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23 October 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **CLAIR HALL, PERRYMOUNT ROAD, HAYWARDS HEATH, RH16 3DN** at these offices on **THURSDAY, 31ST OCTOBER, 2019** at **2.00 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 Minutes of the previous meetings of the District Planning Committee held on 19 September and 3 October 2019. | <b>3 - 20</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.                                              |               |

**Recommended for Approval.**

- |    |                                                                                                |                |
|----|------------------------------------------------------------------------------------------------|----------------|
| 5. | DM/19/1067 - Land at Hill Place Farm, Turners Hill Road, East Grinstead, West Sussex, RH19 4LX | <b>21 - 82</b> |
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**Recommended for Refusal.**

None.

**Other Matters**

None.

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

#### Human Rights Act

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

#### Risk Assessment

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

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

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

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

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

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

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

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, P Chapman, E Coe-Gunnell White, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 19th September, 2019  
from 2.00 pm - 3.45 pm**

**Present:** R Salisbury (Chair)  
D Sweatman (Vice-Chair)

R Bates	R Jackson	R Webb
P Chapman	C Laband	R Whittaker
E Coe-	A Peacock	
Gunnell White	N Walker	
S Hatton		

**Also Present:** Councillors A MacNaughton and N Webster

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

None.

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

None.

**3. TO CONFIRM MINUTES OF THE DISTRICT PLANNING COMMITTEE MEETINGS HELD ON 1 AND 20 AUGUST 2019.**

The Minutes of the Committee meetings held on 1 and 20 August 2019 were agreed as a correct record and signed by the Chairman and Vice-chairman.

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

None.

**5. DM/19/1895 - LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT WORKS, FAIRBRIDGE WAY, BURGESS HILL, WEST SUSSEX, RH15 8QT.**

Steve Ashdown, Team Leader for Major Developments and Investigations introduced the report for outline application for the development of the former sewage treatment works to provide up to 325 dwellings (use Class C3) with associated access, landscaping and associated infrastructure. He confirmed that the site is within the built up area of Burgess Hill, with the Northern Arc scheme to the east, north and west of the site. All matters were reserved except for the access. The previous outline planning approval expired in June 2019 and had included access arrangements and relocation of the gypsy traveller site. He informed the Committee that the travellers' site had now been relocated south of the road to the waste

transfer station and the access road had been completed so were not included in this application. As previous application has timed out, no further reserved matters can be submitted, hence a new outline application is necessary. He noted that there could be three phases to the development with access from the newly realigned access road, and it was noted that the internal spine road had been completed. The parameter plans show that the dwellings will mainly be two storey, although there will be some three storey elements and this reflected that which was consented previously.

The officer stated that the principle of development has been accepted and is in line with the District Plan. Highways matters had been addressed by the previous application (and works completed) and other outstanding matters, such as drainage, could be dealt with via condition. The application was in accordance with the Development Plan and there were no material considerations that indicated a decision should be made contrary to the adopted policies.

The agenda update sheet was highlighted, including an email from the applicant detailing issues with condition 8 on landscaping. The officer confirmed the land was within ownership of the applicant and officers feel that the landscaping of this part of the site should be secured to make the landscaping consistent with what has already approved. He noted that discussions were on going with the applicant on the width of the strip of land and requested that the Committee agree that the officers secure this by adjusting the wording of condition 8 with the approval of the Chairman and Vice-chairman. He highlighted that the applicant was concerned with West Sussex Highways' request for £325,000 towards improvement works on the A2300. Officers have asked West Sussex Highways for the justification, and the Team Leader referenced the requirements of the CIL Regs and the NPPF that ensure the contributions must be relevant, necessary and proportionate to make the proposal acceptable. He noted that if the contribution need not meet these requirements then that contribution would be removed from the Section 106 contributions. With reference to the Community Leisure Officer's request for, £327,000 to provide off-site play provision in Burgess Hill, he noted that the application will provide play space on the site and condition 2 does secure this. The request for £327,000 was therefore not appropriate.

The Team Leader also asked that the Committee agree that the officers could update conditions 15 – 17 on noise attenuation matters, with the approval of the Chairman and Vice-chairman, as the Environmental Protection Officer had received additional information and may change the wording of the conditions. He highlighted that due to the historical nature of the site Recommendation B would increase the time limit on Section 106 negotiations to 19 March 2020.

In response to a Member's question the Chairman confirmed that the rewording of condition 8 would secure a strip of land and the landscaping of this land. The Team Leader also confirmed that condition 2 ensured the applicant must provide a play space within the site and a location had been indicated on the submitted parameter plan.

The Chairman informed the Committee that they were considering just the outline application for the development, access and landscaping. Several applications had already been received for this development and the roads had been constructed.

The Team Leader confirmed that the access road was complete except for works to the two adjacent roundabouts and this is covered by Section 278 works with West

Sussex County Council, the roads on the site were complete except for the final surfacing.

In response to a Member's concern with the proposal to provide a split of 50% affordable rent and 50% shared ownership, which is contrary to the Council's policy of a 75:25 split, the Team Leader noted the historical approval of a deed of variation for this matter in 2017. The site has proved difficult to come forward due to the contamination of the site from the previous usage; however the housing officers were waiting for information from the applicant to confirm that this split was still justified. The 50/50 split would only be agreed if sufficient justification is received.

The Chairman confirmed the difficulty bringing this forward with the contaminated land, adjacent industrial site, travellers' site and waste transfer station. He confirmed that the information would be carefully scrutinised.

A Member was concerned with the car parking provision on site and the Team Leader confirmed that a condition will ensure that once an area has been designated for car parking its use cannot be changed, without a planning permission. He stated that there would be one vehicular access to the site and additional separate access for pedestrian and cyclist had been provided. Any comments regarding electric vehicle charging points was a reserved matter.

A Member thanked the officer for his report and showed concern the time this site had taken to come forward and that the road would remain private. He supported the application, requested assurance that the decontamination of the land had been completed and noted an objection from Southern Water.

The Chairman stated that the developer would have to ensure the site layout avoids any issues raised by Southern Water. He confirmed that many developers do not ask for the roads to be adopted and West Sussex County Council has asked for a letter to confirm this fact. He noted that some un-adopted roads may not meet the standards that West Sussex County Council required if they are to be adopted. The Team Leader highlighted that most of the decontamination had been completed on the site and the decontamination officer had asked for reports during the process and the final report is outstanding, condition 12 makes sure that final sign off of the process is complete.

A Member expressed concern over noise levels and the time work had taken on the site. The Chairman confirmed that if permission is granted the applicant will have longer time to complete the site. He noted that the Government have changed the rules and the developers must complete sites within the given timescale, and the Council could not prevent a further application if the site is not completed on time.

A Member commented on the agreed use of the site for housing, placement of affordable housing, construction of acoustic barriers and whether the roads would be of sufficient standard to meet the expected demand. The Chairman stated that the placement of affordable dwellings was not a consideration for this Committee, just the principle of the development and other matters are important, but are reserved matters.

As there were no further questions Councillor Walker moved that the Committee consider Recommendations A and B as set out in the report and the Agenda Update Sheet, this was seconded by Councillor Laband. The Chairman noted that there were ongoing discussions between the officers and the applicant, and any changes to the conditions would be approved by the Chairman and Vice-chairman.

The recommendations were unanimously approved.

## **RESOLVED**

The Committee agreed to the recommendations:

Recommendation A:

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing and financial contributions and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

Recommendation B:

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th March 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

### **6. DM/19/2641 - LAND SOUTH OF A2300 GATEHOUSE LANE, GODDARDS GREEN, WEST SUSSEX, BN6 9LQ.**

Steve Ashdown, Team Leader for Major Developments and Investigations introduced the report for an employment development comprising up to 40,695 square metres (class B1(B), B1(C), B2 and B8) with ancillary offices, car parking and associated infrastructure, with the access to be determined. He noted that the Agenda update Sheet included Appendix B as it was not published with the report. He highlighted that the site had a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration that should be given significant weight.

He informed the Committee that approximately 9,000 square metres of floor space had already been permitted under the previous application, consisting of a g Class B8 warehouse for DPD, with a second unit under construction for Roche. The application is seeking approval for the remaining balance of the original application. All other matters would be reserved, except for the access from Cuckfield Lane which has already been constructed along with completed works to the roundabout and provision of a bus stop and footway on the A2300. The site has been allocated for commercial development and is part of the wider Northern Arc proposal allocated in the Development Plan. He confirmed that most of the works on the trees, in the original application, had been undertaken and some mature trees have been retained. He noted that trees adjacent to the A2300 were outside the scope of this application and should not be removed. The Team Leader confirmed the same parameters as the previous application with a maximum ridge height 15 metres above ground level, some approved landscaping had already been completed but the developer ran out of time in the planting season. This would be completed in the next planting season. He highlighted that the condition 18 on the agenda update sheet restricts the B8 floorspace to be provided. This reflects the amount already approved under previous application and this is remaining balance of that provision. He confirmed the site was allocated for commercial development and the previous application had been approved. There have been no objections from statutory

bodies; drainage details, acoustic, the management of deliveries to the units can be controlled by conditions which would be covered by the management plans for each phase of the site. He highlighted that the agenda update sheet detailed a recent email from the applicant and the main issue raised is condition 24, suggested by the highway agency, which restricts floorspace until the duelling works on the A2300 is completed (anticipated by 2021). He confirmed that the applicant was concerned whether the Highways England was referring to works on the A23 junction, but as the Highways England have made the request the Council cannot simply ignore it. It was noted that the application was subject to a S106 Legal Agreement and as such should Highway England indicate before its completion that the condition is not required that there was the potential for it to be removed, following consultation with the Chair and Vice Chair.

The Chairman noted that condition 24 was there to ensure the effectiveness of the A23 and the officers would have to wait for Highways England to update them, if appropriate.

A Member and noted that the site would create many more jobs. He noted the comments received from stakeholders, and Hurstpierpoint and Sayers Common Parish Council. The Parish Council had commented on restrictions for heavy goods vehicles (HGV) exiting the junction of Cuckfield.

Another Member also noted the economic benefits of the use of the site and agreed on the split of uses for Classes B1, B2 and B8, and expressed concern with condition 18. The Team Leader confirmed that condition 18 related to the remaining balance of 4,965 square metres for B8 usage which had not already been delivered.

A Member noted that the Parish Council's concerns regarding debris on the highway had been resolved. However the Parish Council still had concerns with access to the Builders Merchants and Salvage Yard and the movement of HGVs in that area. He welcomed the opportunities for jobs the development would create. The Team Leader stated that the construction management plan would deal with HGV movement during the construction phase. Once construction was complete it was the responsibility of the highway authority to place restrictions on the weight of vehicles and the Council cannot control the movement of traffic by a condition after construction has finished, it would not be enforceable.

A Member supported the development but expressed concern with the provision of cycle routes in the vicinity of the development. He commented that cyclists would have to negotiate a busier road and asked for a cycle route connecting Gatehouse Lane to the A2300 roundabout. The Chairman advised that this was not currently possible.

With no further questions the Chairman took the Members to the Recommendations Chair as detailed in the report and Agenda Update Sheet, this was agreed unanimously.

## **RESOLVED**

The Committee agreed to the recommendation:

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure highway infrastructure contributions

and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th December 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the District Plan.

### **7. DM/19/1025 - WEALDEN HOUSE, LEWES ROAD, ASHURST WOOD, WEST SUSSEX, RH19 3TB.**

Steve King, Planning Applications Team Leader introduced the report for a new build development consisting of 54 units following the demolition of all existing site buildings at the EDF Energy site. The site is outside the built up area of Ashurst Wood but is allocated for residential development in the Ashurst Wood Neighbourhood Plan and is reflected in the more recent District Plan. He highlighted that the agenda update sheet detailed a further letter of objection, the Council's ecological officer had no objections, and that a letter of support from applicant had been sent directly to the Members of the Committee.

He noted that the previous application for 71 dwellings was refused in March 2019 and is now subject to an appeal. The application before the Committee would provide 15 x 1 bed units and 39 x 2 bed units, 67 car parking spaces, the buildings would be 3 and 4 storeys high. Access would be via the existing access from the main road and there is no affordable housing in this development. A 15 meter buffer would be provided to the ancient woodland at the rear of the development. The Team Leader confirmed that the land has been allocated for residential development and the principle complies with the development plan. He noted that a key issue is the character and design of the buildings and how the development fits onto the site. It was confirmed that the site is within the Ashurst Wood Neighbourhood Plan (AWNPN) and the principle of the development is acceptable and this application seeks to overcome the reasons why the previous application was refused.

He highlighted to the Committee that the scheme is well designed in itself but in officers view was seeking to put too much development onto the site and this resulted in a significant shortfall of car parking compared to the Neighbourhood and District Plan standards. He advised that in officers view there was no adverse impact from the proposed development on the wider AONB and the site is well enclosed. The Team Leader confirmed that Council policy seeks to provide 30% affordable housing unless this makes a site unviable. The applicant has advised it is not viable to provide any affordable housing on this site. The Team Leader advised that the applicant's financial information had been independently assessed and the result of this indicate that the site could provide some affordable dwellings and therefore the lack of any provision is not justified. He confirmed the highway authority has no objections, but officers considered that the level of parking proposed was not adequate to serve the development. The officers' advised that as this was a self-contained site the car parking needs generated by the development should be accommodated on site because it was not desirable to have on street parking on the A22 and there were no alternatives to park in the immediate vicinity. He also advised that as there was no completed legal agreement with the application no infrastructure contributions to the District or County Council to mitigate the impact of the



development had been secured and in addition, the mitigation for the Ashdown Forest had also not been secured.

Jenny Forbes, Chairman of Ashurst Wood Parish Council spoke against the application. She noted that there has been no engagement by the applicant with the Parish Council and the application has no affordable housing and a lack of parking provision.

Tony Tillin, Chairman of Ashdown Park Owners Association spoke against the application. He stated the changes to this application made no attempt to address any of the issues of the previous application which was refused.

Michael Comer, resident of Ashbourne House spoke against the application. He stated that misleading information had been provided by the applicant.

Councillor John Belsey, Ward Member spoke in objection to the application. He objected to the application as it would over develop a site that is on the edge of a village and there was a lack of parking provision within the site. He concluded that the development was not in keeping with the setting of Ashurst Wood.

A Member thanked the officers for their hard work and expressed concern with three parties sharing a single access point. He noted the concerns of a speaker and highlighted that there had been little consultation by the applicant with relevant parties, the Council had not been properly consulted. He agreed with views of other Members on the lack of affordable housing and car parking issues, and he supported the officers' recommendation to refuse the application.

The Chairman reminded the Committee that they should consider the application using the report pack and agenda update sheet, any letters received directly from developers must be ignored. Representations should be made using the correct channels.

A Member agreed with the concern of the failure to provide affordable housing. He expressed unease with the inappropriate delivery of complaints about the application and the failure of the applicant to responsibly engage with the local residents.

A Member stated he supported the refusal of the application. He noted the design of the dwellings was out of character for a residential setting and queried who owns the ancient woodland.

The Team Leader confirmed that the application included all the ancient woodland at the rear of the site. The buffer would protect the ancient woodland as it was not an amenity the residents would have access to. He noted that the original application did not show the access point correctly because the access road, which already exists on site, had not been included within the red line on the site plan which denotes the site of the planning application and the new plans have rectified this error. He stated the Council had not received an application for the adjacent LIC site.

A Member was also concerned with the inappropriate scale and design of the site, the inadequate provision of parking and queried allocation of recreational space on the site. The Team Leader confirmed that a communal area had been allocated for recreational use.

The officers were thanked by a Member for the meticulous report and reminded the Committee that it was a balancing act and she opposed the application due to the lack of affordable housing.

With no further questions Councillor Walker moved that the Committee move to the Recommendation as set out in the report, this was seconded by Councillor Whittaker, this was agreed unanimously.

## **RESOLVED**

The Committee agreed that planning permission is refused for the following reasons:

1. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031 and policy ASW15 of the Ashurst Wood Neighbourhood Plan.

2. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.

3. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal is seeking to put too many units onto the site and this results in a conflict with policies ASW9 and ASW14 in the Ashurst Wood Neighbourhood Plan. The proposal also conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

The Chairman advised the speakers present that the officers have included Ashurst Wood Neighbourhood Plan policies in the reason for refusal. The officers cannot expand on reasons for refusal if they are similar to those already included, it would be unreasonable to bring in other reasons unless they were material considerations.

## **8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 3.45 pm

Chairman

**Minutes of a meeting of District Planning Committee  
held on Thursday, 3rd October, 2019  
from 2.00 pm - 4.08 pm**

**Present:** R Salisbury (Chair)  
D Sweatman (Vice-Chair)

R Bates	R Jackson	R Webb
P Chapman	C Laband	R Whittaker
E Coe-	A Peacock	
Gunnell White	N Walker	
S Hatton		

**Also Present:** Councillor A MacNaughton

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

None as all Members were present.

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

Two Councillors declared a personal interest in item 4. Councillor Jackson declared that he is a Member for Hurstpierpoint and Sayers Common Parish Council. Councillor Chapman declared that he had received a one off payment from Homes England to promote the consultation for the development on his website in 2018.

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

None.

**4. DM/18/5114 - BURGESS HILL NORTHERN ARC LAND NORTH AND NORTH WEST OF BURGESS HILL BETWEEN BEDELANDS NATURE RESERVE IN THE EAST AND GODDARD'S GREEN WASTE WATER TREATMENT WORKS IN THE WEST.**

The Chairman confirmed that all Members had received the Agenda Update Sheet.

A comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (use class C3) and 13 permanent gypsy and traveller pitches, including a centre for community sport with ancillary facilities (use class D2), three local centres (comprising use classes A1-A5 and B1, and stand-alone community facilities within use class D1), healthcare facilities (use class D1), and employment development comprising a 4 hectare dedicated business park (use classes B1 and B2), two primary school campuses and a secondary school campus (use class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of

access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.

