 metre obscure screen to the side balcony, alterations to fenestration to the southern (side) elevation; reduction in roof height of middle section of the proposed building and alterations to the design of the proposed building. WITHDRAWN under officer advice.

Planning permission was refused under reference DM/18/3261 for the demolition of an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works (resulting in the net increase of 8 units) at Oakhurst, Maypole Road East Grinstead. The application was refused for the following reasons:

- 1. 'The proposal due to the proposed wider street frontage and a deeper plan is considered to be out of scale with the existing buildings on the north-west side of Maypole Road. In addition, the design of the building lacks architectural integrity and is unsatisfactorily composed. As such the proposal would be out of keeping with the character of the area and would not be appropriate to the wider street scene. The proposal is thereby considered to conflict with Policy DP26 of the District Plan and Policies EG3 and EG5 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.'*

2. *The proposal by virtue of the positioning of windows on the north-eastern elevation and its relationship with the proposed vehicular access serving the development would form an unacceptable impact to neighbouring amenities of future occupiers of the ground floor flats (units 2 and 3) through noise and disturbance (including light spill) from vehicle movements. In addition, the obscure glazing to the windows serving kitchen and secondary living room windows to units 7 and 8, would be unacceptable in amenity terms as it would restrict the outlook and light to these rooms of main accommodation. The proposal would thereby result in significant detriment to the amenities of future occupiers of units 2, 3, 7 and 8 and would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.*

3. *The proposal due to its bulk, scale, and proposed fenestration to the side elevation serving rooms of accommodation would result in a significant detrimental impact to the amenities of the neighbouring occupier 'Lyndhurst' where the proposal would result in overlooking and an overbearing impact causing demonstrable harm to the amenity enjoyed by this property. The proposal would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.*

4. *The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.*

5. *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.'*

This refusal was appealed under reference AP/19/0047. The Inspector dismissed the appeal in respect of the harm to the Ashdown Forest SPA through the lack of (in his view) a suitable way of securing the SANG contribution as he did not consider a condition as recommended was suitable. However, he considered that the proposed development (reference DM/18/3261) was acceptable in all other respects (design, scale, impact on street scene and to the amenities of neighbouring properties and future occupiers of the flats).

More recently, planning permission was approved under reference DM/19/1016 for the demolition of the existing residential building (2 units) and the construction of a replacement residential building comprising of 8 units (1x1 bed) and (7x2 beds) with associated landscaping works.

Following this an application under Section 73 to vary condition 2 of the above 2019 approval to allow for changes in the design to Flat 3 was approved under reference DM/19/3794.

SITE AND SURROUNDINGS

The current building is of a traditional form from the Edwardian period with many original features. Some elements of the exterior have been replaced, but on the western side the Edwardian character has been retained. The building is in a poor state of repair, its original form and detailing has been retained in comparison to other buildings within the area. To the rear of the site is a detached 'Coach House' of one and a half storeys. The buildings are constructed in brick with decorative tile hanging to the dwelling and clay tiled roofs.

The property forms a distinctive feature within the street scene. Notwithstanding this, the building is currently vacant and hoardings have been placed around the front of the property to secure it.

The building provides generous separation gaps between the neighbouring buildings and the property is softened by planting on the boundaries especially on the front with Maypole Road.

Opposite the site is the BT Telephone Exchange which is a two storey brick built building with trees and vegetation screening the frontage. To the south-west is a detached bungalow and to the north-east is a detached Edwardian dwelling with a high brick wall on the boundary between this unit and 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 for the demolition of the existing residential dwelling and outbuilding and its replacement with a new two and a half storey residential building comprising of ten two-bed flats (a net increase of 8 units).

The proposed building is to measure some 16.8 metres in width to the front and 17.2 metres in width to the rear, a maximum of some 23.2 metres in depth with an eaves height of some 5 metres to 6 metres to the front (taking in account the slight levels), 5.35 metres to the rear and a ridge height of some 9.1 metres.

The new building is to have two pitched elements to the front with two small pitched roof dormers on the front roof slope as well as a single storey pitched front porch. To the rear would be a hipped roof small projection, two pitched roof dormers in the rear roof slope and two Juliette balconies to the first floor. On the south-western (side) elevation is to be 4 rooflights.

The proposed development is to be constructed from a palette of materials including facing brickwork to the external walls, clay tile hanging on parts of the first floor, timber windows and doors and clay tiles to the roof.

The ground floor flats (units 1 - 4) will benefit from private outdoor amenity space in the area surrounding the building.

The proposal includes the provision of twelve parking spaces which are to be provided in a basement car park providing one car parking space per unit and two for visitors. The basement car park will be accessed via the existing vehicular entrance to the site on the northern side of Maypole Road. The route of the existing driveway which serves the site will be remodelled to provide a ramp down to the car park. In addition, twelve cycle parking spaces are to be provided in the undercroft car park, one for each apartment with two spaces for guests.

This application is an identical scheme to that refused under DM/18/3261 and subsequently dismissed at appeal. The Inspector concluded that the appeal scheme would not result in harm to the street scene, character and appearance of the surrounding area or the living conditions of adjoining occupiers and potential future occupants of the proposed development. However, the Inspector dismissed the appeal due to the impact on the Ashdown Forest and the absence of suitable mitigation. This revised scheme seeks to address this matter.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

- 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
- DP29 - Noise, Air and Light Pollution
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- 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
- EG11 - Mitigating Highway Impacts
- EG12 - Car Parking
- EG16 - Ashdown Forest

Supplementary Planning Documents

Mid Sussex Development Infrastructure and Contributions

Mid Sussex Affordable Housing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- design and the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- air pollution;
- sustainability;
- dwelling space standards;
- impact to trees;
- infrastructure;
- Ashdown Forest; 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.'

The proposal falls within the built up area of East Grinstead where windfall development is considered appropriate. In addition, East Grinstead is classed as a category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

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 this application.

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 relates to character and design. It states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy EG3 of the Neighbourhood Plan relates to promoting good design and states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Para 127 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

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

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

The Council has a draft design guide which is also considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The design and scale of the proposed development is the same as that determined at appeal in November 2019. It is acknowledged that the proposed development would introduce a building which would have a greater footprint than that of the existing main building, in terms of its width and depth. The Inspector considered in the determination of the appeal that *'whilst the proposed development would have a greater overall width than the current structure to a small degree, the generous separation distances between the neighbouring properties and the appeal proposal would remain. Consequently, the defining characteristic in the street scene of spacious gaps between the properties, would be preserved.'* In addition, he considered that *'the overall depth of built form at the appeal site extends to within approximately three metres of the rear boundary of the property. However, the proposal would introduce a building which would be set back further from the rear boundary by a significant degree and which would reflect the building line of the rear elevation of the neighbouring dwelling at Linden.'*

Whilst the design would have less architectural integrity than the existing building and that approved under reference DM/19/1016, the Inspector acknowledged that whilst the *'scheme would be somewhat different in design than the existing buildings, the proposed development would not, in my view, look out of place within the street scene which, as noted above, exhibits considerable variety of design and scale. The proposal would have a lower overall height than the existing structures at the site, with the proposed roof form being reflective of that of the neighbouring dwelling at Linden while being consistent with the roof ridge line height of the neighbouring property at Lyndhurst.'*

As such the Inspector concluded that *'the design of the proposal would be in keeping with the varied character and appearance of the surrounding area and, due to the preservation of the separation distances between the respective properties, I conclude there would be no harm to the street scene within Maypole Road.'*

In light of this recent appeal decision for the site and the proposal being a replica of the design and scale of the appeal scheme, this is a material consideration in the determination of this current application. Due to the Inspectors support in the design of the proposal and the impact on the character of the area, Officers do not consider that there have been any changes on site since the determination of this appeal to come to a different view.