The Chairman confirmed that all Committee Members had received the Agenda Update Sheet and that they had all visited the site. He noted that this is a large site with a complex report. He reminded the Committee that the site had already been allocated in the District Plan and had been accepted by the Inspector at public examination, having first been identified as land for potential development within the Burgess Hill Town Wide Strategy.

Tom Clark, Solicitor to the Council advised the Members that this is a site that is allocated under policy DP9 in the Council's District Plan. 460 of the homes in that policy were given outline permission earlier this year at Freeks Farm, Burgess Hill and the remaining 3,040 are the subject of this outline application. The principle of the development is established by the District Plan which was the subject of a number of public hearing days before an independent inspector who then endorsed the District Plan for the Council to adopt it in March 2018. Legally, Members start this debate with a site allocated in an up to date District Plan, and which has the benefit of a Masterplan and Infrastructure Delivery Plan & Phasing Strategy which have been approved by the Council as material considerations.

Stuart Malcolm, the Northern Arc Strategic Development Manager highlighted the agenda update sheet. He confirmed that additional representations had been received from Councillor Budgen, Sussex Wildlife Trust, Friends of the Earth, and four other third parties. West Sussex County Council (WSSC) has confirmed it's requirements for the provision of a secondary school, and the WSSC Gypsy and Traveller Manager is content with the proposed provision and size of the permanent gypsy and traveller site. He confirmed that condition 28 had been deleted as it was no longer required, additional conditions detailed protection measures for the river Adur and the use of sports pitches for community and public use. He also confirmed that Highways England were not raising any objections subject to conditions on matters that were already secured within the draft legal agreement.

He advised that in 2011 the Burgess Hill Town Wide Strategy detailed projects to help achieve the vision of Burgess Hill becoming a fully sustainable 21<sup>st</sup> Century town supported by the necessary community facilities, employment opportunities and access to green open space. The Town Wide Strategy identified housing developments would be required to achieve the vision and subsequently identified the requirement of 3500 homes on land to the north and North West of Burgess Hill. The Burgess Hill Neighbourhood Plan was made in January 2016 and states that it is inextricably linked to the 20 year vision for Burgess Hill set out in the Town Wide Strategy area. He confirmed that the District Plan was adopted in March 2018 and the Northern Arc development is allocated within the Plan so the principle of development has been established.

He highlighted that the application makes up most but not all of the land identified in Policy DP9, the exceptions include the employment land to the west (The Hub) and Freeks Farm, both of which have been subject to separate applications, and some other land near Maple Drive. He confirmed that Policy DP9 and DP7 are referenced extensively throughout the report and, along with the policies referenced on pages 44 - 46 of the report, they form the development plan for the assessment of this application. He confirmed that Members will be aware that planning legislation

requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

He explained that two of those material planning considerations are the Northern Arc Masterplan and the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (IDP). The Masterplan was approved in September 2018 and shows the location of main land uses, the access points, routes of the primary and secondary roads, pedestrian and cycle routes, as well as the location of key infrastructure (including neighbourhood centres, schools and utilities), and green infrastructure. The IDP was approved in September 2018 as a material consideration and it identifies the infrastructure required to facilitate and support the development.

He drew Members' attention to page 6 of the report and that the 4 hectares of employment land should be treated as a benefit to the scheme in the planning balance, even though there is a shortfall of 6 hectares against the overall policy requirement of 25 hectares in Policy DP9. He quoted the report which states that "whilst this provision of 4 hectares is a shortfall of 6 hectares against the overall policy requirement of 25 hectares in Policy DP9 (with 15 hectares being provided adjacent at The Hub), the overall provision of 4 hectares should be treated as a benefit to the scheme in the planning balance. This is because the shortfall has been accepted within the Masterplan (which is a material planning consideration), has partly been offset by windfall development since the District Plan was adopted, and will be met by new employment sites coming forward through the Sites Allocation Development Plan Document (although this currently has very little weight)."

He noted that the secondary school will come forward in Phase 1 along with the first primary school; the other primary school will come forward in Phase 2. There will be 13 permanent pitches for the gypsy and traveller community. In addition there will be a policy compliant provision of 30% affordable housing and 60 units of extra care accommodation within the total of 3040 dwellings proposed

The Strategic Development Manager confirmed that all of the 14.5 hectares of Ancient Woodland within the site is to be retained and protected by a 15 metre buffer zone of no development. An additional 10 metre buffer zone will also be secured where only limited development will be permitted. He confirmed that the developer's strategy is to provide a biodiversity net gain on the site and a mechanism for achieving this will be secured through the legal agreement. The development will include 3 parks, allotments, a community garden hub, 7 play areas, a multi-use games area, a Centre for Community Sports and large areas of informal open space. He noted that the lower densities and lower buildings would be towards the northern edges of the development. He advised that pages 41 & 42 provided further details and timings of the development with much of the key infrastructure coming forward in Phase 1 with completion of Phase 1 by 2025. He noted that conditions 6 and 7 will ensure that subsequent reserved matters applications are brought forward in accordance with the submitted Design Guide.

The Strategic Development Manager referred to the comments of the Council's Conservation Officer who confirmed her view that the proposals will have an impact on some of the nearby listed buildings and that this would fall within the less than substantial harm category. He stated that it is essential that any degree of harm is given great weight and therefore a condition is recommended in Appendix A that will secure additional and specific mitigation measures aimed at minimising the effects of the development on these nearby listed buildings. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. The Strategic Development Manager stated that

in this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to far outweigh the less than substantial harm to the settings of the listed buildings identified.

The Strategic Development Manager also highlighted the northern arc avenue, the Green Circle that is being extended throughout the application site and the Green Super Highway which is a dedicated walking, and cycling route through the development. He stated there are also to be further walking and cycling routes within the site and additional crossing points on the existing roads to connect the site with Burgess Hill

Simon Hall, West Sussex County Council noted the key points of access from the development to the existing local highway network. He advised that traffic modelling based on the Burgess Hill Town Model has been used to identify the impact of the development and it centred on the town, Haywards Heath and a large stretch of the A23. The comprehensive model includes local roads and major junctions and allows modellers to design traffic flows and possible future changes to the infrastructure. The modelling uses a least cost basis. He advised it is important as it shows the difference the development will have with an improved A23 junction. He highlighted that the Northern Arc avenue alignment is designed to facilitate the main public transport corridor and all parts of the development will be within easy access of this corridor. Residents will be a maximum of 400 metres from a bus stop. The development supports the Burgess Hill Transport Strategy and a phased series of bus routes will tie in with phased release of plots. In Phase 1 of the Bus Routing a bus service covering Freeks Farm, the town centre and the railway station will run every 20 mins. In Phase 2 of the Bus Routing two buses run every 30 minutes on different routes and by January 2030 there will be three routes covering the area every 15 mins. The bus service will be self-sustaining and will continue post completion of the development. He noted that the mobility corridors are proposed to link the development with the existing town. He highlighted that other improvements to the local network will mitigate the impacts of the development.

Councillor Janice Henwood, on behalf of Burgess Hill Town Council, spoke against the application and the continued use of fossil fuels. She noted policy DP 39 on renewable energy and sustainability, and suggested that this could be a flagship development incorporating sustainability and renewable energy.

Mark Kosby, Chairman of Copthorne Village Association, spoke against the application. He stated that 13 permanent traveller pitches was not an adequate provision and extra provision should be made on the application site. This is because an off-site location on which to spend the financial contribution secured by the Freeks Farm legal agreement was not identified at the time of the Freeks Farm approval

Kate McBride, applicant, spoke in support of the application. She confirmed that the Northern Arc is being promoted by Homes England. They are committed to the delivery of its largest scheme which will accelerate the delivery of new homes, the provision of a gypsy and travellers' site, new schools, a centre for community sport, public parks, employment areas, and 82 hectares of open space. The transport strategy supporting the development prioritises sustainable transport, the use of public transport and a car club to encourage lower levels of car ownership.

Jim Strike, agent, spoke in support of the application. He confirmed that the Masterplan had been produced following public consultation and discussions with key stakeholders. The scheme is compliant with planning policy DP7 and DP9, and they had consulted Council officers from an early stage. He noted that where the

application differs from the development plan policy, the principle of the change has been accepted through the Masterplan. Any negative impacts during the construction phase will be mitigated against through the use of conditions and key infrastructure will be delivered early in the development.

Justin Sherlock, agent spoke in support of the application. He noted that key stakeholders have been consulted to address any transport issues and the provision is made for a three tier network for walking, horse riding and cycling. The development will have a green super highway, connect to the Green Circle which will be extended through the site and have a cycle network suitable for a mix of age and abilities with routes focused on leisure. There will be connections to key parts of Burgess Hill with a viable bus service. He also confirmed highway improvements to local roads in the vicinity of the site.

The Chairman noted the principle of development had been established through the site allocation in the District Plan, and due to the complexity of the application, he would guide the Members through the report starting discussions with access to the development.

A Member was concerned with the proposed timing of the installation of toucan crossings, for use by pedestrians and cyclists, and whether this would disrupt traffic flows; what improvements would be made to Isaacs Lane to cater for the increased traffic flows and if the equestrian element of the three tier network would provide value for money.

Simon Hall, West Sussex County Council (WSCC) confirmed that to comply with conditions in the legal agreement the toucan crossings would be installed in line with the release of plots. He noted that the installation of new junctions would reduce traffic speed and there are further initiatives for Isaacs Lane including a footway. He confirmed some footpaths on the Green Circle will be upgraded to bridleway standard and upgrades to improve accessibility to Haywards Heath.

In response to Members' questions on road width, speed, congestion and viability of the public transport to be provided by Metro Buses Simon Hall, WSCC confirmed that the road width varied between 6.7ms on the west and 6.5ms on the east side of the development, the road on the eastern side has been designed for lower speed. The width would reduce to 6.1ms at the bridge over the River Adur. The western route would take more strategic traffic and has been designed to reduce the possibility of rat running. The development has been designed to encourage parking away from the spine road but this would be dealt with at the reserved matters application. He confirmed that cycle links will be provided to both Burgess Hill and Wivelsfield railway stations. He highlighted that, separately to this planning application, improvements will be made to Wivelsfield Station to improve access but there were no plans for Burgess Hill Station. Town wide access strategies look at sustainable modes of transport and a road space audit is currently underway to look at parking provision. WSCC want to increase access to key locations by non-car means. He confirmed that developers use the West Sussex traffic model to assess the impact of any development on the highway and WSCC were satisfied with the model output. He highlighted that the dualling of the A2300 would attract traffic away from other local roads and the design, including lighting would be part of the reserved matters application. The parking provision met the minimum standards as operated by WSCC and would be supported by the sustainable transport plan, improved links and uptake of the Car Club. The Chairman asked about future improvements to the single lane bridge over the A2300 and Simon Hall noted that he had no details of this element of the scheme at present.

The Chairman advised that bus companies use a variety of information to forecast the long term viability and usage of bus routes, including looking at similar housing developments. He reminded Members that some of their concerns were related to reserved matters and were not relevant for this Committee.

The Chairman asked whether there would be separation of the users on the multiple use tracks; this was confirmed by Simon Hall, WSCC.

One Member noted that the development would take up to 15 years to deliver and with separate applications for the parcels of land asked how this would be managed.

The Northern Arc Strategic Development Manager confirmed that Homes England will be the master developer and each parcel of land will be built by individual developers. He noted that Homes England will have the role of master developer for the whole time frame of the development.

A Member showed concern on the traffic impact to Burgess Hill town centre and Simon Hall, WSCC confirmed that this would be mitigated by improvements to the junctions around the area, this would speed flows around the town centre.

The Chairman expressed concern over the protection of water courses during construction of the development and asked what mitigation measures would be put in place.

The Northern Arc Strategic Development Manager confirmed this would be addressed through the detailed design, and the requirement for conditions at each appropriate reserved matters stage. He drew Members attention to the additional condition on the agenda update sheet for specific measures for the protection of the River Adur. He also highlighted condition 8 in Appendix A which requires a Construction Environmental Management Plan to set out in detail mitigation measures during the construction phase and condition 27 on page 164 which refers to preservation of water courses, ponds and other natural bodies of water.

A Member commented that he was impressed with the design principles of the development.

The Chairman noted that there are no listed buildings within the development and 12 within 500ms of the site and a Member asked what mitigation measures would be in place to lessen the impact on these listed buildings.

The Northern Arc Strategic Development Manager advised that mitigation might include particular consideration being given to the size, scale and siting of new buildings nearest to these listed buildings along with the inclusion of additional soft or hard landscaping to create new or reinforce any existing screening. . He confirmed this would be part of the relevant reserved matters applications as secured by the mitigation condition.

The Chairman noted that the reduction of employment land provision on the site had been offset by windfall employment and other sites in the Sites Allocation Development Plan Document as set out within the report. He confirmed 7 play areas and asked whether Local Areas of Equipped Play (LEAPS) are still effective and popular.



Rob Anderton, Divisional Leader for Commercial Services and Contracts, confirmed that- whilst the Council does not favour the provision of unequipped Local Areas for Play (LAPS) due to their limited play value, LEAPS are considered an effective means of providing opportunities for play. In response to a Member's question he noted that the Council wanted to ensure the Centre for Community Sport would have the right provision to meet the demand of the Northern Arc and the wider area. He confirmed that a Playing Pitch Strategy was currently in preparation, and this will inform the sport provision within the Centre for Community Sport.

The Chairman confirmed that the play areas were policy compliant and large areas of open space have been provided.

A Member noted that the public would have access to school playing fields and asked how this would be ensured in the long term. The Northern Arc Strategic Development Manager advised that it would be a condition of planning, as well as secured by the legal agreement, that details of such community/public use would be required, and noted it was necessary in order to achieve a greater community benefit by allowing wider access to sporting facilities.

A Member highlighted that there was a desire for a running track in the locality. The Chairman advised this was a reserved matters issue and as Mid Sussex District Council would be taking over the facility they may be able to influence the final provision on the site. He added that Sports England's objection would be resolved as the Section 106 agreement was ready to be signed as soon as planning approval had been granted.

In response to a query on the provision of permanent travellers' pitches within the District and the need for additional pitches, Sally Blomfield, Divisional Leader for Planning and Economy, confirmed that a range of existing sites were safeguarded in DP33; that this Policy also identifies an additional need to accommodate 23 households across the District by 2031. She confirmed that WSCC were content with the proposed provision within the planning application as confirmed in the Update Sheet. The Chairman noted that the financial contribution towards 3 off site pitches secured by the Freeks Farm planning consent were separate to the provision being made on this development. . It was confirmed that the Northern Arc site allocation in its entirety generates a need for 16 gypsy and traveller pitches. As a financial contribution had been secured for 3 pitches through the Freeks Farm permission there is a residual requirement of 13 pitches to be secured by this application.

Helen Blackith, Housing Enabling Team Manager advised Members that the application met the Council's policy for affordable housing, the extra care accommodation would have a higher specification and 4% of the affordable housing would be wheelchair accessible.

The Chairman stated that under the Aviation assessment, Gatwick had no objections and odour control had previously been an issue in this area but mitigation measures were now being put in place.

Several Members expressed concern for the existing woodland, grassland, trees and hedgerows and specifically asked why buffer zones were not provided for the woodland areas to the east of the site. The Divisional Leader for Commercial Services and Contracts explained that the grassland in this area will be maintained as a countryside/ conservation site similar to Bedelands Nature Reserve and it was therefore not necessary to prescribe the provision of buffer zones around the ancient

woodland in these areas. The Northern Arc Strategic Development Manager confirmed that condition 19 covered the issues of tree and hedgerow retention and protection. . He also noted that a full survey would be provided at each reserved matters stage which would identify the species, quality and health of those trees and hedgerows. He advised that granting of planning consent overrides any tree preservation orders but the design of the development is aimed at retaining important landscape features and the best trees will be retained where possible. The Chairman advised the Committee that some of the woodland would be in the ownership of the Council and a management company would maintain the remainder and all was secured by the Section 106 legal agreement. The Divisional Leader for Planning and Economy highlighted that the Design Guide, which a condition will ensure future reserved matters applications accord with, contains sections on trees, buffer zones and the future provision of trees. This will provide a strategy for future reserved matters applications.

The Chairman noted that there was no significant impact on the Ashdown Forest and that a mechanism for achieving a biodiversity net gain is secured by the Section 106 legal agreement.

In response to a Member's question on the provision of primary schools and community buildings the Divisional Leader for Planning and Economy advised that Homes England will be providing the land and the buildings. Homes England would be providing the land and a financial contribution for the secondary school which would be delivered by WSCC. The Northern Arc Strategic Development Manager noted there will be 3 neighbourhood centres, in the east, west and central areas, which would also provide space for retail, offices and commercial ventures. He confirmed that both the community buildings in the east and west centres would be transferred to Mid Sussex District Council.

The Chairman stated that the developer is offering a medical facility but it is not guaranteed that the Clinical Commissioning Group would take up the offer in which case the requirement for the applicant to pay a financial contribution for an extension/improvements to an existing facility would apply. The Chairman also stated South East Water has a legal obligation to provide a fresh water supply to the development.

In response to a query on the overhead powerlines the Northern Arc Strategic Development Manager advised the Committee that condition 47 on page 168 secures the removal of the pylons.

The Members had no comments on the principle of development in the countryside, South Downs Park, High Weald AONB, coalescence, retail and Burgess Hill town centre, housing type and mix and air quality.

As there were no further questions the Chairman moved to the Recommendation as set out in the report and the amendments to the conditions in the Agenda Update Sheet. The recommendations were unanimously approved.

## **RESOLVED**

The Committee agreed to the recommendation:

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary infrastructure and affordable housing, planning

permission be granted subject to the conditions set out in Appendix A and the Agenda Update Sheet.

**5. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 4.08 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

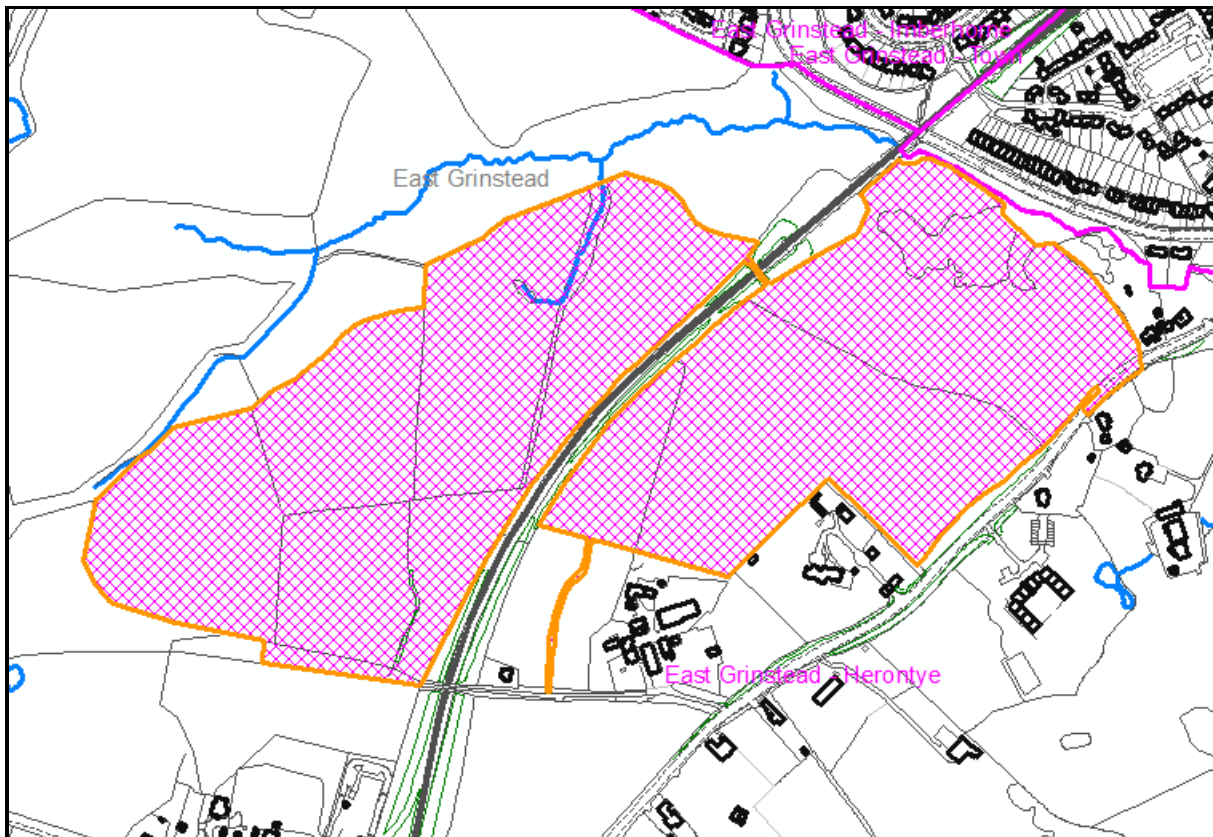
District Wide Committee

**31 OCT 2019**

RECOMMENDED FOR PERMISSION

**East Grinstead**

**DM/19/1067**



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**LAND AT HILL PLACE FARM TURNERS HILL ROAD EAST GRINSTEAD WEST SUSSEX**

**RESERVED MATTERS FOLLOWING OUTLINE CONSENT (DM/15/0429) RELATING TO THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 200 NEW DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, PROVISION OF A NEW INTERNAL ACCESS ROADS AND FOOTPATHS, LANDSCAPING, OPEN SPACE, SUSTAINABLE DRAINAGE SYSTEM (SUDS), EARTHWORKS AND ASSOCIATED INFRASTRUCTURE. (AMENDED DRAWINGS DATED 16TH SEPTEMBER RECEIVED RELATING TO DESIGN, LAYOUT, APPEARANCE AND LANDSCAPING REVISIONS).**

**LINDEN HOMES LTD**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 1st November 2019

WARD MEMBERS: Cllr Dick Sweatman / Cllr Adam Peacock /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks reserved matters consent for the erection of 200 dwellings on Land at Hill Place Farm, Turners Hill Road, East Grinstead. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the 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 for this part of Mid Sussex consists of the District Plan (DP) and the East Grinstead Neighbourhood Plan (EGNP).

In this case outline planning permission has been granted for the development on appeal by the Secretary of State. Therefore the principle of the development is established, as is the access to the site from the Turners Hill Road. Therefore whilst there is a conflict with policy DP12 of the DP and policy EG2 of the EGNP as the proposal is for a major residential development outside the built up area of the town, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development.

With regards to the design and layout of the site, it is considered that this is sound. The perimeter block layout generally works well with building frontages that positively face towards the open spaces and attractive boundary edges. The positioning of most of the blocks of flats around the central open space provides the scheme with a focus. The mix of traditional and contemporary design provides architectural diversity across the site and it is considered that the overall quality of design will result in an interesting and attractive development.

With regards to the impact on neighbouring amenity, the test within policy DP26 of the DP is to avoid '*significant harm*'. It is clear that there will be a very significant change for the occupiers of those properties that adjoin the site to the north and south as the existing green field is replaced with a major housing development. However the principle of this has been accepted by the grant of outline planning permission. As Members will know simply being able to see a development does not equate to harm. It is recognised that the development will result in some harm to the amenities of occupiers that adjoin the site, however, it is not considered that significant harm would be caused in relation to overlooking, loss of privacy, enclosure, loss of light or over shadowing that would warrant the refusal of the application.

The means of access to the site has been approved at the outline stage by the Secretary of State. The Highway Authority has no objection to the internal layout of the site and considers the level of car parking to be satisfactory. It is considered there are no grounds for the Local Planning Authority to come to a different view to the Highway Authority. It is considered that cycle provision is also satisfactory.

The scheme will provide a policy compliant level and mix of affordable housing. This should be afforded significant positive weight in the planning balance.

The proposed landscaping scheme is considered to be comprehensive and acceptable. Measures are to be put in place, via planning conditions, to ensure that the detailed construction of work in proximity to important trees immediately adjacent to the development site around the Barredale Court complex is acceptable to limit any likely impact on their long term health.

Matters associated with drainage, ecology and Ashdown Forest were considered

acceptable and mitigation secured through the outline planning permission and as such this application has a neutral impact with regard to these issues.

There would be some harm to the setting of Imberhorne Viaduct, which would be classified as less than substantial as categorised in the National Planning Policy Framework (NPPF). This less than substantial harm must be given considerable importance and weight in the overall planning balance, to properly reflect the provisions with the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. It is considered that in the planning balance, the provision of new housing (including affordable housing), economic benefits including construction jobs, additional spending in the locality and new homes bonus the public benefits outweighs the less than substantial harm that is caused to the setting of the listed buildings that has been identified.

To conclude, it is considered that the reserved matters details that have been submitted comply with policies DP17, DP21, DP26, DP27, DP28, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42, policies EG3, EG4, EG7, EG12, EG13 and EG16 of the EGNP, and the NPPF.

### **RECOMMENDATION**

It is recommended that permission be granted subject to the conditions suggested in Appendix A.

### **SUMMARY OF REPRESENTATIONS**

In respect of the original submission, a total of 17 letters of representation were received raising the following objections;

- Impact on the character and appearance of area;
- Impact on the listed viaduct;
- Lack of infrastructure to support the development;
- Impact on highway safety and wider road network;
- Intrusion into the countryside;
- Increase in noise and disruption;
- Loss of views;
- Protection of the Bluebell Railway is required;
- Ancient woodland needs to be protected;
- Impact on wildlife;
- Security, lack of fence/barrier to three within properties within Barredale Court;
- Impact on Grade A Austrian Pine in Barredale Court from the proposed development;
- Impact on wall garden wall and fruit trees within Barredale Court;
- Loss of privacy and overlooking;
- Statement of Community Involvement is flawed and does not comply with MSDC policy;
- Lack of communication from the applicants;
- Flat block B would overlook garden resulting in loss of privacy;



- Loss of outlook from garden/property;
- Position and proximity of properties will cause unacceptable shadow over garden;
- Lack of sustainable transport measures;
- Layout does not comply with approved parameter plan;
- Lack of clarity regarding proposed earthworks;
- Impact on trees;
- Inaccuracies in planning submissions;
- Drainage;
- Lack of clarity of regarding proposed boundary treatments;
- Impact of noise on future residents by adjacent commercial premises;
- Potential secondary construction access;
- Lack of details relating to footpath link to the south

### East Grinstead Society

Notwithstanding the outline planning permission we are concerned about access to the site, parking and safety for pedestrians and cyclists. Turners Hill Road is dangerous with fast moving traffic yet pedestrians and cyclists will have to use this single access to the development when going to and from school, the railway station and the various facilities in town. We would like to suggest a pedestrian refuge at the junction of the main road and the site entrance and a footpath from the site to join Garden Wood Road at the viaduct for pedestrian and cyclists. This would also be useful for SANGS users and bus passengers.

How many parking spaces are designated for the site. Please split these between on-road, off-road and private garages. How will the SANGS car park be kept free for users of that facility and not for general parking by the site occupants? Regarding the SANGS who is responsible for the maintenance and have the Bluebell Railway given permission for the use of their tunnel under the railway to access the major portion of the SANGS?

As a result of the advertisement of amended plans a further 7 letters of objection were received raising the following matters;

- Highway safety;
- Lack of infrastructure;
- Proposals will overlook house and garden;
- Proposals will be overbearing and result in loss of outlook;;
- Ground stability following earth works;
- Increased noise and disturbance;
- Proposals will still adversely impact on RPA of Austrian Pine;
- Further clarification required regarding proposed security fence;
- Concerns remain relating to security/boundary arrangements;
- Proposals still do not comply with the parameters plan;
- Plot 31 will directly overlook property and rear garden;
- Inaccuracies still exist in the submissions;
- Difficult to make comments given the amount of changing plans;
- Proposals have not addressed issues relating to shading and loss of privacy

## East Grinstead Society

The parking provision on the site appears to be somewhat exaggerated. The gross figures include 95 garages which may never see a car which considerably reduces the true number of available places. The SANGS car park of only 31 places is to be used by visitors, site overflow and SANGS users from off site. Have the developers reached any agreement with the Bluebell Railway about the safety fencing required to keep trespassers off the railway line and the ownership of the Cattle Creep. Will the pedestrian refuge at the entrance of the site of sufficient size to allow cars and commercial vehicles to stop and enter the site without disrupting traffic on the Turners Hill Road.

## SUMMARY OF CONSULTATIONS

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

### **MSDC Urban Designer**

This is an attractive, but awkward, sloping site and the proposed SANG (Suitable Alternative Natural Greenspace provision in lieu of Ashdown Forest) together with the back drop of the listed railway viaduct provides the development with a distinctive setting. However its hillside location also means it is prominently positioned when viewed westwards across the valley from the town. Retaining a large area of open space in the form of the SANG together with the retained boundary trees and proposed landscaping should nevertheless help to soften it.

The perimeter block layout generally works well with building frontages that positively face towards the open spaces and attractive boundary edges. Revised drawings have been received which address most of the Design Review Panel and my previous concerns in respect of the original submission. In particular, the quality of the elevations (particularly the flats) have been improved and more architectural diversity has been provided across the site with the application of different materials and detailing, as well as variation in density with most of the blocks of flats appropriately located around the open space that forms the focus of the layout near the centre of the site.

The ground levels have been re-profiled with the houses adjacent to the main Turners Hill Road entrance now sitting lower and less prominently along the road frontage allowing the soft landscaped edge to provide a partial screen that allows some of the sylvan and rural quality to be retained here.

Revised drawings have also been received that improve the integration of the parking and better address the awkward topography including a reduction in the stepped rear garden boundaries.

However, the application of the facing materials is still disappointing with many of the houses still featuring façade treatment that incongruously peel away at the sides. Both the DRP and I believe this needs to be addressed, and that further detailed drawings are required to secure the quality of the contemporary elevations.

In conclusion, I raise no objections to the application but would recommend conditions requiring the further approval of drawings/information in respect of the following:

- The application of facing materials on all the buildings in addition to the details/samples
- The window design of all the buildings.
- Detailed landscape plans including all boundary treatment
- 1:20 section and front elevation drawings showing: (i) a typical vignette of a block of flats including the projecting bays / windows and dormer windows with the balcony, balustrade and roof; (ii) a typical house in character area B showing the ground and first floor window grouping.

### **MSDC Design Review Panel**

No objection subject to conditions

### **MSDC Tree and Landscape Officer**

No objection

### **MSDC Conservation Officer**

Although there have been revisions made to the form and layout of the development in the current detailed submission in comparison to the Illustrative Masterplan forming part of the outline application approved at appeal, it is not considered that these revisions will have any material effect on the impact of the proposal on the views of Imberhorne Viaduct identified by the Planning Inspector. For this reason the detailed proposal must be considered to have a less than substantial harmful impact on the significance of the Viaduct, as experienced in these views.

This less than substantial harm would, as set out in paragraph 196 of the NPPF, stand to be weighed against the public benefits of the scheme, including the public benefit identified by the Inspector at IR288 of the improved public experience of the Viaduct from the new SANGS within the northern part of the site.

### **MSDC Housing**

No objection

### **MSDC Drainage**

No objection

### **MSDC Waste Services**

The site appears to be accessible for refuse collection vehicles used by MSDC. Some points of clarification raised.

## **MSDC Leisure**

No objection

## **MSDC Environmental Protection**

The conditions imposed on the decision notice cover the relevant Environmental Protection areas. The proposed layout does not affect these in our view so no new conditions are required.

## **WSCC Highways**

The Highway Authority has no objections to the approval of planning application DM/18/4321 subject to the inclusion of conditions on the following matters on any permission granted

## **Southern Water**

No objection

## **Sussex Police**

No objection

## **Environment Agency**

No objection

## **Gatwick Airport**

No objection

## **EAST GRINSTEAD TOWN COUNCIL**

### Original Comments received 17th April 2019

The committee noted the concerns of the various neighbours who had lodged their objections with MSDC. Committee urge MSDC to please respond to the points raised in those representations and asked that they ensure that they are all addressed by the developers. Committee commend the affordable housing percentage of the development.

Committee recommend refusal on the design of the development the impact on Mill Cottage by the 6 homes that are at the base. There were concerns as to the foul water sewerage capacity. While there are plenty of details on water run off surface water, there is no detail as to the foul water solution and without this detail the application must not be agreed. The flats are inappropriately positioned on the high part of the development as they will overlook the existing properties at the lodge and coach house. The town house should not have dormers fitted.

The hedgerow that is currently on the border of the property will result in easy access to the properties EG3(g) would not support the application.

The 100 year wall could be damaged by excavations and all care must be taken to avoid this and ensure it remains safe. A Cyprus tree on the property has great amenity value and also needs to ensure protection through the works.

Committee continue to have concerns as to the Access and egress sightlines to the busy road.

Committee also note that there is no S106 agreement yet and without sight of this will not be able to recommend approval.

The Committee would like to see a community facility such as a shop included in this development.

### Comments received 15th October 2019

Recommend refusal due to the number of plans and supporting document discrepancies and non-response to enquiries and concerns that have been raised by other representors especially the security of the neighbouring sites. The lack of sustainability of the site is also a concern and it will not comply with planning policies. Committee note that very little change has been effected on the plans following the comments that the committee made in April.

Specifically the removal of plot 90 from the plans, adjustments to the plan for plot 31. Block B further away or lowered so that no loss of privacy is incurred. Revised plans for plot 31. Further concession for plots 5 and 6 to lower sight lines, Better strategy to safeguard against flooding and land slip from the inevitable water run-off, The needs of a new sustainable way of living are not met, solar panels for example and no community hub/ asset that would be the centre of the development. A better design of the example and no community hub/asset that would be the centre of the development. A better design of the streets and thorough overhaul of the travel plan that enables model shift.

District Plan Policies: DP26 DP20 DP21 DP25 DP39 DP41 and DP42

Neighbourhood Plan Policies: EG3 EG5 EG11 and EG15 are all compromised.

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## **INTRODUCTION**

This application seeks for the reserved matters pursuant to the an outline planning permission allowed on appeal for the erection of 200 dwellings on land at Hill Place Farm, Turners Hill Road, East Grinstead.

The reserved matters subject to this application relate to the layout, appearance, scale and landscaping of the development. Matters associated with the vehicular access to the site and wider highway network impact were determined acceptable as part of the appeal process and they are not for consideration as part of this

application. In determining the application, consideration should be given the matters set out in the following sections of this report.

## **RELEVANT PLANNING HISTORY**

DM/15/0429 - Outline planning application with all matters reserved except for access for up to 200 dwellings, provision of new internal access roads and footpaths, landscaping, open space, Sustainable Drainage System (SUDs), earthworks and associated infrastructure. Full application for provision of Suitable Alternative Natural Green space (SANGs).

The above application was refused by the Council under a decision notice dated 17th August 2015 on the principle grounds associated to the impact on the landscape (the site lies outside the built up area of East Grinstead) and the impact on the wider highway network. Infrastructure and Ashdown Forest issues also formed reasons for refusal as a signed S106 Legal Agreement was not in place at the time that the decision was taken.

The appeal was heard by means of a public inquiry that sat for eight days during October and November 2016, with two separate visits, which included viewing the site from the adjacent Bluebell railway. It should be noted that the Council did not put forward evidence in relation to its reason for refusal on highway matters, instead this matter was taken forward by a separate rule 6 party. The appeal was recovered by the Secretary of State and was allowed under a decision letter dated the 1st March 2018.