The views of the Planning Inspector are an important material planning consideration in the determination of this planning application. The guidance in the NPPG relating to appeals makes it clear that it can be regarded as unreasonable behaviour for a Local Planning Authority to keep *'persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.'*

The proposal is thereby considered to comply with policy DP26 of the District Plan, policies EG3 and EG5 of the Neighbourhood Plan and paras 124 and 127 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 development would introduce a parking area at basement level. Entrance to this parking area would be to the side of the proposed building, with the driveway sloping gently down from the level of the road as it passes along the north-eastern elevation of the appeal property. A window of a kitchen/dining area and a bedroom window at unit 2 and kitchen/dining room windows in unit 3, would look out towards and over the driveway which provides access to the basement area.

Concerns were raised by the Council in the determination of the 2018 scheme that the potential future occupants of units two and three would experience unacceptable living conditions by reason of their proximity to the driveway and by reason of the noise and disturbance, including light spill, from vehicles of future residents as they enter the driveway and basement parking area. The Inspector in the determination of the appeal scheme considered that *'a majority of the potentially affected rooms are*

dual aspect, the proposal would only generate a small number of vehicle trips and that, by reason of the sloped nature of the driveway as it enters the basement, vehicles would not be stationary outside of the potentially affected units for any significant period of time. Consequently, in my view, future occupants of these units would not experience noise or disturbance associated with passengers entering or exiting vehicles, nor would living conditions be harmed due to light spill from cars as they are parked or leave the property and enter the highway.' In light of the Inspectors appeal decision for the identical scheme, it is considered that it would not be reasonable to seek to argue that the proposal will result in significant detriment to the amenities of future occupiers of flats 2 and 3.

On the first floor north-eastern (side) elevation two obscure windows are proposed to serve the open plan living / dining / kitchen area for Flat 7 with a rear Juliette balcony window also proposed to serve this room. In addition, on the first floor south-western (side) elevation one obscure glazed window is to serve the kitchen area of the open plan living / dining / kitchen area for Flat 8 with a rear Juliette balcony window also proposed to serve this room. The inclusion of obscured glazing to these windows would appropriately limit potential overlooking from these rooms into neighbouring properties. As these rooms are dual aspect with Juliette balconies overlooking the rear external amenity area, the proposal would not have a significant harmful effect on the living conditions of future residents of flats 7 and 8 with reference to outlook.

On the boundary with the neighbour 'Lyndhurst' to the north east of the site is a high brick wall which is to be retained as part of the development. Due to the obscure glazed first floor windows proposed on the development and the boundary treatment it is considered that the proposal would not result in overlooking to this neighbouring property. In addition, the Inspector in the consideration of the appeal acknowledged that whilst *'the proposed building would have a wider footprint than that of the existing building at the site, there would be a substantial level of separation distance between the appeal building and the high brick wall which forms the boundary with Lyndhurst. Furthermore, the overall height of the building is significantly lower than that of the existing structure with the overall depth of built form at the site also being significantly reduced'*. As such he considered that *'there would be a significant reduction in the bulk of built form at the site, with the rear of the site being opened up to provide external amenity space and which would remove any overbearing effect currently experienced due to the presence of the existing substantial two storey outbuilding. The opening up of the rear area of the site would be likely to improve the outlook from the garden of Lyndhurst.'* In light of this the Inspector concluded that the proposal would not have a harmful overbearing impact on residents of Lyndhurst. As there is no change in the siting and scale of the proposal from that considered at the appeal, Officers consider that it would not be reasonable to seek to argue that the proposal would result in significant detriment to the amenities of this neighbouring dwelling.

The replacement building extends further rearwards into the site, with a reduction in the number and size of windows on the proposed south-western side, facing the neighbour 'Linden'. In the consideration of the previous scheme (reference DM/18/3261) and the appeal determination (AP/19/0047) no concerns were raised in respect of the impact to the amenities of this neighbouring dwelling. Notwithstanding this, whilst the development would result in an increased roof mass to the side

elevations compared to the existing where there is currently a break between the existing property and outbuilding, the proposal has a stepped roof design on the side and rear elevations in order to break up the overall mass and bulk of the building. In addition, the proposal would not extend as far rearwards as the existing outbuilding. As such it is considered that the proposal would not result in an overbearing impact to the amenities of the neighbouring occupier of 'Linden'.

The proposal is thereby considered to be acceptable in amenity terms to both existing neighbouring occupiers and also future occupiers of the proposed development. The proposal is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

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. It states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *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;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

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 through the existing vehicular access to the northern side of the site. The access is of sufficient width to allow 2 cars to pass clear of the public highway for an initial short section where the road then narrows. This access is to lead to the rear of the building where there is to be an entrance to the undercroft parking to be formed at basement level and provide 12 parking spaces. In addition, 12 cycle parking spaces will be provided within this undercroft area with a stairwell to provide internal access to the units.

The Highways Authority has considered the proposal and raises no objection to the scheme. They consider that it is unlikely that road traffic resulting from the development will have a severe impact on the local transport network. It is also

relevant to note that the previous scheme (reference DM/18/3261) was not refused by the District Council on matters relating to highway safety and parking provision.

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.

Air Pollution

In relation to air pollution policy DP29 in the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Paragraph 181 of the NPPF states:

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

The PPG states:

'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'

The Council's Environmental Protection Officer has stated:

'...given that this development proposes the provision of 10 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development.'

The Site Allocations Development Plan Document, which is currently undergoing consultation, contains a proposal to replace policy DP29 in the DP, with a new policy relating to air quality. As this proposal is currently being consulted upon, it can be afforded no weight at present. This planning application must be determined in line with the current policy in the development plan relating to air quality, policy DP29.

In this case there is no evidence that the proposal would result in unacceptable levels of air pollution, or that there is an existing issue with poor air quality in the area. In light of the above it is not felt that there would be a policy justification for a separate planning condition concerning air quality matters in this case.

Sustainability

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

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.'*

The submitted Planning Statement states *'the replacement building would be considerably more energy efficient, helping to reduce energy use and contribute towards a low carbon economy.'*

Additional information from the Agent has been provided concerning sustainable measures to be incorporated in the development. This states:

'The proposed development has been designed with a fabric first approach to sustainability and incorporates a number of elements designed to increase the energy efficiency of the proposal and reduce its carbon footprint. The proposed development will incorporate renewable energy sources, through the installation of 12 Solar Photovoltaic Panels on the flat roof and east facing roof pitch. The inclusion of PV panels will generate energy to serve the development, thereby reducing the dependency on the National Grid and fossil fuels. Any excess energy created by the PV panels will be fed back into the National Grid, further reducing the reliance on fossil fuels.'