It is not considered that a detailed commentary of the appeal decision is necessary at this point, but where relevant in the context of the following sections of the report, reference will be made to the Inspectors report and the Secretary of State letter where appropriate.

## **SITE AND ITS SURROUNDINGS**

The application site covers approximately 21.33ha of land containing mainly open fields that sit either side of the Bluebell railway line. The site lies to the north of the B2110 (Turners Hill Road) and is currently in agricultural use, including for pasture. The site lies outside the built up area boundary of East Grinstead as defined by the 2014 Mid Sussex Local Plan and outside the High Weald AONB, the boundary of which lies on the southern side of Turners Hill Road.

The site is divided into two distinct parcels. Parcel A is located on the south/eastern side of the railway and covers approximately 9.55ha, while parcel B is located on the north/western side and covers approximately 11.78ha. They are linked by a cattle arch under the railway. The site is undulating with a high point of 131 metres AOD at the southern end of parcel A, falling to a low point of 92 metres AOD at the parcel's northern extent. It should be noted that parcel A is the main area of SANG that was granted full permission as part of the appeal process.

To the north east of the site is Garden Wood Road, divided by a tree belt, with a public right of way/private road running along the southern extent of the site, which

leads to Hill Place Farm House and other residential dwellings and a commercial sheeting suppliers. A complex of three residential dwellings is located at Barredale Court, which immediately adjoins the southern boundary of parcel B. A field entrance exists onto Turners Hill Road located immediately to the south of Old Mill Cottage. Areas of ancient woodland are present to the northern part of the site.

The site lies immediately adjacent to two Heritage assets, the Grade II listed Hill Place Farm and the Grade II listed East Grinstead Viaduct.

## **APPLICATION DETAILS**

This application seeks the consent for the Reserved Matters (layout, appearance, scale and landscaping) pursuant to outline permission being granted on the site, via appeal, for up to 200 dwellings. As part of the outline planning permission, the location and details of the new vehicular access to Turners Hill Road that will serve the site were approved and do not form part of this application.

The application seeks approval of the details associated with the layout and design of 303 dwellings, which represents residential phases one and two of the wider development.

The submitted details show a total of 200no. dwellings, of which 60no. dwellings will be affordable. It is proposed that a range of dwelling types will be provided including one and two bedroom apartments and two, three, four and five bedroom dwellings. A mix of flats, small terraces, semi-detached and detached dwellings are proposed.

The proposed dwellings are a mix of two and two and half storeys, with three storey buildings limited to the apartment buildings proposed in central part of the site.

Parking is to be provided as mix of garages, on-plot, rear parking courts and off street parking areas. Visitor parking is also proposed in various areas across the application site.

The submitted information shows that the applicants are proposing four different character areas within the site that include the spine road, Turners Hill Road, the rural edge and the western field. Each area will have a slightly different design approaches and features that distinguish them apart from other areas within the site. While it can be considered that the prevailing design approach is one that is more traditional, the application does include more contemporary buildings, in particular the proposed flat buildings.

The proposed building designs show a mix of gabled ended and barn hipped roof dwellings, and where dormer windows are proposed, a flat roof design has been applied. It is proposed the dwellings will be finished in a mix of brick, tile hanging and boarding, with a mix of white and grey coloured fenestration proposed to help provide some vibration between the proposed house types.

The applicants are proposing a comprehensive landscaping scheme across the site which attempts to soften and screen development both internally and externally to

respect its edge of town location. Two play areas are proposed, one around the centre greenspace and the second the western edge of the site.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies include;

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21: Transport

DP26: Character and Design

DP27: Dwellings Space Standards

DP28: Accessibility

DP30: Housing Mix

DP31: Affordable Housing

DP34: Listed Buildings and Other Heritage Assets

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

DP42: Water Infrastructure and the Water Environment

### **East Grinstead Neighbourhood Plan**

The Plan was made on the 2nd November 2016 and forms part of the Development Plan for the District. It can be afforded full weight and relevant policies include;

EG3: Promoting Good Design

EG4: Heritage Assets

EG7: Housing Mix and Density

EG12: Car Parking

EG13 Modern Technology

EG16: Ashdown Forest Special Protection Area and Special Area of Conservation

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (Feb 2019)*

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



prudently. An overall objective of national policy is "significantly boosting the supply of homes"

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

*"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."*

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

Paragraph 38 states that:

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

Section 12 of the NPPF concerns design and para 121 states in part:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'*

Para. 130 states in part:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*

Planning Practice Guidance

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

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

In determining this reserved matters application the key issues to consider are as follows;

- Principle of Development
- Layout, Appearance and Scale
- Impact on Residential Amenity
- Housing Mix
- Affordable Housing
- Highways and Parking
- Dwelling Space Standards
- Impact on Heritage Assets
- Landscaping / Impact on Trees
- Sustainability
- Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- Other Matters

### **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 for this part of Mid Sussex consists of the District Plan (DP) and the East Grinstead Neighbourhood Plan (EGNP).

In this case outline planning permission has been granted for the development on appeal by the Secretary of State. Therefore the principle of the development is established, as is the access to the site from the Turners Hill Road. Therefore whilst there is a conflict with policy DP12 of the DP and policy EG2 of the EGNP as the proposal is for a major residential development outside the built up area of the town, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development.

It is necessary to assess the reserved matters details that have been submitted against the relevant policies in the development plan.

### **Layout, Appearance and Scale**

The application has been assessed by your Urban Designer and the MSDC Design Review Panel (DRP) and as a result of comments made the application has been amended in order to try and address concerns raised. It is the scheme as amended that is before Members.

In respect of the policy position, DP26 of the District Plan requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*

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

Policy DP28 of the DP deals with accessibility and requires all development 'to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

Policy EG3 of the EGNP 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.*

Section 12 of the NPPF sets out the Government's position on 'achieving well-designed places' and more specifically paragraph 129 states that '*local authorities should ensure that they have access to, and make appropriate use of, tools and processes for accessing and improving the design of development*' and '*in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels*'. Paragraph 130 states that '*where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development*'.

As part of the outline permission, a parameter plan that shows the general areas for development and relevant maximum building heights was secured via condition and the wording of the condition requires any reserved matter submission to be in accordance with the approved details. It is recognised that as first submitted, the details did not comply with the parameter plan both in respect of the layout and the scale of the buildings. The applicants' amended plans, as now before Members, have addressed these matters and officers are satisfied that all the proposed buildings are now within areas shown for development and that the proposed building heights are in compliance with the approved parameter plan.

In respect of the layout, your Urban Designer has stated;

*"The perimeter block layout generally works well with building frontages that positively face towards the open spaces and attractive boundary edges... The ground levels have been re-profiled with the houses adjacent to the main Turners Hill Road entrance now sitting lower and less prominently along the road frontage allowing the soft landscaped edge to provide a partial screen that allows some of the sylvan and rural quality to be retained here."*

It is noted that the Mid Sussex Design Review Panel commends the layout of the scheme. Officers agree with your Urban Designer's comments with regard to the layout of the scheme.

It is recognised that the amendments made during the course of the application have improved the overall layout of the scheme, in particular the focusing of the majority of the blocks or flats around the main open space within the site, making this the focal point in the centre of the layout.

The applicants have had regard to the position of the play areas within the site to ensure that they are located in well-defined and supervised areas and your Community Facilities Project officer has not raised an objection to either their location or their make-up. Furthermore, the proposed layout provides a high standard of accessibility across the entire site.

Turning to the matter of the appearance of the buildings, it is again recognised that the applicants through the amended scheme now before Members, have sort to address the concerns and criticisms that were expressed in relation to the original submission. This is recognised by your Urban Designer who states;

*"In particular, the quality of the elevations (particularly the flats) have been improved and more architectural diversity has been provided across the site with the application of different materials and detailing."*

The amendments to the overall appearance of the proposed dwellings were also noted by the Design Review Panel, who state;

*"The quality of the elevations had improved particularly in respect of the introduction of a more contemporary approach that had been successfully applied to the blocks of flats and the houses in character area B. This together with a wider palette of materials also contributes to greater architectural diversity across the site."*

Your planning officer agrees that the design and appearance of the proposed dwellings has significantly improved during the course of the application and it is considered that the scheme before Members will provide for an attractive and high quality scheme that take its own sense of place and assimilate well into a difficult sloping site.

The comments of both the Council's Urban Designer and the Design Review Panel in respect of the application of facing materials and generally detailing are noted and it is considered that these matters can be addressed through an appropriately worded condition. This will ensure that these matters do not undermine the overall quality of the design that is proposed.

The proposed scale of the buildings is set by the parameter plan approved as part of the outline planning permission. The plan sets out two different zones for the residential development, the first is up to two storeys (maximum 11m above existing ground level) and second is up to two and half storeys (maximum 12m above existing ground level). The scheme before Members complies with the scales set out within the parameter plan, with maximum ridge heights not exceeded in the relevant areas. Having regard to this, it is not considered that the scale of the proposed buildings is inappropriate for the site or result in unacceptable impacts on the wider character and appearance of the area.

Having regard to the comments of the Urban Designer and the Design Review Panel and having regard to the design and layout of the development as a whole, it is considered that on the matter of layout, appearance and scale the proposals comply with Policy DP26 and DP28 of the DP, policy EG3 of EGNP and the policies and objectives of the NPPF.

## Impact on Residential Amenity

Policy DP26 of the DP states, inter alia;

*'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;....*

- *Does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking into account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

Policy EG3 of the EGNP states, inter alia;

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

*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;'*

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 DP is considered to take precedence over policy EG3 of the EGNP on the matter of amenity and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities.

In considering this matter, there are a number of identifiable existing properties to the north and south that immediately adjoin the development site and have the potential to be impacted. These are will be considered separately below.

At this point, it is considered relevant to highlight the following section of the Inspectors report that identified the resultant development would have an impact on existing neighbouring properties. He stated;

*'237. The greatest degree of visual impact would be experienced by occupiers of those houses closest to the site, such as Old Mill Cottage and The Coach House at Barredale Court. The current open views from these properties would be lost. The detail of the design, layout and landscaping of the new housing would be determined at reserved matters stage. This would provide an opportunity to ensure a satisfactory relationship between the new houses and existing dwellings.'*

### Old Mill Lodge

This property adjoins the north western boundary of the site and fronts onto Turners Hill Road. It is a two storey property that is set approximately 2m below the level of the site, where the boundary is made up of post and wire fence. It has an extensive

rear garden that runs parallel to site boundary, all be it falling away from it. Old Mill Cottage has one first floor side facing window overlooking the site.

The submitted plans, as amended, show that plot 1, which is formed of a two storey barn hipped property with a double garage, will be set at its closest point 9.8m from the boundary, with the intervening buffer proposed to be planted up to provide a green screen. It should be noted that double garage is the closest structure with the flank wall of the proposed plot approximately 15m from the mutual boundary. Plot 7 (to the rear of plot 1) has been orientated parallel to the boundary with Old Mill Cottage and is formed of the same house type and double garage arrangement. At its closest point the garage will be some 6m from the boundary, with the flank wall of the property approximately 12m. Again the proposed landscape buffer between the garage and the boundary is proposed to provide a green screen. It is noted that plot 1 has a small side facing secondary window serving a bedroom and in order to preserve existing privacy levels then this window should be obscure glazed and this can be secured through an appropriate condition.

Any development of the proposed site would have an impact on Old Mill Cottage, however, the applicants have taken steps to try and mitigate the impact. The inclusion of the proposed landscape buffer that will sit outside the curtilages of the proposed properties will help break up the appearance of the properties that will be viewed from Old Mill Cottage from a significantly lower level. Given the distances proposed, it is not considered that the proposals would appear overbearing or result in any significant feeling of enclosure.

The proposed properties lie to the west (plot 1) and northwest (plot 7) of Old Mill Cottage and its garden, and concern has been raised by the occupants regarding the loss of outlook and overshadowing. While no shadow plots have been submitted by the applicant, it is your officer's view, that given the orientation and the distance from the boundary of the proposed properties that significant levels of shadow are unlikely. Furthermore, any development on the application site will impact on the outlook of surrounding properties, as a once open field will be subject to the built form. However, the proposed landscape buffer will offer some relieve and it is not considered that any significant loss of outlook will occur, that would not have been anticipated at the outline application stage when the appeal was allowed.

The submitted information shows that there will be some level changes in the proximity of the boundary of the site with Old Mill Cottage and concerns has been raised regard regarding the slope stability and increased flood risk as a result. While no objections have been raised on such matters in light of the technical consultees to the application, it is recognised that the site will be subject to an extensive cut and fill process. Given the topography of the site it is considered reasonable that a slope stability report is submitted to ensure that the proposed works in proximity to this boundary are undertaken in accordance with agreed details. A suitably worded condition is suggested in appendix A of this report.

#### The Lodge (Barredale Court)

This property adjoins the southern corner of the site and is formed a two storey lodge building that straddles the entrance to the Barredale Court complex, fronting Turners



Hill Road. The property and the garden sit approximately 2m above the site, with a vegetated bank, including trees and understorey, sitting between the garden and application site. The garden at present has no formal boundary, i.e. fence, at the top of the bank and enjoys filtered views (through the vegetation) across the application site.

The submitted plans, as amended, show that plot 31, which is the nearest of the proposed properties, will be approximately 21.5m from the boundary of the site, with The Lodge building itself a further (approximately) 20m to the southwest. Plot 31 is a two storey dwelling that is orientated towards the mutual boundary with The Lodge. At first floor level there are two windows serving two bedrooms, in addition to a bathroom window, that are shown facing towards the mutual boundary. The area between the proposed property and the mutual boundary is made up of a front garden for plot 31, a footpath link and a landscaped area.

It is accepted that given the orientation of plot 31 there will be a degree of indivisibility between its first floor windows and the private garden of The Lodge, which will be filtered to some degree by the existing vegetation that is to be retained. The distances involved, in excess of 21.5m from window to site boundary at foot of bank (garden area is at top of bank), are commensurate with the general window to window relationships found acceptable by Inspectors on appeals. Furthermore, similar relationships are evident within the wider development site and are considered acceptable. While in this situation it is imposing a relationship upon an existing resident, it is not considered that significant harm, by means of overlooking and loss of privacy, is likely to occur that justifies refusal of the application. Officers have noted the presence of ground floor windows in The Lodge that face towards plot 31, but given the distances involved, in excess of 40m, and the intervening vegetation, it is considered that no significant harm would arise through loss of privacy of overlooking as a result of this window to window relationship.

Concerns have been raised by the occupants of this property with regard to security matters, principally associated with the provision of physical barrier between the property and the development (there currently is not one) and the provision of footpath link to front of plot 31.

The submitted details show that applicant is proposing to erect a 1.8m close boarded fence 2.7m from the bottom of the bank in order to provide a defensible boundary between the development site and The Lodge. The small footpath link to the front of plot 31 provides additional pedestrian permeability through the site, which is good practice. Plot 31 provides good surveillance over the path and Sussex Police have not raised any specific issue with regard to its provision from a crime perspective.

#### The Coach House (Barredale Court)

The property adjoins the southern boundary of the site and is a two storey dwelling that lies to the northwest of The Lodge, forming one of the three residential properties within the Barredale Court complex. The Coach House has its main private garden to the northwest of the property. The application site sits approximately 2m lower than The Coach House to its northeast flank and approximately 1m lower to the northwest. As with The Lodge, the garden has no

formal boundary to the application site, with a similar bank and vegetation to the northeast and a hedge to the northwest. The property current enjoys an unhindered open aspect across the site to the northwest.

The submitted plans show a pair of semi-detached properties (plots 67-68) and a block of flats (block B plots 57-66) located to the northwest of The Coach House. The proposed houses are two and half storeys in height (accommodation provided within the roof space via dormer windows), with the block of flats also providing three levels of accommodation, with the third level provided within the roof space. It should be noted that the ridge height of these buildings is within the maximum shown on the approved parameter plans.

The location and form of plots 67-68 have been amended during the course of the application. They have been moved further away from the boundary and introduction of a barn hip, in an attempt to reduce the bulk of the proposal. The scheme before Members shows that these plots will angle away from The Coach House with the distance between the side flank wall of plot 67 and the application site boundary being approximately 13.5m at its narrowest to 17.5m at its widest. It is noted that it is intended that the levels on the application site are to be raised in the area of these plots by approximately 1m, although greater increases to ground levels are proposed in relation to the parts of the access road to these plots. The submitted plans show that no windows are proposed within the flank elevations of plot 67 and as such there would be no overlooking or loss of privacy in relation to The Coach House or its garden as a result.

The development of the site will result in a significant change in the outlook from this property, but this would have been expected at the time that the appeal was granted. Notwithstanding this, given the orientation of plots 67-68, the distances involved and the degree of aspect that will remain open to the main garden area, it is not considered that the proposal would result in a significant degree of enclosure that would give rise to significant harm to the residential amenities of the occupiers.

Concern has been raised by the occupiers of this property about the loss of sunlight and shading of the main area of private garden and they have submitted information showing the potential effect. While no counter evidence has been provided by the applicants, your officers have considered the points raised and having regard to the orientation and form of development and its distance from the boundary it is not considered that the likely loss of sunlight and resultant shading of the garden would be so sufficient that would warrant refusal of the application.

Turning to flat block B, this will be located approximately 18m from the boundary with The Coach House, at its nearest point. The design and bulk of this building has been amended during the course of the application and the scheme before Members represents the applicants response to concerns raised with its original form. The submitted drawings show that the only windows in the nearest flank elevation of this building, which will be approximately 20m from the boundary of The Coach House, will serve kitchen area. It is considered that while any overlooking would be limited, a condition can secure the use of obscured glazing to ensure that current levels of privacy are maintained. A Window serving the kitchens to flat 61 could potentially offer fuller views across the garden area of The Coach House, albeit at a greater

distance of approximately 25m, and while such separation would normally be in the realms of acceptability, it is considered that a similar obscure glazing condition should be applied in this instance. It is not considered that the bedroom windows serving flats 59, 61 and 65 would, due to the oblique nature of any view, are likely to give rise to any significant level of overlooking.

The ground levels around flat B are proposed to be lowered by over 1.4m (at its point nearest The Coach House) and having regard to the distances involved and it is not considered that the proposed building would appear overbearing or unneighbourly when viewed from this neighbouring property. Furthermore, given its orientation, it is not considered that the building would result in any significant loss of sunlight or daylight. While the building will be visible, this does not make it unacceptable and it is considered, having regard to its form, orientation and distance from the boundary, that it would not by itself, or in combination with other proposed buildings, result in the unacceptable loss of outlook from the this neighbouring property.

To the north, the submitted details show that plot 51 will be set at a slight angle to The Coach House which at its nearest point (southwest corner) will be some 11.5m from the boundary, while the southeast corner will be approximately 15m from the boundary. The proposed dwelling is two storeys in height and the submitted ground level details show that this property will be set some 2.6m below current levels. The submitted details for the proposed house type for this plot, a type M, show that there will not be any first floor side facing windows towards The Coach House. Having regard to the proposed form of this dwelling, the change in levels and the intervening boundary vegetation it is not considered that it would give rise to any significant impacts relating to the loss of light, enclosure or loss of privacy.

### Barredale Court

This property is the largest of the three within the complex and is large two storey property set in extensive gardens that surround the property on all sides. The property is located to the east of the application site at its most southern extreme and is set some 45m from its mutual boundary that consist of brick wall of approximate 2m in height.

The submitted drawings show that there will be a series of semi-detached properties (plots 84-89) facing the boundary of Barredale Court at a distance of approximately 13m, with an access road and landscaped strip, to be planted with a series of semi-mature trees, in between. These properties will be two storeys in height.

Having regard to the distances involved, the presence of the existing wall and the proposed planting, it is not considered that the proposals would give rise to any significant harm to amenities of the occupiers of this property through means of loss of privacy and overlooking. Furthermore, it is not considered that the proposals would be result in any significant loss of light or sense enclosure in respect of this property.

Matters of security have been raised by the occupier of this property, both in respect of Barredale Court and the wider complex. As noted above, the applicants are proposing the erection of 1.8m close boarded fence to protect the current

unprotected boundary to The Lodge and The Coach House, and the submitted boundary treatment plan does not propose any additional fencing to Barredale Court boundary, which as noted is currently formed of a 2m brick wall. Officers note that there is some conflict between the information contained on the boundary treatment plan and a site section through this boundary (the later indicates a new fence 2.7m from the wall to Barredale Court), however, the applicant has confirmed the boundary treatment plan is correct and the site section is illustrative purposes only (i.e. it will not from an approved plan). Given the presence of the brick wall and proposed planting there is no planning justification for a further fence line and it is considered that the proposed development would not give rise to any significant security issues that would impact on the amenities of this property.

It is further noted that concern has been raised with regard to potential impact of construction works on the garden wall of Barredale Court and line of fruit trees that are located immediately adjacent to it within the garden. The submitted ground level details show that there is very little grounds in this vicinity and proposed planting will take 2.7m from the boundary, thus there is are is no evidence to suggest damage will occur. In any event, such matter falls outside the scope of this planning application and would be a private matter between the developer and the owner.

#### Hill Place Farm House / Southern Sheeting Supplies

Hill Place Farm House is a Grade II listed building located to the southwest of the southern boundary of the site, which forms part of a complex of buildings where from Southern Sheeting Supplies operate a commercial storage and distribution business. The complex of buildings lie in excess of 30m from the boundary of site that is currently formed a mixed native hedge.

Given the distances involved it is not considered that the proposed development would give rise to any significant harm on the amenities of the occupiers of the farm house through overlooking, loss of privacy or loss of light. Concern has been raised from the owners in relation to the potential impact of the existing business of future occupiers (and the subsequent implications this may have for the business) and lack of clarity regarding proposed boundary treatments, where there appears to an area that could allow unhindered access to the commercial site.

On the matter of the impact on future residents, it's incumbent on the applicant to consider the potential impact of nearby commercial activities on the residential amenities of future occupiers. Condition 16 of the outline permission requires the developer to submit details of noise mitigation measures to ensure that the future residential amenities of the occupiers are acceptable in relation to existing noise sources adjacent to the site, which include this commercial business. These details are to be submitted to and approved in writing the Council prior to the commencement of development and fully implemented prior to the occupation of any dwellings. These details are yet to be submitted but with this condition already in place, there is no further need to consider this matter as part of this application.

It is accepted that the submitted boundary treatment plan is unclear on certain elements of the proposed boundary along the southwestern boundary of the site, with this in mind it is proposed that a final boundary treatment plan is secured via a

suitably worded condition to ensure that this matter is adequately addressed. The occupiers of these premises also tenant farm the adjacent field to the west of the complex of buildings where a proposed link to between the development site and the public footpath to the south is proposed. Concerns are raised as no details have been provided how the developer intends to ensure that the users of the link will not be able to unlawfully access the remainder of the field. It is considered that these details can also be picked up with a final boundary treatment plan and with such a condition, it is considered that the proposal will ensure an acceptable level of security to these premises.

In conclusion on the above matters, the above analysis identifies that some harm will be caused to existing amenities of those existing properties that neighbour the application site. The applicant has attempted through the application process to mitigate such impacts as much as possible, but given the very nature of the site, the scale of development and the relationship with existing properties, some impacts are inevitable.

As set out at the beginning of this section the wording of policy DP26 of the DP is relevant in this situation in considering the issue of residential amenity and the impact that the development has on both existing neighbouring residents, as well as future residential amenity. It is identified above that the greatest harm falls on the occupiers of Old Mill Cottage, The Lodge and The Coach House, with lesser harm in relation to Barredale Court, however in all cases it is not considered, in the context of Policy DP26 that the proposal would give rise to likely significant harm that would justify the refusal of application.

Having regard to the above, it is considered that the proposal accords with Policy DP26 of the DP and policy EG5 in respect of this matter.

### **Housing Mix**

Policy DP30 of the District Plan seeks to support sustainable communities and sets out that housing development will provide a mix of dwellings types and sizes that reflect current and future local housing needs. Furthermore, developments should meet the current and future needs of different groups in the community, which could include the provision of bungalows and other forms of sustainable accommodation.

Policy EG7 of the EGNP sets out that development of 5 or more dwellings should provide a minimum of 20% small family accommodation in the form of 2 and 3 bedroom units and provide affordable housing in accordance with District policy.

The scheme before members shows the following mix;

- One bed flats - 30no.
- Two bed flats - 31no.
- Two bed houses - 38no.
- Three bed houses - 71no.
- Four bed houses - 24no.
- Five bed houses - 6no.

The above mix is split between private (70 per cent) and affordable (30 per cent) and it is considered that it represents a suitable balance to meet the current and future housing needs.

It is considered that the application complies with policy DP30 of the DP and policy EG7 of the EGNP.

### **Affordable Housing**

Policy DP31 of the District Plan seeks to secure 30 per cent affordable housing from developments containing 11 or more dwellings of which 75 per cent would be social rented and 25 per cent shared ownership.

As set out in the preceding section, policy EG7 of the EGNP requires developments to provide affordable housing in accordance with District Council's policy (DP31).

The applicant is proposing a development of 200no. dwellings which gives rise to an onsite affordable housing requirement of 30 per cent (60no. units).

The proposed affordable housing mix consists of the following;

One bed flats - 12no.

Two bed flats - 17no.

Two bed houses - 16no.

Three bed flat - 1no.

Three bed houses - 13no.

Four bed house - 1no.

The affordable units are to be provided on the basis of 75% rented and 25% shared ownership and officers are in the process of confirming the tenure split between the properties with the applicants. It should be noted that the three bed flat is a wheelchair, as required by the S106 Legal Agreement.

Your Housing Officer has confirmed that the above mix is acceptable and given that the units will be spread across the site in six separate clusters, the proposals achieve satisfactory integration in accordance with the policy requirements of the Council as set out in the adopted SPD on affordable housing.

Specific comments have been received regarding the proposed wheelchair unit to ensure that it is fit for purposes and while the applicant has, through amended plans, addressed a number of original recommendations made, the latest comments raise two further points, which officers are content can be addressed through a planning condition. A suggested condition is contained within the appendix A to this report.

In light of the above, and with the suggested condition, it is considered that the application does accord with policy DP31 of the DP and policy EG7 of the EGNP.

## Highways and Parking

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Policy EG5 of the EGNP set out, amongst other criteria, that new housing proposals will be supported if *'an application is supported by a robust assessment of the impact of the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account.'*

Policy EG12 of the EGNP states;

*'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.'*

*'In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'*

Access and highways issues were addressed in detail at outline application stage and it is not for this application to revisit these issues. The Local Highway Authority have considered the proposals in respect of the proposed internal highway configuration and proposed parking arrangements.

The application has been supported by a 'Transport Technical Note' that sets out the approach adopted with regards to the detailed highways design. The document sets out the main access road is intended to be designed to WSCC's adoptable standards and it is intended that it will be put forward for adoption by the Local Highway Authority.

In consideration of the general design of the internal highway arrangements the Local Highway Authority has stated;

*'In terms of the design, the scheme follows the broad principles within Manual for Streets. A mix of segregated carriageways and footways, along with shared surface areas are included. Again the extents of these areas is considered appropriate. Carriageways vary between 5.5 and 4.5 metres. These are considered appropriate.'*

In light of the amended plans submitted by the applicant, the Local Highway Authority has identified a couple of minor issues where it appears a refuse vehicle

would overhang or over-run a verge or front garden in several locations and the relocation of a visitor space (opposite plots 179-180) which may now impinge on a visibility splay. These matters have been raised with the applicant and clarification is awaited, however, it should be noted that the Local Highway Authority have not raised an objection to the application as it stands and these matters, which are wholly internal to the site, can be addressed prior to the issuing of any decision. Members will be updated at committee on this matter.

In terms of parking the applicants are proposing a total of 461 parking spaces across the site on the basis of the following provision split;

- Allocated parking bay / parking - 341
- Garages - 90
- Visitor parking by - 30

The Council's parking standards are set out within the SPD 'Development Infrastructure and Contributions' (adopted 2018) and state the following requirements;

- 1 bed dwellings 1 car space per dwelling and 1 cycle space per dwelling
- 2/3 bed dwellings 2 spaces per dwelling and 2 cycle spaces per dwelling
- 4 bed dwellings 3 spaces per dwelling and 2 cycle spaces per dwelling
- 5+ bed dwellings Car and cycle parking to be assessed individually

More recently, WSCC have produced updated guidance on parking for new developments (dated August 2019) that now for the basis of the Local Highway Authority's consideration of development proposals, in relation to this issues, across the county. The guidance, using evidenced data, identifies 5 zones of parking demand, with each identified zone requiring a different level of parking. In respect of East Grinstead Herontye ward it is identified within zone 2 that requires the following level of parking;

- 1 bedroom 1.4 space per unit
- 2 bedrooms 1.7 spaces per unit
- 3 bedrooms 2.1 spaces per unit
- 4+ bedrooms 2.7 spaces per unit.

In relation to both the MSDC standards and the latest WSCC standards, the proposal provides a sufficient level of parking to enable the development to meet its needs. The Local Highway Authority has not raised an objection in relation to this issue.

In respect of cycle parking provision, the proposed garages will have internal dimensions of 6m x3m (single) and 6m x 5.5m (double) which are of sufficient standard to accommodate two and four bicycles respectively. Where a plot does not have a garage, a shed with a minimum dimension of 2.4m by 1.8m will be provided in rear gardens to accommodate two cycles and the proposed flats will have communal cycle stores. In addition, 25 visitor cycle spaces are to be provided across



the site. It is considered that the level of cycle parking provision across the site is acceptable.

In light of the above it is considered that the application from a highway safety and parking perspective complies with Policy DP21 of the DP and policies EG5 and EG7 of the EGNP.

### **Dwelling Space Standards**

Policy DP27 of the District Plan sets out the minimum nationally describe space standards will be applied to all new residential development and that all dwellings will be required to meet them, other than in exceptional circumstances.

The applicants have made revisions to the scheme as originally submitted in order to ensure that all their proposed properties comply with the nationally described space standards. Officers are content that the scheme before members meets the required standards and that the application conforms to Policy DP27 of the District Plan.

### **Impact Heritage Assets**

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits*

*on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan states in relation to Listed Buildings:

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Special regard is given to protecting the setting of a listed building.'*

Policy DP34 of the District Plan states in relation to other heritage assets:

*'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'*

Policy EG4 of the EGNP states;

*'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'*

Section 16 of the NPPF is particularly relevant in this instance and paragraph 190 states;

*'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

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

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

In relation to non-designated heritage assets, the NPPF in paragraph 197 states;

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications*

*that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset.'*

In respect of designated assets, the lies adjacent to Imberhorne Viaduct, which is Grade II listed and Hill Place Farm House, which is similarly Grade II listed, that is located to the south of the site.

The Bluebell Railway that runs along the western boundary of the application site is recognised with the EGNP as a non-designated heritage asset.

It should be noted that at the outline application stage a detailed heritage assessment was submitted that considered the significance of the designated heritage assets and the impact that the proposed development would have on them.

At this point is considered relevant to draw attention to the Inspectors report that stated the following in respect of Hill Place Farm House;

*'282. The heritage statement identifies two Grade II listed buildings which may be affected by the scheme, namely Hill Place Farmhouse and the Imberhorne Viaduct. In both cases there could be impacts on setting. There would be no direct impacts on either listed building. Hill Place Farmhouse is a medieval hall-house, now much altered, which was listed for its interior. Its former agricultural setting has been diminished by modern agricultural and industrial buildings. I consider that the setting of this listed building make very little contribution to its significance as a designated heritage asset. Moreover, that setting would not be materially altered by the appeal scheme. At the Inquiry no party suggested that there would be any harmful effect on Hill Place Farmhouse. I agree.'*

The Secretary of State in his decision letter agreed with the Inspector that there would be no impact on the Grade II listed Hill Place Farmhouse itself or on its setting. Having regard to this, it is not considered that the proposed details will have an impact on this heritage asset or its setting and is not considered further.

In relation to the Imberhorne Viaduct, the Secretary of State in his decision letter stated the following;

*'18. Turning to the Grade II listed Imberhorne Viaduct, the Secretary of State agrees with the Inspector at IR288 that, for the reasons given at IR283-287, there would be "less than substantial" harm resulting from the impacts of the appeal scheme on views of the viaduct from ground level and that these are required to be balanced against the public benefits of the proposals. He further agrees that, for the reasons described by the Inspector at IR288, the appeal scheme would greatly enhance the ability to experience the viaduct from the SANGs within the northern part of Parcel A and, for the reasons given at IR289, the public benefits of the scheme as a whole would outweigh the harm to the significance of the designated heritage asset. Nevertheless, the Secretary of State agrees with the Inspector at IR290 and IR295 that there would be some harm to the setting of the viaduct, which needs to be taken into account in the overall planning balance.'*

The above represents the starting point of considering in relation to the details contained within this submission, which again needs to consider the potential impact of the proposals on this designated heritage asset. In considering the application the Council's Conservation Officer has stated the following;

*'The Secretary of State has found that the development has no impact on Hill Place Farmhouse or its setting. I will therefore not consider this further here. He has however concluded that there would be less than substantial harm caused to views of the Imberhorne Viaduct which should be taken into account. The detailed layout and landscaping of the proposed development as now submitted therefore stands to be considered in this respect.*

*The Planning Inspector, who's findings the Secretary of State is in agreement with, identifies less than substantial harm to the significance of the viaduct arising from blocking of some existing views of the viaduct, particularly from the southern part of Parcel A, The Coach House and Turners Hill Road.*

*Although there have been revisions made to the form and layout of the development in the current detailed submission in comparison to the Illustrative Masterplan forming part of the outline application approved at appeal, it is not considered that these revisions will have any material effect on the impact of the proposal on the views of Imberhorne Viaduct identified by the Planning Inspector. For this reason the detailed proposal must be considered to have a less than substantial harmful impact on the significance of the Viaduct, as experienced in these views.*

*This less than substantial harm would, as set out in paragraph 196 of the NPPF, stand to be weighed against the public benefits of the scheme, including the public benefit identified by the Inspector at IR288 of the improved public experience of the Viaduct from the new SANGS within the northern part of the site.'*

Having regard to the above, your officer agrees that the current proposal would have a less than substantial impact on the setting of Imberhorne Viaduct.

It is noted that the Conservation Officer has commented on the removal of a section of hedging that runs across the site as its removal would impact on the established rural views from the Railway and Viaduct. The section of hedging is being removed to facilitate the development and the submitted landscaping plans show that suitable and appropriate native planting is proposed to mitigate this impact. It is not considered that this alters the degree of harm to the setting of this heritage asset. Furthermore, the details of security fencing to the Railway, which would be agreed with the Bluebell Railway themselves, can be considered as part of the details required under the proposed boundary treatment condition, and again it is not considered that this issue alters the degree of harm to the setting of this heritage asset that has been identified above.

In respect of Bluebell Railway as a non-designated heritage the Inspectors report set out the following comments and conclusions;

*291. 'The Bluebell Railway is recognised as a non-designated heritage asset in the EGNP which notes that the railway has historic significance for growth of East*

*Grinstead. I consider that engineering structure, such as bridges and tunnels, together with station buildings and the trains themselves all add to the significance of the asset. Being a linear feature, the setting of the railway is necessarily extensive. The setting of the Imberhorne Viaduct is a small part of the setting of the railway as a whole. For the reasons given above, it is my view that any impact on the setting of the Viaduct (as seen from ground level) would be minor.*

*292. It seems to me that the experience of passengers is of particular importance when assessing the ability to experience a heritage railway. For the reason given above, I do not think that there would be any material impact on the experience of passengers crossing the viaduct. I appreciate that some new houses would be in view from a public footpath which crosses the railway to the south of the site. No doubt this bridge is a good vantage point for watching the trains. Even so, I see no reason to think that the experience would be significantly harmed by a glimpse of some housing.*

*294. My overall assessment is there would be a negligible impact on the significance of the Bluebell Railway. I appreciate that the extension of the railway to East Grinstead was a significant community achievement and that the railway is much valued locally as part of the history of East Grinstead and as an important visitor attraction. However, the suggestion that the appeal scheme would somehow diminish the attractiveness of the railway to future visitors was not supported by the evidence before the Inquiry. I see no reason why that should be the case.'*

The above reason was supported by the Secretary of State in his decision letter.