In addition, it states that:

'The proposed development will incorporate a water conservation system, including the installation of water efficient fixtures and fittings to ensure that water consumption will be less than 110 litres per person per day, as per the requirements of policy DP42 of the Mid Sussex Local Plan.'

The proposals will be material-led, ensuring that the proposed dwelling will be highly sustainable and energy efficient. It will be constructed from high quality, sustainably sourced materials which will ensure that the development is well insulated, therefore reducing the need for heating and in turn reducing the energy consumption of the development.'

Finally, the submitted Sustainability Statement advises that 4 of the 12 car parking spaces will be provided with active electric vehicle charging facilities. A condition could be placed on an approval to ensure that these spaces are provided and thereafter retained.

The accessibility of the site, or the sustainable location of it, is also a key consideration.

The development is situated in a sustainable location close to the town centre as well as a bus stop and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Ecology

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

Policy DP38 of the District Plan refers to biodiversity and seeks to protect and enhance biodiversity. This states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas*

identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 175 of the National Planning Policy Framework states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The application is accompanied by a Bat Survey. This concludes that the main dwelling forms a summer/day roost for common pipistrelle bats and a European Protected Species Mitigation Licence would be required to renovate the building and destroy the bat roost. However, no bats were found in the outbuilding of The Coach House. Mitigation measures have been proposed to include the creation of temporary and permanent replacement bat roosts in the form of bat adapted access tiles or soffit bat boxes in the renovated building.

The Councils Ecology Consultant has considered the application. He acknowledges that there will be loss of a bat roost. However, he advises that *'subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is*

likely that a licence can be obtained from Natural England.' As a result, he raises no objection subject to a condition requiring no development (including demolition) to be carried out until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the local planning authority.

Officers consider that the redevelopment of the site which currently comprises of a vacant building in disrepair to form a net increase of 8 residential units will provide wider public benefits to justify an approval and overcome the impact to the current bat roost on the site. The proposal would provide mitigation measures of replacement bat roosts to overcome the loss.

It is thereby considered that the application complies with policy DP38 of the District Plan and para 175 of the NPPF.

Trees

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

An Arboricultural Report has been submitted with the application. This states that *'only two hedges and three groups of trees made up of small, self-seeded shrubs and saplings are to be removed. The trees to be removed are too small and insignificant to contribute to the character and appearance of the site or the local landscape.'* The trees to be removed are to the rear of the site. In addition it states that there *'will be no incursions into the Root Protection Areas of trees to be retained, and subject to implementation of the measures recommended on the Tree Protection Plan and set out at Appendix 1, no significant or long-term damage to their root systems or rooting environments will occur'.*

The Council's Tree Officer has considered the proposal and raises no objections to the works and tree removals, subject to compliance with the arboricultural report. Officers agree with this and consider that the proposal will not result in detriment to the character of the area.

A condition could be placed on a planning permission in respect of soft landscaping to ensure suitable planting is provided within the site to soften the development.

In the planning balance it is not considered that there would be significant harm to justify a refusal on the impact to these trees.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

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 using soakaways and an existing connection to a combined/ foul sewer. The development will discharge foul drainage to the main foul sewer utilising the existing connection on site.

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

Infrastructure

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

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

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

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

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure

that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

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

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

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

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

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

Due to the number of units provided, the proposal does not require affordable housing contributions as set out in Policy DP31 of the District Plan.

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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

Education - Primary: £9,451
Education - Secondary: £10,172
Education - 6th Form: £2,383
Libraries: £2,374
TAD: £17,374

District Council Contributions

Children's Playing Space: £13,285
Formal Sport: £8,269
Community Buildings: £4,742
Local Community Infrastructure: £5,172

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 8 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £16,686, and if the approved scheme provides for a strategic SANG contribution, this would be £9,784.

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 contributions to SAMM and SANG are to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions is being progressed. Subject to this being completed it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection subject to securing appropriate mitigation.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

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 NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 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 a net increase in 8 additional residential units. The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. Having regard to the recent appeal decision on the site, the redevelopment for a total of 10 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from 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 proposal will provide minor but positive social and economic benefits through the delivery of 8 additional dwellings 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 dwellings 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 limited.

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

The application is thereby considered to comply with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan, policies EG3, EG5, EG11, EG12 and EG16 of the Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 of the NPPF. 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 be carried out unless and until a schedule of materials and finishes to be used for the 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

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

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public road
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031, and Policy EG3 of the Neighbourhood Plan.

5. Prior to the demolition and the commencement of construction, 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: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The demolition/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 neighbouring residents and residences from noise, vibration and dust and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

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

7. No development, including demolition, shall commence until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policies DP17 and DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

Construction Conditions

9. No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

11. The development 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 Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

12. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjoining footway 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.

13. No part of the development shall be first occupied until the vehicle parking and turning spaces have 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 accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

14. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and details submitted in drwg PD-12 received 3rd January 2020.

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.

15. No part of the development shall be first occupied until a detailed 1:20 section and elevation drawings showing a typical solar panel in relation to the roof as well as specifications on the panels have been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

16. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces has been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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.

INFORMATIVES

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

Accordingly, you are requested that:

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

3. The applicant is advised that in order to satisfy condition 7 above that and to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
4. In accordance with Article 35 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
Existing Floor Plans	CE/1607017/G		03.01.2020
Existing Floor Plans	CE/1607017/F		03.01.2020
Existing Floor Plans	CE/1607017/S		03.01.2020
Location and Block Plan	PD-11	-	03.01.2020
Proposed Floor Plans	PD-12	-	03.01.2020
Proposed Floor Plans	PD-13	-	03.01.2020
Proposed Elevations	PD-14	-	03.01.2020
Proposed Floor and Elevations Plan	PD-15	-	03.01.2020
Proposed Elevations	PD-16	-	03.01.2020
Existing and Proposed Elevations	PD-17	-	03.01.2020
Topographical Survey	CAL/1607017	-	03.01.2020
Existing Floor Plans	CE/1607017/B	-	03.01.2020
Existing Floor and Elevations Plan	CE/1607017/E	A	03.01.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

As per EGTC Planning Committee 29.01.20: Recommend Refusal - Committee are alarmed to see this application return with a vastly inferior design to that approved. It is more intrusive and overbearing to the neighbouring property. The application is strongly resisted under EG3 and the committee would like to see the approved plans implemented.

WSCC Highways Authority

The proposal is for a net increase of eight homes on the site. It is unlikely that road traffic resulting from the development will have a severe impact on the local transport network. The site is within walking distance of a variety of everyday facilities and bus and train services.

The applicant proposes to use the existing vehicle crossover to access the site. A check should be made with the area highway engineer prior to occupation of the development to ensure that technical requirements are met. A road safety audit is not required for the site access because the proposed use is below the ten home threshold for an audit. No road traffic collisions are associated with the site entrance.

The applicant will be required to provide adequate pedestrian visibility at the site entrance, and a condition is suggested to ensure this.

Parking for twelve cars and twelve bicycles is proposed. This appears consistent with the sustainable location of the site.

Conditions

Pedestrian Visibility

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjoining footway level or as otherwise agreed.