Having regard to the details contained within the submission and bearing in mind the Inspectors assessment as set out above, it is considered that the proposal would have a negligible impact on the Bluebell Railway as non-designated heritage asset.

In accordance with paragraph 193 of the NPPF 'great weight' needs to be given to the less than substantial harm identified. Having regard to paragraph 196 of the NPPF, It is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing), economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above. The harm should nonetheless be given considerable importance and weight in accordance with the provisions of the 1990 Act.

In light of the above analysis on heritage assets and securing appropriate mitigation, and subject to the balancing exercise in the conclusion section regarding the identified less than substantial harm, the development accords with policy DP34 of the DP, policy EG4 of the EGNP, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

### **Landscaping / Impact of 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'*. Furthermore, Policy DP26 requires layouts in include appropriate landscaping and greenspace.

Policy EG3 of the EGNP sets out that development will normally be permitted where, amongst other matter, development proposals *'make provision for green infrastructure and biodiversity enhancement*.

The submitted details contain detailed landscaping proposals for the site that has been amended during the course of the application in response to matters raised.

The landscaping proposals involve a comprehensive planting scheme across the site of native species, with tree planting proposed along the main spine road of a single, appropriate specie. A line of native trees is also proposed to be planted along the boundary with Barredale Court, in addition to a landscape buffer proposed along the boundary with Old Mill Cottage. While a section of hedging will be removed to facilitate the development, alternative native planting is proposed and having regard for the proposed landscaping scheme as a whole, your Tree and Landscape officer is not raising an objection.

It is considered that the proposed landscaping is appropriate in its scale and form and will provide a suitable blend of planting that will contribute to providing a high quality environment that is appropriate to its wider setting.

In respect of the implications for trees within the application site, the submitted supporting information identifies that seven individual trees and one group of trees will be removed to facilitate the development, along with the partial removal of four hedgerows. The majority of the vegetation to be removed is classified as Category C (trees of low quality and value), however, one individual tree and one group of trees are classified at Category B specimens (trees of moderate quality and value). The Category B trees are needed to be removed in order to facilitate the construction of the proposed site access. Given the proposed extensive landscaping proposed for the site, it is not considered that the removal of this small number of trees, or partial removal of hedgerows would impact negatively on the wider character and appearance of the area.

Within the representations a number of concerns have been raised regarding the potential impact of the development on trees that are located adjacent to the site, but not in the ownership of the applicant.

The first relate to a trees located within the bank that separates the development site from The Lodge and The Coach House, where the concern principally relates to their potential destabilisation as result of ground level changes and through the erection of any boundary fencing. The submitted details show that there will be limited ground works in the vicinity of the base of the bank and the applicants have confirmed that the proposed fencing will be located 2.7m from the site boundary, again away from the tree line. Your tree officer was originally concerned about the potential impact on these trees, as can be seen from her comments in appendix B to this report, but the amendments undertaken by the applicant in relation to the details now before Members have addressed those concerns, and it is not considered that any harm should arise in respect of those trees through as a result of the development.

The other matter particularly identified is the potential impact of the proposal on a Category A Austrian Pine that is located in the northeastern corner of the garden of Barredale Court, immediately to rear of a section of fencing that forms the boundary to the application site at this point.

The owner of the tree (Barredale Court) has submitted representations, supported by arboricultural reports undertaken by qualified consultants, regarding the potential impact of development proposals within the Root Protection Area (RPA) on the health of the tree, as well as the potential impact of shading on the future occupiers of the nearest plot 31. Furthermore, concerns are raised about the inaccuracies within the applicants' submissions and it should be noted that a Tree Preservation Order (TPO) request has been considered separately by officers.

It is worth noting with regard to any potential inaccuracies with the applicants submissions that they have not had access to private land to undertake survey work, thus it is based upon that which was available to them (it has been identified by owner of the tree owner that the applicants have incorrectly plotted the pine tree, which should be 5.5m further to the northeast). In considering any potential impact on the tree in question, all the information submitted by all parties has been considered by your Tree and Landscape Officer and any inaccuracies are not determinative on this point. It is agreed by all parties that the Austrian Pine is a grade A tree.

The submitted documentation from the owner of the tree sets out that the proposed works associated with the development, that include ground level changes and the construction of a turning head (with associated infrastructure and details) will result in unacceptable incursion within the RPA (they calculate that incursion relates to 20.1% of the RPA). It considers that the proposed incursion is likely to lead to major physiological dysfunction and probable demise of the tree. To prevent this, it considered that there is no incursion and the proposal should be amended accordingly.

With regard to information supporting the application, notwithstanding the issue with the trees position, the Tree Survey Report and Arboricultural Impact Assessment identifies that the combined works surrounding the pine tree (ground surfacing and change in levels) will impact on 18.7% of the RPA, which they consider is acceptable within the design recommendation referred to section 7.4.2.3 of BS5837 (2012) (British Standards Trees in relation to design, demolition and construction - Recommendations).

Following initial concerns being raised by your Tree and Landscape officer concerning the impact of the proposals on the Austrian Pine, the applicants have made changes to the layout of the scheme in this area ( as reflected in the proposals before Members) that include moving plot 90 to the north and relocating the parking spaces off plot. The main incursion results from the proposed turning head.

The concerns expressed regarding the potential impact of the Austrian Pine due to incursion within its RPA have been carefully considered by officers and it is felt that with appropriate conditions which will secure details of a suitable construction method for the turning head (which are is based upon the protection the tree roots)



and the use of protective construction practices within the vicinity of the tree, the proposed works are acceptable by the Council's Tree and Landscape officer. It should be noted that in reaching this view the Council's Tree and Landscape officer has considered all the information available, visited the site and used their professional judgement.

In addition to securing protective construction practices in the vicinity of the Austrian Pine, your Tree and Landscape Officer has suggested that these should also be applied in the vicinity of trees along the boundary to The Lodge and The Coach House, as well as the Bluebell Railway boundary.

Separate to this planning application, officers have considered a request to place a TPO on the Austrian Pine which has been considered in line with its normal criteria. When considering whether a tree is appropriate for an Order it must have significant public amenity and there must be an expediency (i.e. an immediate threat). Officers reviewed the request on this basis and considered that it did not meet these requirements having regard to the position of the tree and its lack of public prominence and the fact that owner does not wish to undertake inappropriate works. As such, a TPO has not be pursued by officers but should there be a change in circumstance than this can be reviewed in the future.

Having regard to the amendments undertaken in relation to the plot 91, your Tree and Landscape officer is content that previous concerns relating to potential future conflict with the property have been addressed and it is not considered that unacceptable levels of shading will occur that will significantly harm the amenities of future occupiers or place pressure on the tree, which itself is in private ownership.

On the basis of the above, officers are content that the landscaping and arboricultural matters that the application accords comply with Policies DP26 and DP37 of the DP and EG3 of the EGNP.

## **Sustainability**

Policy DP39 of the DP seeks to improve the sustainability of developments and the applicants have submitted a sustainability statement that sets out how they are seeking to do this. Policy DP42 of the DP sets out that development must meet certain requirements regarding water consumption.

Policy EG13 of the EGNP sets out that *'on major business and housing schemes, proposals will be expected to include measures such as solar generation, ground source heat pumps, and home electric charging points where practical.'*

The applicants have set out that they are adopting a fabric first approach and they state the following measures will ensure a sustainable community;

- Energy efficient fabric to reduce embodied energy and reduce heating bills
- Dwellings will be fitted with water efficient fixtures to help ensure that indoor water use is limited to 110 litres/person/day
- Sustainable Urban Drainage Strategies

- Site waste management plan and construction environment plan to reduce waste and limit impacts during construction
- Electric car charging points are to be provided in some garages

It is considered that the application on with regard to these matters complies with Policies DP39 and DP42 of the DP and policy EG13 of the EGNP.

### **Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)**

Policy DP17 of the DP seeks to prevent adverse effects on the Ashdown Forest SPA and SAC and Policy EG16 of EGNP seeks to achieve similar aims.

The matter was given careful consideration as part of the determination process associated with DM/15/0429, where a HRA screening report was undertaken, and the subsequent appeal Inquiry. The developments approach to this issue was agreed by Natural England and the on-site provision of a SANG is secured through the S106 Legal Agreement, along with a financial contribution towards Council's SAMM strategy.

The proposed development, with the mitigation already secured, 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.

It is considered that the application accords with policy DP17 of the DP and policy EG16 of the EGNP.

### **Other Matters**

In respect of drainage, the outline permission secured details of both the surface water and foul water drainage designs by condition and these details still need to be submitted, considered and discharged prior to the commencement of works on site. The details submitted in support of this application show that the approach to drainage has not changed from that previously discussed with the engineers at the Outline stage. The intention of the strategy is to not significantly alter how the developed land drains to the ancient woodland on the lower slope. The proposed layout shows the use of attenuation ponds with a controlled spread discharge to the lower land slopes, and infiltration where possible. Given that these matters are already subject to conditions attached to the outline permission there is nothing to suggest that the details contained in this application do not accord with policy DP41 of the DP.

Matters associated with ecology were secured at an outline stage through a condition that required the approval of Ecology Management Plan, condition 14 referred. The applicant has previously submitted this to the Council under a separate condition discharge process and after review by the Council's Ecology Consultant, it was considered acceptable and the condition discharged. There is nothing to suggest that the details contained within this application do not comply with policy DP38 of the DP.

It will be noted that the submitted plans show the provision of SANG (a Suitable Alternative Natural Green space) which is to be provided by the applicant to mitigate its impact on the Ashdown Forest in relation to the Habitat Regulations, as set earlier in the report. The SANG was granted a detailed consent as part of the appeal process and is subject conditions and obligations within the signed Legal Agreement. As such the details relating to this element are not for consideration as part of this application although in approving the layout, the location of the SANG car park will be set.

A number of the representations have raised concerns over applicant's engagement prior to the submission of the application and in particular their Statement of Community Involvement submitted in support of the application, which they consider does not meet the Council requirements, thus making the application invalid. The Council is not prescriptive on the nature of community engagement that is undertaken by the applicant prior to the submission of a major application and within the submitted SCI the applicants have set out the engagement undertaken that involved a public exhibition, and provides a summary of the feedback received. While local residents may not agree with the manner in which the applicant undertook pre-application engagement, the submitted SIC demonstrates that such engagement did occur and as such the application is a valid submission and it is not a reason to refuse the application proposals.

### **Planning Balance and Conclusion**

To summarise, planning permission has been granted for this development by the SoS. Therefore the principle of the development, together with the means of access into the site has been approved. It is therefore necessary for an assessment of the reserved matters to be made against the policies of the development plan (the DP and the EGNP) and other material planning considerations, including national government advice in the NPPF.

With regards to the design and layout of the site, it is considered that this is sound. The perimeter block layout generally works well with building frontages that positively face towards the open spaces and attractive boundary edges. The positioning of most of the blocks of flats around the central open space provides the scheme with a focus. The mix of traditional and contemporary design provides architectural diversity across the site and it is considered that the overall quality of design will result in an interesting and attractive development.

With regards to the impact on neighbouring amenity, the test within policy DP26 of the DP is to avoid '*significant harm*'. It is clear that there will be a very significant change for the occupiers of those properties that adjoin the site to the north and south as the existing green field is replaced with a major housing development. However the principle of this has been accepted by the grant of outline planning permission. As Members will know simply being able to see a development does not equate to harm. It is recognised that the development will result in some harm to the amenities of occupiers that adjoin the site through however, it is not considered that significant harm would be caused in relation to overlooking, loss of privacy, enclosure, loss of light or over shadowing that would warrant the refusal of the application.

The means of access to the site has been approved at the outline stage. The Highway Authority has no objection to the internal layout of the site and considers the level of car parking to be satisfactory. It is considered there are no grounds for the Local Planning Authority to come to a different view to the Highway Authority. It is considered that cycle provision is also satisfactory.

The scheme will provide a policy complaint level and type of affordable housing. This should be afforded significant positive weight in the planning balance.

The proposed landscaping scheme is considered to be comprehensive and acceptable. Measures are to be put in place, via planning conditions, to ensure that the detailed construction of work in proximity to important trees immediately adjacent to the development site around the Barredale Court complex is acceptable to limit any likely impact on their long term health.

Matters associated with drainage, ecology and Ashdown Forest were considered acceptable and mitigation secured through the outline planning permission and as such this application has a neutral impact with regard to these issues.

There would be some harm to the setting of Imberhorne Viaduct, which would be classified as less than substantial as categorised in the National Planning Policy Framework (NPPF). This less than substantial harm must be given considerable importance and weight in the overall planning balance, to properly reflect the provisions with the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. It is considered that in the planning balance, the provision of new housing (including affordable housing), economic benefits including construction jobs, additional spending in the locality and new homes bonus) the public benefits outweighs the less than substantial harm that is caused to the setting of the listed buildings identified previously in this report.

To conclude, it is considered that the reserved matters details that have been submitted comply with policies DP17, DP21, DP26, DP27, DP28, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42, policies EG3, EG4, EG7, EG12, EG13 and EG16 of the EGNP and the NPPF.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Notwithstanding the details submitted with the application, no development shall be carried out unless and until a schedule/sample of materials and finishes to be used for external walls and roof of the proposed dwellings, along with how they will be applied to the approved 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 East Grinstead Neighbourhood Plan.

2. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, 1:20 section and front elevation drawings of the following shall be submitted to and approved in writing with the Local Planning Authority;
  - a typical vignette of a block of flats including the projecting bays/windows and dormer windows with the balcony, balustrade and roof
  - a typical house in character area B showing the ground and first floor window grouping

In addition, details of the window designs for all buildings types shall be submitted to and approved in writing with the Local Planning Authority

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

Reason: To ensure the architectural quality of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

3. Notwithstanding the information submitted with the application, prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, details of proposed screen walls and hedges have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until such screen walls, fences and hedges associated with them have been erected or planted.

Reason: To protect the appearance of the area and provide suitable security measures to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the East Grinstead Neighbourhood Plan.

4. Notwithstanding the information submitted with the application, prior to the commencement of development, details of the measures to protect the tree and hedgerows on the site, and those immediately adjacent, that are to be retained shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be maintained for the duration of the construction phase of the development.

Reason: To ensure adequate tree protection and to accord with Policy DP37 of the Mid Sussex Local Plan.

5. All digging for the implementation of works associated with building foundations, fence posts or screen walls and piers within the RPA of trees on the boundary to the Bluebell Railway and neighbouring residential properties, shall be carried out with hand tools only, major roots that are discovered shall not be damaged and foundations shall be bridged in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this part of the development.

Reason: To ensure the retention of trees which are important visual amenity in the locality and for residential amenity and to accord with Policy DP37 of the Mid Sussex District Plan 2014-2031.

6. Prior to the commencement of construction of plot 90 or the road infrastructure in the immediate vicinity, including construction of foundations, details of the no-dig solution and method of construction in order to protect the roots of adjacent Austrian Pine Tree shall be submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure the retention of trees which are important visual amenity in the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014-2031.

7. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority in respect of the submission of a Slope Stability Report in relation to boundary of the site with Old Mill Cottage. The development shall be carried out in accordance with the details agreed in such a report.

Reason: To ensure the ground is suitable for the construction of the dwellings due to the ground levels and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of East Grinstead Neighbourhood Plan.

8. The following windows at shall at all times be glazed with obscured glass fixed to top vent opening only;

Plot 7 - first floor flank window serving bedroom as shown on drawing 6649/161

Plot 59 - first floor flank window serving kitchen as shown on drawing 6649/81 Rev C

Plot 61 - first floor rear window serving kitchen as shown on drawing 6649/81 Rec C

Plot 62 - second floor flank window serving kitchen as shown on drawing 6649/81 Rev C

Reason: To protect the amenities and privacy of the adjoin property and to accord with Policy DP26 of the Mid Sussex Local Plan 2014-2031 and Policy EG3 of East Grinstead Neighbourhood Plan.

9. Notwithstanding the provision of The Town and Country Planning (general Permitted Development) (England) Order 2015 or as amended in the future no windows or other openings (other than those shown on the plans hereby approved) shall be formed in flank walls of plots 1, 7 and 67 without the prior specific grant of planning permission by the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties and to accord with policy DP26 of the Mid Sussex Local Plan and Policy EG3 of East Grinstead Neighbourhood Plan.