Reason: In the interests of road safety.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public road
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	East Grinstead		
Population Adjustment	14.7		
	Primary	Secondary	6th Form
Child Product	0.0735	0.0735	0.0397
Total Places Required	0.5145	0.3675	0.0794
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,374		
Population Adjustment	14.7		
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	14.7		
Net Parking Spaces	10		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£9,451
Education - Secondary	£10,172
Education - 6th Form	£2,383
Libraries	£2,374
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£17,374
Total Contribution	£41,755

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, 2019.

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 July 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 10 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 2020. 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 Halsford Park Primary School.

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

The contributions generated by this proposal shall be spent on additional facilities at Imberhorne School sixth form.

The contributions generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.

The contributions generated by this proposal shall be spent on A22 Corridor improvements, to include junction improvements and a new bus lane on London Road.

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.

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR - Total Places Required:

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

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

Year groups are as below:

- Primary school: 7 year groups (aged 4 to 11)

- Secondary School: 5 year groups (aged 11 to 16)
- Sixth Form School Places: 2 year groups (aged 16 to 18)

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

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. 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 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,370 per child
- Secondary Schools: £27,679 per child
- Sixth Form Schools: £30,019 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:

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.

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 £5,384 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 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 2019/2020 is £1,407 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 (£703).

Sustainable transport contribution = (net car parking - occupancy) x 703

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

WSCC Flood Risk 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, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

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

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

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.

Ordinary Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses running adjacent to the site.

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

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

Comments: We do not have any records of historic surface 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.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Statement and Surface Water Strategy included with this application state that soakaway, attenuation and discharge to the foul/combined sewer would be used to restrict the surface water run-off from this development.

As per the previous application at this site, discharge of surface water to the foul/combined sewer should only be used as a last resort and other options within the drainage hierarchy should be fully explored.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on new developments should be sought. This could include retention at source through green roofs, rain gardens, swales and above ground attenuation prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

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.

Natural England

DESIGNATED SITES [EUROPEAN] NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England formal representation on appropriate Assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended.) You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your Authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Ecology Consultant

Recommendation

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England. There will be loss of a bat roost but, subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is likely that a licence can be obtained from Natural England. Therefore, subject to these considerations, then in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development, including demolition, shall commence until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the local planning authority.

Reason: To protect the ecological value of the site and to accord with policies DP17 and DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

Comments

Whilst the supporting bat survey information is now several years old and I would consider its acceptance to be borderline, taking into account the site, location and previous findings, I would consider it unlikely that there will be any fundamental changes sufficient to alter the principle of development. Update surveys will be required in any case to support the licence application, ensuring that mitigation is based on the current situation. Therefore, in this case I am of the view that the information is adequate to support my recommendation.

MSDC Urban Designer

This appears to be much the same design as the DM/18/3261 scheme for which you have my previous comments. As the design appears to have been accepted by the inspector there is nothing for me to say!

MSDC Leisure

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 five or more dwellings.

CHILDRENS PLAYING SPACE

Lingfield Road Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £13,285 is required to make improvements to play equipment (£7,220) and kickabout provision (£6,065).

FORMAL SPORT

In the case of this development, a financial contribution of £8,269 is required toward Senior pitch drainage at King Georges Field, East Grinstead.

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 £4,742 is required to make improvements to the Age UK 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.

Advice.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). 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.

The application is supported by a flood risk statement dated July 2018. Whilst a flood risk statement of this date would not usually be acceptable, due to the low flood risk on the site this report has been considered acceptable for this application.

The flood risk statement recommends finished floor levels to be a minimum of 150mm above external levels to mitigate the residual surface water flood risk on site. The development also incorporates a basement level car park. We would advise that appropriate mitigation should be utilised to ensure surface water cannot enter the basement.

SURFACE WATER DRAINAGE

It is proposed that the development will manage surface water drainage using soakaways and an existing connection to a combined/ foul sewer.

We would advise the applicant that the Flood Risk and Drainage Team would consider this application to be new build in terms of surface water drainage. As such we would expect surface water drainage to follow the drainage hierarchy and utilise the principle of SuDS. The use of an existing connection to a foul sewer is unlikely to be considered acceptable where more sustainable options are possible.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul drainage to the main foul sewer. It is understood that the existing connection on site would be utilised.

We would advise the applicant to discuss the proposed development with the local sewerage undertaker to ensure any sewer buffer zones are considered.

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.

WORKS WITHIN 8M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

MSDC Tree Officer

This is the same Arboricultural report (dated October 2017) as was submitted with the last application DM/19/1016, so there is no change to the impact on the surrounding trees.

I have forwarded Irene's comments below and therefore I have no objection provided the report is fully adhered to as requested by Irene below.

Previous comments to DM/19/1016

I know this site quite well and raise no objections to the works and tree removals, subject to compliance with the arb report.

However, DP37 requires removed trees to be replaced on a one for one basis and it is difficult to see how they would achieve this within the site. Also, there is no landscaping plan. Do we not want to soften the frontage of this scheme?

Landscaping scheme should be submitted and replacement trees should be required by condition in accordance with policy. I accept that some of the trees be removed are small, self seeded specimens but I think we should require at least 3 replacement trees and some shrubs

The tree report refers to a policy which has subsequently been replaced by DP37.

MSDC Environmental Protection

Given the potential for noise and dust disturbance to existing nearby premises during the demolition and construction phases of this development, should planning permission be granted, Environmental Protection recommends the following conditions. In addition, given that this development proposes the provision of 10 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development.

Conditions:

Construction and demolition: Works of demolition and construction, 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.

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

Construction Environmental Management Plan: Prior to the demolition and the commencement of construction, 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: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The demolition/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 neighbouring residents and residences from noise, vibration and dust.

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

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.

Accordingly, you are requested that:

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

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

MSDC Contaminated Land Officer

The application looks to demolish an existing residential unit and a construct a replacement residential building, comprising of 10 residential units with associated landscaping works.

Having looked at the site I can see that it is adjacent to historic railway land to the west, and roughly 10 metres from a telephone exchange to the east. Both sites are considered to be potentially contaminated, and applications for sites within the near vicinity have found contaminants that required remediation.

While construction of a basement will remove a large portion of land from the site, and reduce potential risks, given the size of the project and sensitivities of the end use a phased contaminated land condition is recommended.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in

writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Street Name & 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.

MID SUSSEX DISTRICT COUNCIL

Planning Committee

19 MAR 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/0238



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**CLARKS UNIT 7 THE ORCHARDS HAYWARDS HEATH
CONSENT TO DISPLAY 1X ILLUMINATED FASCIA SIGN AND 1X NON-ILLUMINATED PROJECTING SIGN.**

AARON MORGAN

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey /
Trees subject to a planning condition /

ODPM CODE: Advertisements

8 WEEK DATE: 16th March 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Andrew Horrell

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Advertisement Consent is sought for the installation of 1 illuminated fascia sign and 1 non-illuminated projecting sign to an existing business at The Orchards Shopping Centre. The application is reported to committee as the application site is on land owned by the District Council.

The proposal is considered to be acceptable on amenity grounds and would have no adverse impact on public safety.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

None

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council have no comment in regards to the application.