## Approved Plans

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

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

## INFORMATIVES

1. 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
Proposed Floor and Elevations Plan	6649-80	D	18.10.2019
Proposed Floor Plans	6649-81	C	16.09.2019
Proposed Elevations	6649-82	C	16.09.2019
Proposed Floor Plans	6649-83	B	16.09.2019
Proposed Elevations	6649-84	B	16.09.2019
Proposed Floor and Elevations Plan	6649-85	B	16.09.2019
Proposed Floor and Elevations Plan	6649-86	C	18.10.2019
Proposed Floor Plans	6649-87	B	16.09.2019
Topographical Survey			18.03.2019
Survey	06-01	P01	18.03.2019
Landscaping	2136.18-02	I	18.10.2019
Landscaping Details	2136.18-06	D	18.10.2019
Landscaping Details	2136.18-07	C	18.10.2019
Landscaping Details	2136.18-08	C	18.10.2019
Other	2136.18-10	C	16.09.2019
Other	2136.18-11	C	16.09.2019
Landscaping Details	2136.18-17	A	16.09.2019
Landscaping Details	2136.18-18	A	16.09.2019
Landscaping Details	2136.18-19		16.09.2019
Means of Enclosure	2136.18-22	G	18.10.2019
Landscaping Details	2136.18-24		16.09.2019
Planning Layout	6649-03	T	18.10.2019
Location Plan	6649-08		18.03.2019
Site Plan	6649-09	E	18.10.2019
Site Plan	6649-10	E	18.10.2019
Site Plan	6649-11	E	18.10.2019
Site Plan	6649-12	E	18.10.2019
Other	6649-15	D	16.09.2019
Other	6649-16	B	16.09.2019
General	6649-17	B	16.09.2019

Proposed Elevations	6649-88	B	16.09.2019
Proposed Floor Plans	6649-89	B	16.09.2019
Proposed Elevations	6649-90	B	16.09.2019
Proposed Floor and Elevations Plan	6649-94	B	16.09.2019
Proposed Floor and Elevations Plan	6649-100	B	18.10.2019
Proposed Floor and Elevations Plan	6649-120		16.09.2019
Proposed Floor and Elevations Plan	6649-121		16.09.2019
Proposed Floor and Elevations Plan	6649-122		16.09.2019
Proposed Floor and Elevations Plan	6649-123		16.09.2019
Proposed Floor and Elevations Plan	6649-124		16.09.2019
Proposed Floor and Elevations Plan	6649-125		16.09.2019
Proposed Floor and Elevations Plan	6649-126		16.09.2019
Proposed Floor and Elevations Plan	6649-127		16.09.2019
Proposed Floor and Elevations Plan	6649-128		16.09.2019
Proposed Floor and Elevations Plan	6649-129		16.09.2019
Proposed Floor and Elevations Plan	6649-130		16.09.2019
Proposed Floor and Elevations Plan	6649-131		16.09.2019
Proposed Floor and Elevations Plan	6649-132		16.09.2019
Proposed Floor and Elevations Plan	6649-133		16.09.2019
Proposed Floor and Elevations Plan	6649-134	A	16.09.2019
Proposed Floor and Elevations Plan	6649-135		16.09.2019
Proposed Floor and Elevations Plan	6649-136		16.09.2019
Proposed Floor and Elevations Plan	6649-137		16.09.2019
Proposed Floor and Elevations Plan	6649-138	A	16.09.2019
Proposed Floor and Elevations Plan	6649-139		16.09.2019
Proposed Floor and Elevations Plan	6649-140		16.09.2019
Proposed Floor and Elevations Plan	6649-141		16.09.2019
Proposed Floor and Elevations Plan	6649-150		16.09.2019
Proposed Floor and Elevations Plan	6649-151		16.09.2019
Proposed Floor and Elevations Plan	6649-152		16.09.2019
Proposed Floor and Elevations Plan	6649-153		16.09.2019
Proposed Floor and Elevations Plan	6649-154		16.09.2019
Proposed Floor and Elevations Plan	6649-155		16.09.2019
Proposed Floor and Elevations Plan	6649-156		16.09.2019
Proposed Floor and Elevations Plan	6649-157		16.09.2019
Proposed Floor and Elevations Plan	6649-158		16.09.2019
Proposed Floor and Elevations Plan	6649-159	A	16.09.2019
Proposed Floor and Elevations Plan	6649-160		16.09.2019
Proposed Floor and Elevations Plan	6649-161		16.09.2019
Proposed Floor and Elevations Plan	6649-162		16.09.2019
Proposed Floor and Elevations Plan	6649-163		16.09.2019
Proposed Floor and Elevations Plan	6649-164		16.09.2019
Proposed Floor and Elevations Plan	6649-165		16.09.2019
Proposed Floor and Elevations Plan	6649-166		16.09.2019
Proposed Floor and Elevations Plan	6649-167		16.09.2019
Proposed Elevations	6649-168		16.09.2019
Street Scene	6649-180	B	18.10.2019
Street Scene	6649-181	A	16.09.2019
Street Scene	6649-182	A	16.09.2019
Street Scene	6649-183	A	16.09.2019
Block Plan	6649-14	C	18.10.2019
Other	6649-18	A	16.09.2019
Sections	6649-95	D	18.10.2019
Sections	6649-96	E	18.10.2019
Sections	6649-101	D	16.09.2019



## APPENDIX B – CONSULTATIONS

### Parish Consultation

14/10/19 - Recommend refusal due to the number of plan and supporting document discrepancies and non-response to enquiries and concerns that have been raised by other representors especially the security of the neighbouring sites. The lack of sustainability of the site is also a concern and it will not comply with planning policies. Committee note that very little change has been effected on the plans following the comments that the committee made in April.

Specifically the removal of plot 90 from the plans, adjustments to the plan for plot 31. Block B further away or lowered so that no loss of privacy is incurred. Revised plans for plot 31. Further concession for plots 5 and 6 to lower sight lines, Better strategy to safeguard against flooding and land slip from the inevitable water run-off, The needs of a new sustainable way of living are not met, solar panels for example and no community hub/ asset that would be the centre of the development. A better design of the streets and thorough overhaul of the travel plan that enables model shift.

District Plan Policies: DP26 DP20 DP21 DP25 DP39 DP41 and DP42  
Neighbourhood Plan Policies: EG3 EG5 EG11 and EG15 are all compromised.

### Parish Consultation

Committee as per 15 April 2019: The committee noted the concerns of the various neighbours who had lodged their objections with MSDC. Committee urge MSDC to please respond to the points raised in those representations and asked that they ensure that they are all addressed by the developers. Committee commend the affordable housing percentage of the development.

Committee recommend refusal on the design of the development the impact on Mill Cottage by the 6 homes that are at the base. There were concerns as to the foul water sewerage capacity. While there are plenty of details on water run off surface water, there is no detail as to the foul water solution and without this detail the application must not be agreed. The flats are inappropriately positioned on the high part of the development as they will overlook the existing properties at the lodge and coach house. The town house should not have dormers fitted.

The hedgerow that is currently on the border of the property will result in easy access to the properties EG3(g) would not support the application.

The 100 year wall could be damaged by excavations and all care must be taken to avoid this and ensure it remains safe. A Cyprus tree on the property has great amenity value and also needs to ensure protection through the works.

Committee continue to have concerns as to the Access and egress sightlines to the busy road.

Committee also note that there is no S106 agreement yet and without sight of this will not be able to recommend approval.

The Committee would like to see a community facility such as a shop included in this development.

## **MSDC Urban Designer**

### Summary and Overall Assessment

This is an attractive, but awkward, sloping site and the proposed SANG (Suitable Alternative Natural Greenspace provision in lieu of Ashdown Forest) together with the back drop of the listed railway viaduct provides the development with a distinctive setting. However its hillside location also means it is prominently positioned when viewed westwards across the valley from the town. Retaining a large area of open space in the form of the SANG together with the retained boundary trees and proposed landscaping should nevertheless help to soften it.

The perimeter block layout generally works well with building frontages that positively face towards the open spaces and attractive boundary edges. Revised drawings have been received which address most of the Design Review Panel and my previous concerns in respect of the original submission. In particular, the quality of the elevations (particularly the flats) have been improved and more architectural diversity has been provided across the site with the application of different materials and detailing, as well as variation in density with the blocks of flats appropriately concentrated around the open space that forms the focus of the layout near the centre of the site.

The ground levels have been re-profiled with the houses adjacent to the main Turners Hill Road entrance now sitting lower and less prominently along the road frontage allowing the soft landscaped edge to provide a partial screen that allows some of the sylvan and rural quality to be retained here.

Revised drawings have also been received that improve the integration of the parking and better address the awkward topography including a reduction in the stepped rear garden boundaries, although there are still some concerns along the steeper frontages.

The application of the facing materials is still disappointing with many of the houses still featuring façade treatment that incongruously peel away at the sides. Both the DRP and I believe this needs to be addressed, and that further detailed drawings are required to secure the quality of the contemporary elevations.

In conclusion, I raise no objections to the application but would recommend conditions requiring the further approval of drawings/information in respect of the following:

- The application of facing materials on all the buildings in addition to the details/samples
- The window design of all the buildings.
- Detailed landscape plans including all boundary treatment
- 1:20 section and front elevation drawings showing: (i) a typical vignette of a block of flats including the projecting bays / windows and dormer windows with the balcony, balustrade and roof; (ii) a typical house in character area B showing the ground and first floor window grouping.

### Layout

Overall the scheme is well laid-out in a series of perimeter blocks with the building frontages largely organised so they face the open spaces, the boundary trees and hedgerows, which provide an attractive backdrop to the public realm. This includes the proposed SANG which benefits from the natural surveillance of surrounding buildings across the most accessible part of this open space south of the railway line. The revised drawings now show a direct pedestrian connection that improves the integration of the SANG by linking the houses to the south of the space.

The "Central Green" space is well positioned half way up the hill and forms a natural central focus for the upper part of the development, and the provision of a play area in this space should help it become a gathering point for the new community. The principle of locating blocks of flats around it, is supported, as being without private gardens, they get most benefit from the proximity of the open space. The higher density generated by the flats is also commensurate with its central position.

The main spine road appropriately links the site entrance with the "Central Green". It benefits from formality generated by a consistent line of trees and an attempt to give some repeated order to the frontages. The revised drawings have improved this frontage by: (i) pulling forward the building frontages plots 55/56 and discreetly accommodating the parking at the side (rather than the front), (ii) redesigning the area around the pumping station with the loss of some of the adjacent parking and introduction of soft landscaping that with time should screen the structure.

The following further improvements have been made:

- The parking is more evenly spaced between the houses providing more consistent separation gaps and reducing larger areas of parking. This applies to plots 5/6, 7/8, 121-124, 144/145
- The parking has been better integrated elsewhere too with plots 146/147 pulled forward to define the line of the street and the parking re-positioned from the front to the side.
- Plot 31 now properly addressing the footpath link around the perimeter of the site.
- The parking has been re-positioned away from plot 90 reducing the impact upon the nearby overhanging tree on Barredale Court side of the boundary.
- More space has been provided at the front of plot 188-190 to accommodate tree planting to soften the front threshold parking.
- The turning head serving plots 8-12 has been re-positioned and is now not so imposing upon the SANG.

There are nevertheless a couple of areas in particular where my concerns have not been addressed. The parking along the secondary road between 34-41 and 125-129 is poorly organised and too dominant, also generating poor levels of street enclosure, and the same applies to the right angle parking in front of plots 92-95.

### Elevations

The elevations have been significantly improved with the introduction of more contemporary detailed flats and houses within the character B area. The block of flats benefits from underlying rhythm provided by more vertically articulated frontages featuring repeated projecting bays. This and the lower eaves line allow the buildings to work better with the scale and proportions of the houses.

The houses along the spine road benefit from a consistency of form and facing materials that along with the regular line of tree should give this main axis some underlying formality. However particular care needs to be given to dealing with the step in levels; the street elevations suggest that retaining walls will be needed at the front probably necessitating additional boundary treatment not currently shown on the revised boundary plan. Furthermore the latter still shows close-boarded fences on some prominent frontages; I therefore feel this needs to be subject to condition.

The identity of different character areas has been further reinforced by avoiding a random distribution of materials and employing consistent facing materials within each character area that provides a distinct contrast between them.

Unfortunately many of the house's still feature secondary facing materials that incongruously peel back at the sides. This will be easily visible because of the sizeable separation gaps and different levels between the buildings, and therefore needs to be addressed with the facing materials carried all the way around. Equally the incorporation of fake glazing bars undermines architectural integrity and are inconsistently shown on the street and house elevations; and there are also inconsistencies with the window configurations on the elevations and the floorplans for the blocks of flats. For this reason I am recommending that both issues need to be addressed through condition.

The fake chimneys are also unfortunate.

### Summary of initial comments

Objection

### **Mid Sussex Design Review Panel**

The Panel's Comments

The panel agreed that the revised drawings were a significant improvement upon the original application submission that has addressed most of their previous concerns:

- The quality of the elevations had improved particularly in respect of the introduction of a more contemporary approach that had been successfully applied to the blocks of flats and the houses in character area B. This together with a wider palette of materials also contributes to greater architectural diversity across the site.
- The introduction of barn hips on some houses also helps provide more variety to the roofline and reduces the prominence and number of full gabled flanks.
- The area around the pumping station has been re-designed with the loss of some of the adjacent parking and introduction of soft landscaping that with time should screen the structure.
- The section drawings have been improved and are more comprehensive. In particular the ground levels have been re-configured enabling a reduction in the height of rear garden retaining walls on the lower side of the slope, making them feel less oppressive (it was also suggested that the fence and wall could be softened by stepping the fence behind the retaining wall area to accommodate a planted area).
- A direct footpath now links the SANG (Suitable Alternative Natural Greenspace for the Ashdown Forest) with the houses on the southern side, and section drawings have helpfully been supplied that show the proposed planting along the steep slope between the houses and the SANG.
- The spine road will now be planted with a consistent line of Italian Alder's rather than the fastigate oak that is preferred because of its shape and clear stem. There will still need to be careful coordination with the utilities and lighting to ensure the regular arrangement of trees can be achieved.
- A drawing has been provided that shows sufficient soil volume to support the trees. However the top and sub soil will need to be appropriately mixed.

The panel also commended other improvements including the reduction in the levels on the Turners Hill Road frontage that should reduce the impact of the development along the road frontage and improve the relationship with the neighbouring Old Mill Cottage.

The large pine tree that overshadows the southern corner of the site was discussed. While a number of positive changes had already been made by the applicant to reduce the impact of the development upon the tree, it was understood there were still concerns about its

safeguarding which the panel agreed needed to be assessed by the Council's arboriculturist. It was nevertheless suggested the intervention of the turning head within the root protection area (RPA) could be minimised with a change of surface (such as gravel or grasscrete) and a condition that stipulates a no-dig requirement within the RPA.

The panel were nevertheless critical of the application of the facing materials because a significant proportion of the houses still featured inconsistent front and back elevations with the facing material incongruously peeling away at the sides. This undermines the integrity of the architecture and because of the topography and the separation gaps between the buildings, it will unfortunately be clearly visible from the street frontages adversely impacting the quality of the scheme. It was therefore recommended that a condition is included that addresses this.

Chimneys feature on some of the houses. However because they serve no function, they too undermine the honesty of the architecture and would be better omitted, with the saving invested in the facing materials.

Care also needed to be taken in the detailing and the choice of materials used in the contemporary designed buildings; for instance the grouping material used between the windows needs to be recessed so that it reads as one with the windows. A condition requiring detailed drawings to secure the quality of the finishes was also recommended.

#### Overall Assessment

The panel support the scheme subject to the above conditions being included in the officer's recommendation

#### Summary of Original Comments

While the overall layout can be commended (subject to the topography) it is let-down by unimaginative building design and over-reliance on similar standard houses, and man-made materials some of which were inconsistently applied at front and back.

The panel object to this scheme

#### **MSDC Tree and Landscape Officer**

My previous concerns have been addressed, however, I would like to request a detailed drawing of level changes/ adjacent wall and any surfacing proposals for the area adjoining the RPA of the pine.

Also, request condition requiring hand digging of posts/ piers etc. within tree RPAs, particularly those running parallel with the Bluebell railway and abutting residential properties.

#### Original comments

With regard to the trees, I have particular concerns regarding the Austrian pine located off site within Barradale Court. The RPA is likely to extend significantly more than shown as there is limited space for root growth on the other side. Also the edge of the canopy will almost abut the corner of the roofline of one of the proposed houses. This will result in future pressure on the tree, especially as the garden area to this property is already cramped.

Proposed planting along the boundary with Barredale Court is too close to the wall which is an established feature.

The southern part of the site abutting The Coach House and Cliff is characterised by a number of Scots pines with Norway maples and other vegetation fronting them, looking inwards towards the site. It is not clear how boundary treatment will work here and ensure that the trees, particularly the Scots pines will be retained and protected. The steep bank and their proximity to each other mean that it may be difficult to remove some trees without impacting on others. Details required of boundary treatment in relation to trees. I am assuming that paths will have permeable surfaces to allow for run off, particularly from banked areas such as this.

In the southwest corner of the site, I am concerned about the future pressure on large oaks and other species along the boundary with the railway, particularly the three most westerly plots. The trees all along the boundary with the railway are important as a wildlife corridor and screen.

Planting within the site is suburban and utilitarian and I would like to see more use of natives, in accordance with DP37. I appreciate that much of this is within individual gardens, however, I would like to see some more attempts at planting around the edge of the site which would ameliorate the loss of hedgerow areas.

Some small areas of native shrubs, creating thickets outside the developed areas of the site would be better than extensive areas of proposed meadow grassland. This is rarely maintained correctly and requires proper management in order to be a feature of any worth or a useful food/habitat area.

I'm not convinced that the use of fastigate oaks is appropriate for street trees here.

Whilst the tree report, survey and tree protection are all appropriate and detailed, I consider that further details are required of boundary treatments in the areas I have mentioned.

### **MSDC Conservation Officer – Emily Wade**

The application site is an area of open fields to the west of Turners Hill Road, just to the south of the existing edge of East Grinstead town. The site lies to the west and north of Hill Place Farm, which is Grade II listed, and to the east of the Bluebell Railway line. The site boundary is in close proximity to the Grade II listed Imberhorne Viaduct, which is adjacent to the north eastern portion of the site.

On 1st March 2018 planning permission was granted on appeal as called in by the Secretary of State for outline planning permission for up to 200 dwellings, provision of new internal access roads and footpaths, landscaping, open space etc. In agreeing with the Inspector's decision to grant planning permission, the Secretary of State made the following comments in relation to the impact on nearby heritage assets:

'Effect on the historic environment

17. For the reasons given at IR282, the Secretary of State agrees with the Inspector that there would be no impacts either on the Grade II listed Hill Place Farmhouse itself or on its setting. Similarly, for the reasons given at IR291-294, the Secretary of State agrees with the Inspector that there would be negligible impact on the significance of the Bluebell Railway.