INTRODUCTION

The application seeks advertisement consent for 1 illuminated fascia sign and 1 non-illuminated projecting sign.

RELEVANT PLANNING HISTORY

01/00705/ADV - One fascia sign and one projecting sign, both internally illuminated.

SITE AND SURROUNDINGS

The application site is within the main shopping centre of Haywards Heath and comprises of a shoe shop on the ground floor with a flat above. The colour scheme on the existing fascia is a green background with white writing.

The locality is characterised by a wide variety of shopfronts containing a range of advertisement designs.

APPLICATION DETAILS

The application seeks advertisement consent for the installation of 1 illuminated fascia sign and 1 non-illuminated projecting sign. The application is reported to committee as the application site is on land owned by the District Council.

The proposed fascia measures 0.03m in depth, 5.92m in width with a height of 1.2m. It will be internally illuminated at 145 cd/m² and will consist of a black background with white text.

The proposed hanging sign measures 0.06m in depth, 0.5m in width with a height of 0.65m and will consist of a black background with white text.

LIST OF POLICIES

Mid Sussex District Plan

DP26 - Character and Design

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

National Policy

National Planning Policy Framework (February 2019)

Paragraph 132 specifically relates to advertisements and states:

'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.

ASSESSMENT

The main issues are considered to be the design of the scheme and resulting impact on the character and appearance of the area.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states:

'A local planning authority shall exercise its powers under these Regulations in the interests of Amenity and public safety, taking into account: (a) the provisions of the development plan so far as they are material; and (b) any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others)'.

The West Sussex County Council Highways Authority Standing Advice on illuminated signage and The Institute of Lighting Engineers' Technical Report Number 5: "Brightness of Illuminated Advertisements" (2001) upon which it is based provides guidance as to acceptable levels of illumination within four different areas.

Haywards Heath is defined as a "Medium District Brightness Area" (a small town centre location) where it is considered that small signs up to 10sqm may be illuminated up to a maximum of 800 cd/m² and larger signs up to 600 cd/m². A luminance level of 145cd/m² is therefore well within the recommended guidelines for illumination and would not raise an objection from West Sussex County Council Highways Officers.

The proposals are considered appropriate in terms of design, size, colour, materials, lettering, illumination, and means of fixture and location to the existing building. It is not considered to be detrimental to the visual amenity of the locality and would preserve the character and appearance of existing building. The advertisement does not adversely impact public safety.

Given the nature and commercial character of The Orchards, the proposed advertisements are considered to be appropriate to the locality.

CONCLUSION

The advertisements are considered to comply with policy DP26 of the Mid Sussex District Plan, E9 of the Haywards Heath Neighbourhood Plan and the requirements of the NPPF and are therefore recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with Regulations 13(1)(b) and Schedule of the above regulations.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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
Existing Elevations	2455/19/02		20.01.2020
Proposed Elevations	2455/19/01		20.01.2020
Location Plan			20.01.2020
Block Plan			20.01.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

No comment.

MID SUSSEX DISTRICT COUNCIL

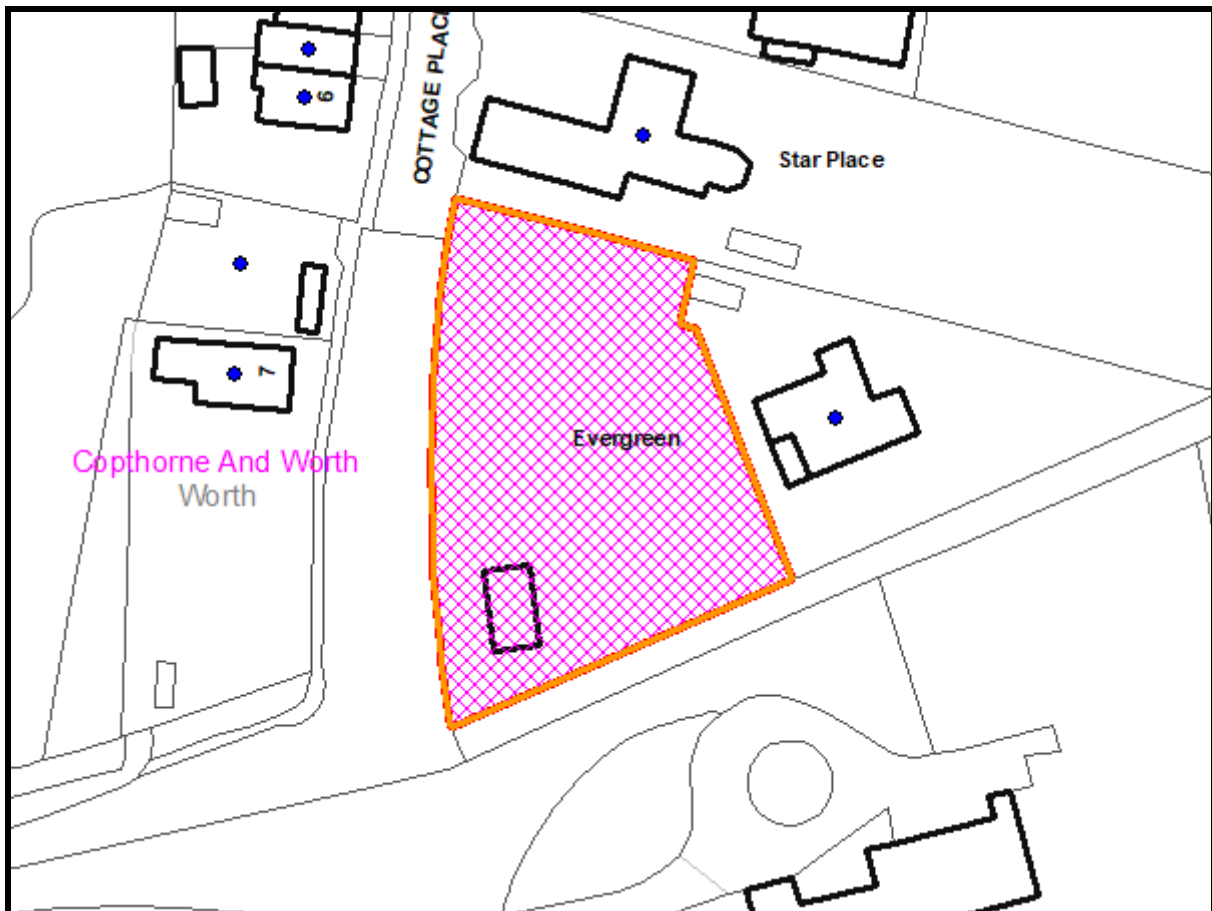
Planning Committee

19 MAR 2020

RECOMMENDED FOR REFUSAL

Worth

DM/20/0161



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**EVERGREEN COTTAGE PLACE COPTHORNE COMMON ROAD
COPTHORNE**

**OUTLINE APPLICATION FOR ERECTION OF TWO NEW SEMI-
DETACHED DWELLINGS WITH ALL MATTERS RESERVED APART
FROM ACCESS.**

MR LEIGH AND CHRIS ARMSTRONG

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Aerodrome Safeguarding (CAA) / Radar Safeguarding
(NATS) / Tree Preservation Order /

ODPM CODE: Minor Dwellings
8 WEEK DATE: 30th March 2020
WARD MEMBERS: Cllr Christopher Phillips /
CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Outline planning permission is sought for the erection of two new semi-detached dwellings with all matters reserved at Evergreen, Cottage Place, Copthorne Common Road, Copthorne. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

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 countryside, outside the built up area of Copthorne, and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in DP15. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is not contiguous with the built up area nor in a sustainable location.