18. Turning to the Grade II listed Imberhorne Viaduct, the Secretary of State agrees with the Inspector at IR288 that, for the reasons given at IR283-287, there would be "less than substantial" harm resulting from the impacts of the appeal scheme on views of the viaduct from ground level and that these are required to be balanced against the public benefits of the proposals. He further agrees that, for the reasons described by the Inspector at IR288,

the appeal scheme would greatly enhance the ability to experience the viaduct from the SANGS within the northern part of Parcel A and, for the reasons given at IR289, the public benefits of the scheme as a whole would outweigh the harm to the significance of the designated heritage asset. Nevertheless, the Secretary of State agrees with the Inspector at IR290 and IR295 that there would be some harm to the setting of the viaduct, which needs to be taken into account in the overall planning balance.

19. Overall, the Secretary of State agrees with the Inspector at IR296 that, in respect of the historic environment, the proposals would accord with the Framework and with EGNP Policy EG4.'

The current application is for reserved matters following the outline consent relating to the appearance, landscaping, layout and scale for the 200 new homes with associated access roads, landscaping etc.

The Secretary of State has found that the development has no impact on Hill Place Farmhouse or its setting. I will therefore not consider this further here. He has however concluded that there would be less than substantial harm caused to views of the Imberhorne Viaduct which should be taken into account. The detailed layout and landscaping of the proposed development as now submitted therefore stands to be considered in this respect.

The Planning Inspector, who's findings the Secretary of State is in agreement with, identifies less than substantial harm to the significance of the viaduct arising from blocking of some existing views of the viaduct, particularly from the southern part of Parcel A, The Coach House and Turners Hill Road.

Although there have been revisions made to the form and layout of the development in the current detailed submission in comparison to the Illustrative Masterplan forming part of the outline application approved at appeal, it is not considered that these revisions will have any material effect on the impact of the proposal on the views of Imberhorne Viaduct identified by the Planning Inspector. For this reason the detailed proposal must be considered to have a less than substantial harmful impact on the significance of the Viaduct, as experienced in these views.

This less than substantial harm would, as set out in paragraph 196 of the NPPF, stand to be weighed against the public benefits of the scheme, including the public benefit identified by the Inspector at IR288 of the improved public experience of the Viaduct from the new SANGS within the northern part of the site.

I note that a hedgerow running across the width of the site at its centre, to the south of the proposed SANGS is proposed for removal and replacement with new planting. If this is an established native species hedge of any height or bulk I would question whether this is necessary or appropriate, as it will exacerbate the impact on the established rural views from the Railway and Viaduct. It may be more appropriate to strengthen the existing screening along this line.

One detailed issue identified in the Appeal decision and which I cannot see has been addressed in the application is that of the potential need for security fencing along the Bluebell Railway line. This would, if required, have a potential impact on the setting of this non-designated heritage asset and on the setting of and approach to the Viaduct. I would suggest we ask for clarification on this point and the provision of details if appropriate.

## MSDC Housing Officer

This is a Reserved Matters application for the outline consent DM/15/0429 permitting 200 dwellings including 60 dwellings for affordable housing which meets the 30% minimum requirement. The applicant is proposing to amend the mix outlined in the S106 to better reflect current housing need and in particular the demand for smaller units of affordable housing.

The document Site Layout-03R shown as received on 16/09/19 proposes the following mix which is acceptable to us:

Number	Type/Size	Floor Area m <sup>2</sup>
12	1 bed flats	51.4
13	2 bed flats	70.5
2	2 bed FOGs	68.3
2	2 bed FOGs	66.9
1	3 bed WC flat	94.9
8	2 bed 4 person House Type U	80.2
8	2 bed 4 person House Type W	80.4
7	3 bed 5 person House Type V	94.8
6	3 bed 5 person House Type J	94.8
1	4 bed 6 person House Type K	106
<b>60</b>		

The sizes indicated meet National Space Standards.

The application is silent on the tenure split of the affordable homes. Policy DP31 requires a split of 75% rented and 25% shared ownership. Previous correspondence from Housing has proposed that the 15 dwellings for shared ownership should be:

- 4 x 2 bed flats over garages
- 4 x 2 bed houses
- 6 x 3 bed houses
- 1 x 4 bed houses.

This mix is still felt to be appropriate.

The affordable housing, which includes four separate blocks of flats, has been arranged in six clusters across the site.



An amended plan for the proposed 3 bedroom fully accessible wheelchair flat has been reviewed by an Occupational Therapist whose comments are attached to this email. Previous comments have been addressed but there are two further recommendations highlighted in yellow to be secured by condition if planning permission is granted

#### Occupational Therapist comments on wheelchair unit

In general I have found that all the requirements/recommendations have been met, however, I have made a further recommendation to the newly created layout of the rear garden/access from parking area which I think will make it more accessible to a potential resident.

#### *Approach to the dwelling:*

- The main route from the parking area remains as before, however the pathway at the approach to the front door itself has been increased in size to 1500mm x 1500mm as required.
- A further access route has been created from the parking area via the rear garden and patio doors as recommended. I would recommend that the garden gate shown is moved slightly to sit at an angle across the corner of the parking area so that a usable opening width (minimum of 850mm) can be achieved, with hinges on the side away from the main building. I would also recommend that the (?) raised bed shown is moved further from the main building to allow the patio to be 1500mm deep on the approach to the patio doors.

#### *Entering and circulating the property*

- All internal doorways now have the required clear opening width of 850mm.

#### *Storage areas*

- The wheelchair storage area has been re-sited to immediately inside the front door and increased in size to more than the minimum required.
- Built in storage is now well in excess of the 2.5m<sup>2</sup> required for a 3 bedroomed property.

#### *Living areas*

- The principal living area has been increased to in excess of 4 metres width in both directions.
- The total living floor area is now 31.01m<sup>2</sup>.
- All required access zones in the bedrooms have been addressed.

#### *Sanitary areas*

- The second WC has been repositioned and still meets the requirements.

#### *Further comments:*

All requirements highlighted on my earlier review (May 2019) appear to have been met.

The plans still lack details of the majority of fixtures and fittings; the positions of which may be crucial to the eventual success of the scheme. I do hope that these will eventually be available for review against the required standards.

#### **MSDC Leisure**

We were pleased to see that the previous comments regarding play provision dated 24 April have been addressed. The only additional point is in relation to Play Area 2 - we would recommend continuing the artificial turf to the base of the slide (with shockpad underneath to provide impact absorption) rather than a bark pit as this will reduce ongoing maintenance.

## Original Comments

I can confirm that my colleagues in Landscapes were impressed by the plans and had no concerns.

With regard to the play areas they had the following comments:

### Play area 1

- the gate into the play area should be a contrasting colour to the bow top fence so that it is easily visible to all including people with visual impairments
- there is a small sandpit with no mention of how this will be looked after. While I realise there is great play value in sand pits it would require very regular visits to check for sharp objects or animal waste within the sand so I would probably recommend they don't have this item unless they can properly maintain it.

### Play area 2

- The timber equipment within the mound is likely to be damaged by strimmers during maintenance which will shorten it's useful life. I'd recommend steel feet on the larger items, and/or surfacing to prevent grass growth.

## **MSDC Drainage**

Thank you for highlighting the reserved matters application for this proposed development. The approach to drainage has not changed from that previously discussed with the engineers at the Outline stage. The intention is to not significantly alter how the developed land drains to the ancient woodland on the lower slope. This appears to still be the case with the use of attenuation ponds with a controlled spread discharge to the lower land slopes, and infiltration where possible.

I am satisfied that the layout is still compatible with the proposed SuDS design. We would like to apply the following condition:

### *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.

## Original comments

I have looked at the submitted surface water drainage strategy review and associated documents.

The site conditions and restraints appear to have been carefully considered. This appears to include careful consideration of the existing hydrogeology of the ancient woodland to the north of the site, which usually has a wet-spring feed to it and the proposed development looks to mimic this. However, I am not an expert in this matter and I suggest the MSDC Tree Officer may be able to provide a more informed response?

The site's arrangements has led to a suitable hybrid surface water SuDS system consisting of secondary roads and parking areas being permeable, garden soakaways, infiltration basins, detention basins, modular storage and filter drains. The proposed SuDS system has been designed to cater for the 1 in 100 year storm event plus 40% extra capacity for climate change. There is a proposed staged discharge to mimic existing run-off rates up to the 1 in 100 event.

Moving forward, we would like to apply the following condition to this application:

#### *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.

At condition clearance, we will require:

- Detailed plans of the proposed surface water drainage system
- Supporting calculations for the surface water system, including the proposed rates of discharge to the final filter trenches.
- Supporting technical information for all elements of the system
- Supporting percolation test results for the variety of infiltration systems including individual soakaways
- Exceedance flow route plans
- Finalised supporting maintenance and management plan
- Detailed plans of the proposed foul water system

I wish to add that any shared soakaway/infiltration system must only be situated within public accessible areas. Soakaways located in private areas must not be shared.

#### **WSCC Highways**

WSCC has previously issued comments dated the 3rd April in connection with this reserved matters application.

The following further comments are made in connection with,

- Details Site Layout, sheet 1-4, drawing numbers 09 rev D, 10 rev D, 11 rev D, 12 rev D
- Block Plan, drawing number 14 rev B
- Site Layout, drawing number 03 rev R

- Transport Note, reference 31109/D02D, dated September 2019

Whilst a number of points were initially raised by WSCC, the majority of these were observations that did not require any further response. Two matters were raised that did require a response. These are refuse tracking around the bend fronting plots 165-168 and transitioning of the shared surfaces to segregated carriage/foot ways in certain locations.

With regards to the refuse tracking, the area of carriageway has been widened by 1.5 metres to 7 metres total width. This then allows a refuse vehicle and car to pass on the bend. This point has been addressed.

The shared surface/footway transitions have been amended in a few locations. In the majority of instances, there is no transitional area with the shared surface starting/terminating at the back-edge of the footway. As these areas serve only a limited number of dwellings (no more than 11 on any single length) and are all no through roads, this approach is not considered unacceptable. With one minor exception as set out below, this point has been addressed.

Related to the above, there appears to be a tree planted in the footway adjacent to plots 155-164. This would be obstructive to pedestrians. The tree should be relocated.

There is some additional new information submitted as part of this application. This includes refuse swept paths. These are included in the Transport Note. For the most part, the swept path demonstrates that a refuse vehicle can manoeuvre around the site. There are however several locations where it appears that a refuse vehicle would substantially overhang or over-run a verge or front garden. For example, the reversing movement into the access road serving plots 99-100, in front of plot 153, and the unallocated spaces on the access road near to plots 133-142. The swept paths would need to be checked and if necessary the design amended.

It's not clear either why the on-street unallocated lay-by space opposite plots 179-180 has been relocated closer to the access road serving plots 71. Any vehicles parked within this would now potentially be obstructive to visibility for emerging vehicles.

In summary, the points originally identified by WSCC have been satisfactorily addressed. However the revised and additional details have generated further issues as set out above.

#### Original comments

1. Comments are made in connection with the following plan and documents,
  - Site Layout, drawing number 03 revision N
  - Detailed Site Layout sheets 1-4, drawing numbers 9, 10, 11 and 12, all revision B
  - Transport Note from Transport Planning Practice, dated January 2019
  - Block Plan, drawing number 14 revision A
  - Hard Landscape Layout, drawing number 2136.18/08A, dated January 2019
2. It is noted that the Transport Note refers to the main spine road through the development being offered for adoption as public highway. The secondary roads off the spine road are to be privately maintained. Whilst highway adoption is not a material planning consideration, the layout has been reviewed on the basis of the details within the TN. The final extents of adoption would be agreed as part of any future Section 38 highway adoption legal agreement with WSCC.

3. Details are provided of materials within the highway. Such matters are not being approved by WSCC Highways as part of the current application. Comments are made on the use of materials but the appropriateness of these for adoption would be a matter for any s38 agreement.
4. In terms of the design, the scheme follows the broad principles within Manual for Streets. A mix of segregated carriageways and footways, along with shared surface areas are included. Again the extents of these areas is considered appropriate. Carriageways vary between 5.5 and 4.5 metres. These are considered appropriate.
5. With the two following exceptions, the layout is considered acceptable.
6. Refuse tracking should be provided for the sharp bend in front of plots 165-168. Given the likelihood of opposing vehicles meeting on this bend, carriageway widening may be required.
7. There are a number of shared surface areas starting and terminating off the main spine road. In quite a number of locations, the transition from segregated footway into the shared surface needs to be amended. In these areas, pedestrians transition from the footway on the spine road into landscaped areas or require pedestrians to join the shared surface at the junction between the shared surface and spine road. It is accepted that the shared surface areas would be lightly trafficked, but some of these areas serve a number of dwellings. Where possible, a short length of footway would be provided to enable pedestrians to join the shared surface away from the junction.
8. With regards to the TN, for the most part this provides a design commentary on the highway works. Point 14 makes reference to the adoption of the roads allowing WSCC to restrict and control parking through the use of traffic regulation orders. This is correct, although traffic orders can also be made on private roads too, but the point is more that if the applicant is envisaging a need to restrict on-street parking, then any parking restrictions should be indicated on the submitted plans. The applicant should then fund and promote any required orders as part of the s38 agreement.
9. As noted above, materials are not sought to be approved. Whilst there are no apparent issues with the materials being proposed, the use of these within adoptable areas should be rationalised. For example, throughout the development, the carriageway is constructed of asphalt, the driveway/crossover in two different materials (neither of which are included in the key), the parking space in another materials, and the footway on either sides another material; the drawing potentially shows up to five materials over one small area. There's no reason why the materials in the highway could not be reduced to one, namely asphalt to a suitable specification within the carriageway and footway.
10. The TN provides a review of car parking against both the WSCC Parking Demand Calculator and the Mid Sussex DC minimum parking standards. As the site falls within the area of the made East Grinstead Neighbourhood Plan, the wording within policy DP21 of the adopted MSDC Local Plan implies that any local parking standards within the Neighbourhood Plan would take preference. In these respects, the NP requires the use of the WSCC PDC. As parking provision complies with the PDC, the number of spaces is considered acceptable.
11. As more a comment, there are a number of proposed trees shown alongside adoptable carriageways. If the intention is for these trees are to be adopted and maintained by the Local Highway Authority, a commuted sum would be applicable. Commuted sums would be applicable to any non-standard highway infrastructure. The applicant may wish to review the newly adopted WSCC policy that covers such matters.

## Sussex Police

Thank you for your correspondence of 17th September 2019, advising me of a planning application for reserved matters following outline consent (DM/15/0429) relating to the appearance, landscaping, layout and scale for 200 new dwellings including 30% affordable housing, provision of a new internal access roads and footpaths, landscaping, open space, Sustainable Drainage System (SUDs), earthworks and associated infrastructure. (Amended drawings dated 16th September received relating to design, layout, appearance and landscaping revisions) at the above location, for which you seek advice from a crime prevention viewpoint.

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

I have had the opportunity to examine the amended details within the Design and Access Statement and I have no concerns from a crime prevention perspective with the proposed amendments. My previous comments within PE/MID/19/08/A remain extant.

I was pleased to note within the addendum submitted in support of this application, that it has been agreed with a neighbouring resident to include a 1.8m high close boarded fence set 2.7m of the north-eastern boundary to the Coach House, and a 1.8m high close boarded fence set 2.7m off the existing brick boundary wall of Barredale Court. In addition, tree planting is proposed within the site along this new fence.

I thank you for allowing me the opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

### Original comments

Thank you for your correspondence of 25th March 2019, advising me of a planning application for reserved matters following outline consent (DM/15/0429) relating to the appearance, landscaping, layout and scale for 200 new dwellings including 30% affordable housing, provision of a new internal access roads and footpaths, landscaping, open space, Sustainable Drainage System (SUDs), earthworks and associated infrastructure at the above location, for which you seek advice from a crime prevention viewpoint.

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

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder,

and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

The design and layout of the development has in the main produced outward facing dwellings with back to back gardens, which has created good active frontage with the streets and the public areas being overlooked. It nearly has eliminated the need for vulnerable rear garden pathways. Parking in the main has been provided with in-curtilage, garage, a number of on street parking bays and designated parking for the Suitable Alternative Natural Green Space (SANG), these arrangements should leave the street layout free and unobstructed.

Where communal parking does occur it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. For the SANG parking I suggest that a form of parking enforcement is considered to stop rogue parking occurring.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. It will be especially important to clearly identify and demarcate the frontages of the dwellings facing the SANG.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a gardens overlooking a rear parking court or a rear garden pathway as in this development, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. I would ask that consideration is given to the eventual location in that it is surrounded with railings with self-closing gates to provide a dog free environment. Ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. Careful consideration should be given to the final choice of play area within the central green. Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. These may often be referred to as:

- Local Areas of Play (LAP) - primarily for the under 6 year olds;
- Local Equipped Area for Play (LEAP) - primarily for children who are starting to play independently;

- Neighbourhood Equipped Area of Play (NEAP) - primarily for older children;
- Multi-Use Games Areas (MUGA) - primarily for older children.

They should all be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

### **Southern Water**

Southern Water would have no objections to the details of appearance, landscaping, layout and scale of the above planning application. Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

Initial feasibility, detail modelling and preliminary estimates.  
 Flow monitoring (If required)  
 Detail design, including land negotiations.  
 Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted. The impact of any works within highway/ access road on public apparatus shall be assessed and approved, in



consultation with Southern Water, under NRSWA enquiry in order to protect public apparatus.

No ponds, swales, tanked permeable paving or attenuation tanks shall be located within 5 meters of public or adoptable sewers.

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

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

### **Gatwick Airport**

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.

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