The site is located in the countryside and is not contiguous with the defined built up area boundary of Copthorne, nor is the site allocated in Mid Sussex District Plan. Whilst it is acknowledged that the proposed increase of an additional dwelling on the site would not result in an adverse impact on the countryside, the development would result in the net increase of a dwelling in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the

development plan. In addition, the proposal is considered to be in an unsustainable location and will result in a heavy reliance on private car for access to shops and services. The application is thereby considered to conflict with policies DP6, DP12, DP15 and DP21 of the District Plan, and the provisions of the NPPF.

These factors weigh heavily against the proposal.

On the positive side it is considered that the proposal would have a limited adverse impact on the character of the area and countryside as the indicative site plan shows that the scheme would be of a similar siting and scale to the extant permission for a single dwelling on the site. In addition, 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. Because, however, of the small scale of the development proposed these benefits would be limited.

The proposal would have a neutral effect in terms of highways and parking, trees and the effect on the Ashdown Forest.

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

Recommendation

It is recommended that planning permission be refused for the following reasons:

1. The application site lies within the countryside outside any defined built up area of Copthorne. The development would result in the net increase of a dwelling in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the development plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policies DP6, DP12 and DP15 of the District Plan and the provisions of the NPPF.
2. The proposed development is located within the countryside and occupies a location which is distant from a built up area boundary where local services will not be readily accessible. As such future occupiers will be heavily reliant on the private car to meet their daily needs. The development thereby conflicts with policy DP21 of the District Plan and paragraphs 8, 11 and 108 of the NPPF.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSSC Highways

No objection.

MSDC Drainage

No objection subject to conditions.

MSDC Tree Officer

No objections.

NATS

No safeguarding objection

Gatwick Aerodrome Safeguarding

No objection.

MSDC Street Name and Numbering

Informative.

WORTH PARISH COUNCIL

No objection.

INTRODUCTION

Outline planning permission is sought for the erection of two new semi-detached dwellings with all matters reserved at Evergreen, Cottage Place, Copthorne Common Road, Copthorne. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

PLANNING HISTORY

Outline planning permission was granted on the 19th February 2014 under reference 13/04065/OUT for the erection of 1 detached bungalow utilising an existing single vehicular access drive and detached garage on land to the west of Evergreen. The matter for consideration was the principle of the development with all matters (access, layout, appearance, landscaping and scale) reserved for future consideration.

Reserved Matters was granted on the 5th April 2017 under reference DM/17/0615 for the approval of access, appearance, layout and scale, following approval of the above outline planning permission (reference 13/04065/OUT).

Following this pre-commencement conditions 2, 3, 5, 6, 8, 9 and 10 and pre-occupation condition 13 of the outline approval 13/04065/OUT was approved under reference DM/19/0381.

More recently, a lawful development certificate has been approved at the site under reference DM/19/3061 to confirm that a lawful start has occurred under the details approved under planning references 13/04065/OUT and DM/17/0615.

Other relevant planning decisions in the vicinity of the site

Outline planning permission was granted with all matters reserved in July 2014 for the erection of 3 bungalows on land to the rear of Star Place, Tamarind and to the front and side of Evergreen (14/01919/OUT). The associated reserved matters application was approved in September 2017 (DM/17/2921). This permission has expired.

Outline planning permission was granted with all matters reserved in April 2014 under planning reference 14/00909/OUT for one detached bungalow at the rear of Star Place and extending the existing drive to Evergreen to provide access, including the demolition of the existing side garage and replacement double garage to serve Evergreen. The associated reserved matters application was approved in December 2017 (DM/17/1612). This permission has expired.

In June 2017, full planning permission was refused for 2 separate applications involving the demolition of Tamarind and the replacement with 6 dwellings (DM/17/1060) and the replacement with 9 dwellings (DM/17/1064). The scheme for 6 dwellings was appealed (AP/18/011) and dismissed in May 2018.

In May 2019, outline planning permission was granted for the erection of 1 no. dwelling in the rear garden of Tamarind, together with the means of access (DM/19/0177). This permission has not been implemented but is extant.

SITE AND SURROUNDINGS

The site is situated at the end of an existing narrow private road of Cottage Place set off Copthorne Common Road. The lane currently serves a number of residential properties and a commercial unit of a vehicle bodyshop and van rental. In addition, there is petrol filling station at the top of the lane.

The site is formed of Evergreen, a detached bungalow with a hipped roof set within the plot with a number of outbuildings to the north and west of the unit. The proposed dwelling is to be sited to the west of the existing bungalow within an area used partly as garden and hardstanding serving the existing detached garage to the west of the property. There is an existing access serving the garage separate to that of the main dwelling. At present part of the land subject of the application site is divided off by a timber fence.

To the south and western boundaries is vegetation forming screening of the site. Beyond these boundaries is a public right of way.

The application site is situated within the countryside as defined in the District Plan.

APPLICATION DETAILS

Outline planning permission is sought for the erection of two new semi-detached dwellings with all matters reserved at Evergreen, Cottage Place, Copthorne Common Road, Copthorne. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

Access would be taken from the existing access off Cottage Place which serves the existing property 'Evergreen' and also the extant permission for the single dwelling on this site.

An indicative site plan has been submitted with the application which shows the proposal to form a semi-detached property in a similar location to that approved under reference DM/17/0615. The plot would be divided to provide two private rear gardens with parking for Plot 1 to the side of the dwelling and parking for Plot 2 to the front of the dwelling with 1 visitor parking space provided as well. The indicative plan shows that there would be landscaping to the front of the dwellings to soften the development with the existing trees on the southern and western boundaries to be retained.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP12 - Protection and Enhancement of Countryside
- DP15 - New Homes in the Countryside
- DP21 - Transport
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP37 - Trees, Woodland and Hedgerows
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage

Copthorne Neighbourhood Plan

Regulation 14 consultation of the neighbourhood Plan finished 30th April 2017. The plan is a material planning consideration with little weight in planning decisions. Last

year there was contact to resume the progress of the plan, but there has been no further update since then.

Relevant policies:

COP05 - Control of New Developments;
COP08 - Prevention of Coalescence (Actual or Perceived)
COP11 - Promoting Sustainable Transport

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

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

- The principle of development;
- Impact on the character of the area;
- Highways;
- Sustainability;
- Impact on trees;
- Drainage;
- Impact on amenities of surrounding occupiers;
- 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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

Using this as the starting point the development plan in this part of Mid Sussex consists of the adopted District Plan.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. This has been confirmed at a recent Public Inquiry in respect of two planning appeals (references APP/D3830/W/19/3231997 and APP/D3830/W/19/3231996). In the consideration of the appeal, the Inspector considered the Councils land supply position as this was a matter in dispute between the Council and appellants. He stated that:

'I therefore conclude that the Council can demonstrate a 5YHLS.' (para 115).

The balance to be applied in this case is therefore a non-tilted one.

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates Copthorne as a Category 2 Settlement. It states:

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

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

The proposal does not comply with policy DP6 of the District Plan as the proposal is not contiguous to the existing built up area of the settlement of Copthorne, and for reasons set out further in the report is not considered to be sustainable.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. It states:

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

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

As the proposal does not meet Policy DP6, it is thereby not supported by a specific reference policy in the plan and therefore does not comply with Policy DP12.

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

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

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

There is no special justification for an additional unit within this location, and as set out above, the proposal is contrary to policies DP6 and DP12 of the District. Therefore, the proposal does not comply with Policy DP15 of the District Plan.

As the principle of the proposal conflicts with Policies DP6, DP12 and DP15 of the District Plan, the proposal is thus contrary in principle to the Development Plan.

Impact on the character of the area

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside.

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

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

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

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Whilst only draft with limited weight in the consideration of planning decisions, Policy COP08 of the Copthorne Neighbourhood Plan relates to the coalescence (actual or perceived) and states:

'Development outside the BUAB which impinges on local gaps and the Green Ring (see Definitions for description) as shown in Figures 1 and 3 will only be permitted if it can be demonstrated that:

- a. It does not detract from the openness and character of the landscape, or have a detrimental impact on the perception thereof.*
- b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Crawley Down, Snow Hill, Burstow and Crawley.*
- c. It does not reduce individually or cumulatively the gaps between the village and the neighbouring settlements of Crawley Down, Snow Hill, Burstow, Shipley Bridge, Smallfield, Rowfant, Domewood and Crawley.*
- d. We note that some settlements fall outside the Neighbourhood Plan Area which may impact the ability of this policy to control development. However, those gaps referenced in COP08 c) are covered by Green Belt policy in the adjacent Tandridge Local Plan.'*

Para 170 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.

Whilst only indicative, the site layout plan provided within this scheme shows that the proposed footprint of the development and the amount of hardstanding is not significantly greater than the extant single dwelling on the site (reference DM/17/0615). In this instance it is thereby considered that the increase of an additional unit on the site would not result in a further adverse impact on the character of the area and countryside than the dwelling already granted on the site.

The proposed development is located within the countryside location outside of the built-up area of Copthorne which is not allocated for housing. The site is situated at the end of a lane which serves 9 other dwellings and a commercial unit. As the site is within an enclave of existing dwellings, the proposed unit cannot be considered to be an isolated form of development. In addition, the proposal is to be well related to the existing bungalow of Evergreen. It is therefore felt that the proposal would not have an adverse impact on the character of the countryside nor result in coalescence.

In light of the above, the proposal is considered to comply with Policy DP26 of the District Plan. However there remains an in principle conflict with policy DP12 as this is a form of development for which there is not support from policy DP6.

Highways and Accessibility

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

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- 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;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

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 to the site will be via the existing driveway serving 'Evergreen' set at the end of Cottage Place.

The Highways Authority has considered the information received and raise no objection to the proposal. They consider that given the small-scale nature of proposal and other dwellings make use of the existing access arrangements to exit onto the wider road network, this proposal is not anticipated to result in a material intensification of use.

Consequently, the application is deemed to comply with Policy DP21 of the District Plan and the aims of the NPPF in respect of providing a satisfactory access to the highway.

Sustainability

As set out above, Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

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

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

Whilst the application is at outline stage, within the Planning Statement, it is identified that the dwellings could incorporate various measures including maximising passive solar gain, using locally sourced materials and locally based contractors to reduce the impact of transportation, use of FSC timber or SIP panels to construct structural frame of dwelling, enhanced insulation and minimising thermal bridging, water efficient WC's, grey water recycling and rain water collection, use of low energy fittings, zoned heating controls, AA rated appliances and low flow aerated taps. Further details on the sustainable measures to be incorporated in the development would be provided at the reserved matters stage.

The NPPF seeks to encourage development in sustainable locations. The NPPF however acknowledges opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The site is set away from the built up area of Copthorne which is a category 2 settlement. Understandably this influences walking and cycling times to nearby services. At the end of Cottage Place on Copthorne Common Road is a bus stop and a small shop at the Esso Petrol filling station. However, it is considered that these provide restricted services which would not meet the reasonable day to day needs of the occupiers of the proposed dwellings. In addition, to access the village of Copthorne, pedestrians would need to cross a busy fast moving road of the Copthorne Common Road (A264) and then walk along the footway next to this road.

In the determination of an appeal at Tamarind to the north-east of the site (AP/18/0011), the Inspector considered the sustainability of the site. The Inspector acknowledged that *'Bus services can be accessed close to the site, which provide a limited range of services to the surrounding areas. However, despite offering in principle an alternative mode of transport, the services are restricted and would be inconvenient for most day to day needs. The location of the appeal site beyond the*

practical reach of a settlement would mean that the likelihood is that in order to access the reasonable day to day needs of a family the occupiers of the 6 dwellings proposed would be heavily reliant on travel by private car.'

In light of this recent appeal decision and the location of the site set away from the edge of the built up boundary of Cophorne, the site is considered to be within an unsustainable location. As such future occupiers of the development would be very likely to rely on private car trips for the necessities of daily life. It is thus considered that the site falls short in terms of sustainability and would be heavily reliant on the motorcar. The site would be poorly accessible in relation to access to local services and facilities, other than by the use of private car.

The proposal therefore conflicts with policy DP21 of the District Plan in respect of the site not being sustainably located and para 108 of the NPPF which seeks to actively manage patterns of growth limiting the need to travel and offering a genuine choice of transport modes.

Impact on trees

Policy DP37 of the District Plan seeks to support the protection and enhancement of trees, woodland and hedgerows. It states that:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*

- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

Whilst the proposal is outline with the layout and scale a reserved matter, an indicative plan has been provided showing the siting of the proposed dwellings set away from the trees and vegetation on the southern and western boundaries in a similar location to the extant permission for one bungalow on the site.

An Arboricultural Impact Assessment and an Arboricultural Method Statement has been submitted as part of the application. This indicates that no trees are to be removed to facilitate the development. In addition, it considers that based on the information currently available that the root protection areas and crowns of all retained trees will be located a sufficient distance from the proposed dwellings.

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

Drainage

Policy DP41 of the District Plan seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible very low and low surface water (pluvial) flood risk.

As the application is an outline with all matters reserved apart from access no details have been provided in relation to drainage. However, the application form suggests surface water drainage would be managed via a soakaway and foul water drainage would be discharged to an existing mains sewer.

The Councils Drainage Engineer has no objections to the principle of the development subject to conditions.

In light of the above it is considered that the proposal could comply with Policy DP41 of the District Plan.

Impact on neighbour amenity

Policy DP26 of the District Plan seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage. In this case there are existing neighbouring residential properties that have the potential to be affected to the north and east of the site.

The indicative layout shows the proposed dwellings to have a front to side relationship with 'Star Place' to the north of the site with a separation distance of some 22 metres between dwellings. To the east, the proposal would have a side to side relationship with 'Evergreen' with a minimum distance of some 6.2 metres. Such relationships were considered at the reserved matters application for the extant single bungalow on this site under reference DM/17/0615.

Nevertheless, as this application is of an outline scheme with the appearance, layout and scale of the units not being considered, this would need to be fully assessed at any reserved matters stage.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Other matters

The planning history of the site and the surrounding sites is highly material to an assessment about the principle of this proposal. As set out above, the earlier approved scheme for one dwelling on the site has been lawfully implemented within its time period through the partial construction of foundations including setting out, excavation and concreting. However, no further works have been carried out.

In addition, a recent outline permission has been granted under reference DM/20/0177 to land north-east of the site at Tamarind for the erection of 1 no. detached dwelling within the rear garden of Tamarind. This site also lies within the

countryside where the principle of additional housing would be contrary to policies DP6, DP12 and DP15 of the District Plan. However, consideration was made to the previous planning history of the site of Tamarind where it was considered that this dwelling would not represent any net increase in the number of dwellings in comparison to previous consents on that site. As such it was concluded that this was a significant material consideration that outweighed the lack of compliance with Policies DP6 and DP12 of the Mid Sussex District Plan.

Surrounding the site there are permissions which have now expired for additional dwellings including that at Star Place to the north (14/00909/OUT and DM/17/1612/REM). This relates to a single dwelling on land to the rear of Star Place. In addition, 3 dwellings have been approved at land at Star Place, Tamarind and Evergreen (14/01919/OUT and DM/17/2921/REM). However, these permissions have not been implemented and have now lapsed. As these permissions have lapsed, were determined under a different planning policy background and were also in a different red edged site area, these cannot be considered a material justification for the granting of this current scheme through the argument that there would be no net increase in the number of units and that it would maintain the previously approved amount of development.

It is clear that as other permissions have expired, this proposal would result in a net increase in dwellings on the site. Due to the sites location in the countryside and it not being contiguous with the built up area of Copthorne, the principle if the development would be contrary to the development 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 countryside, outside the built up area of Copthorne, and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in DP15. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is not contiguous with the built up area nor in a sustainable location.

The site is located in the countryside and is not contiguous with the defined built up area boundary of Copthorne, nor is the site allocated in Mid Sussex District Plan.

Whilst it is acknowledged that the proposed increase of an additional dwelling on the site would not result in an adverse impact on the countryside, the development would result in the net increase in a dwelling in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the development plan. In addition, the proposal is considered to be in an unsustainable location and will result in a heavy reliance on private car for access to shops and services. The application is thereby considered to conflict with policies DP6, DP12, DP15 and DP21 of the District Plan, and the provisions of the NPPF.

These factors weigh heavily against the proposal.

On the positive side the provision of 1 new dwelling on the site will make a minor but positive contribution to the district's housing supply, 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.

The proposal would have a neutral effect in terms of highways and parking, trees and the effect on the Ashdown Forest.

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

APPENDIX A – REASONS FOR REFUSAL

1. The application site lies within the countryside outside the defined built up area of Copthorne. The development would result in the net increase of a dwelling in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the development plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policies DP6, DP12 and DP15 of the District Plan and the provisions of the NPPF.
2. The proposed development is located within the countryside and occupies a location which is distant from a built up area boundary where local services will not be readily accessible. As such future occupiers will be heavily reliant on the private car to meet their daily needs. The development thereby conflicts with policy DP21 of the District Plan and paragraphs 8, 11 and 108 of the NPPF.

INFORMATIVES

1. In accordance with Article 35 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for

refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advice on the best course of action in respect of any future application for a revised development.

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	EGREEN-19-01		14.01.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection

WSCC Highways

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

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

Summary

West Sussex County Council was consulted previously on Highway Matters for this location under several planning applications of which the most recent are 13/04065/OUT seeking outline consent with all matters reserved for the erection of one new bungalow and DM/17/0615 reserved matters application for the approval of access, appearance, layout and scale. No highway concerns were raised and the Local Planning Authority (LPA) subsequently approved both applications.

This outline application is for construction of two semi-detached dwellings with all matters reserved except from access and demolition of the existing garage (to the south of the proposed dwellings). It is located and accessed via private shared driveway which adjoins the publicly maintained Copthorne Common Road which is an A-classified road subject to 50mph speed limit.

Public Right of Way

The site is surrounded by footpath nos. 26W and 21W. Safe and convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.

Access

Visibility splays at the access point onto Cothorne Common Road have not been demonstrated. Data supplied to WSCC by Sussex over the period of the past five years reveals no recorded injury accidents caused by the road layout. Therefore, there is no evidence that the existing access onto Copthorne Common Road is operating unsafely.

Given the small-scale nature of proposal and other dwellings make use of the existing access arrangements to exit onto the wider road network, this proposal is not anticipated to result in a material intensification of use.

Parking and Sustainability

The proposed site plan demonstrates 7 parking spaces (including parking for the existing dwelling 'Evergreen'). At Reserved Matters stage the applicant is expected to provide parking provision in line with WSCC Car Parking Calculator (Adopted August 2019). Each parking bay should meet the minimum requirements of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance. If garage is to be constructed, at reserved matters stage the applicant is expected to demonstrate the adequate dimensions of 3 x 6m per single garage.

Turning area to enable vehicles to egress onto the public highway in forward gear should be demonstrated at Reserved Matters stage.

In order to promote the use of sustainable transport mode, at Reserved Matters stage the applicant should provide covered and secure cycle storage.

Conclusion

In principle, the LHA does not consider that this outline application with all matters reserved for an addition of 2 dwellings would result in 'severe' impact on the operation of the Highway Network, therefore is no contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

MSDC Drainage

Recommendation - No objection subject to conditions

Advice

The Flood Risk and Drainage Team acknowledges that this is an outline planning application with all matters reserved except for access. However, to ensure flood risk and drainage is considered at the earliest opportunity we have provided our consultation response at this stage.

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible very low and low 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.

We would advise the applicant that consideration of the existing surface water flood risk on site should be incorporated into the proposed development. The Environment Agency have produced flood risk standing advice available online (<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#standing-advice-for-vulnerable-developments>) and we would recommend consideration of these is utilised within the development.

SURFACE WATER DRAINAGE

The application is an outline application, with all matters reserved apart from access and as such no details have been provided in relation to drainage. However, the application form suggests surface water drainage would be managed via a soakaway.

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. The principle of utilising infiltration to manage surface water on site is likely to be acceptable. We would advise the applicant that details of our requirements for multiple surface water drainage approaches is provided within the 'further advice' section of this response.

FOUL WATER DRAINAGE

The application is an outline application, with all matters reserved apart from access and as such no details have been provided in relation to drainage. However, the application form suggests foul water drainage would be discharged to an existing 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.

WORKS WITHIN 8M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 4m either side of the centreline of any drain (8m buffer).

Reason: In the interests of protecting the natural environment.

MSDC Tree Officer

I have reviewed the above documents and providing they are fully adhered to throughout the duration of the development I have no objections on arboricultural grounds.

NATS

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

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

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

Gatwick Aerodrome Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

We would, however, make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

MSDC Street Name and Numbering

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

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