

MID SUSSEX DISTRICT COUNCIL

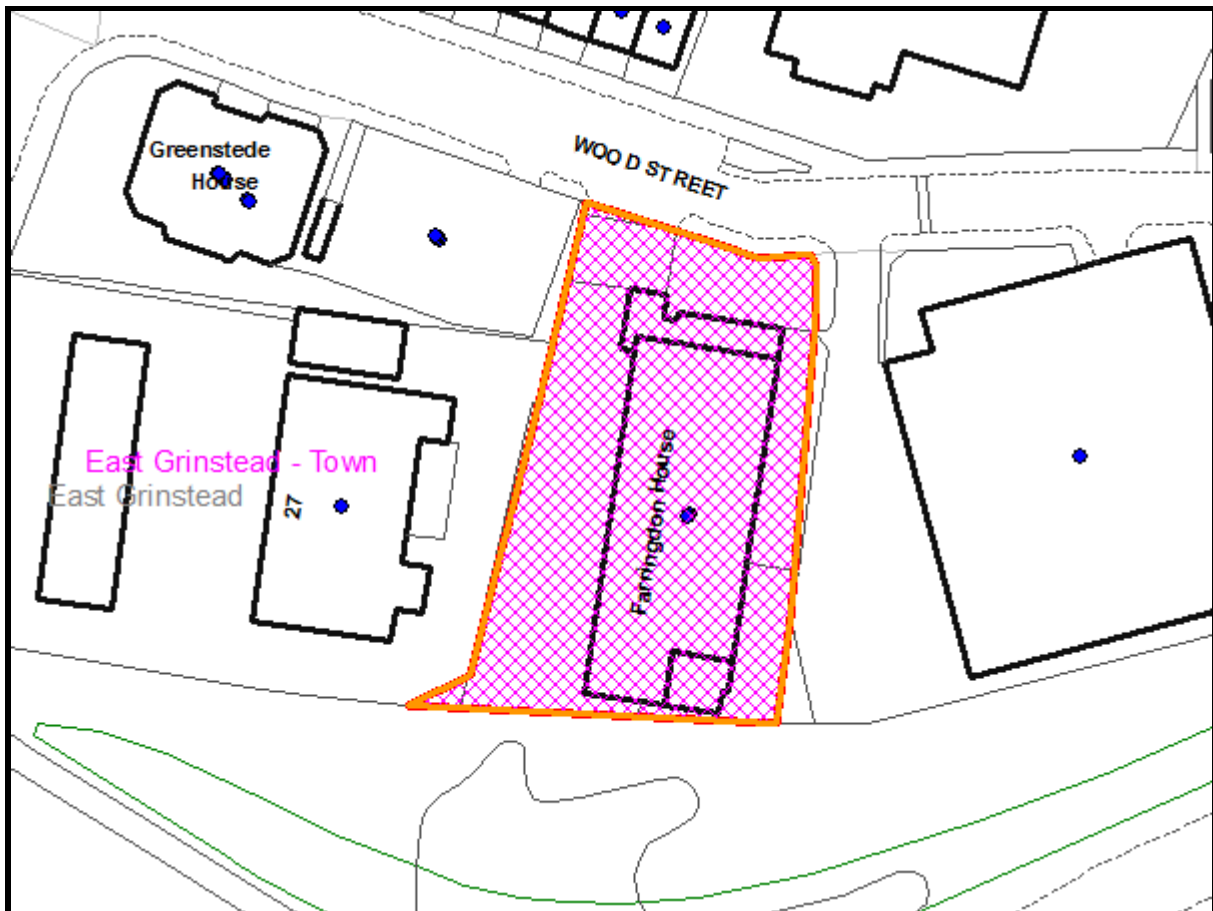
Planning Committee A

6 DEC 2018

RECOMMENDED FOR PERMISSION

East Grinstead

DM/18/3421



© Crown Copyright and database rights 2012 Ordnance Survey 100021794

**FARRINGTON HOUSE WOOD STREET EAST GRINSTEAD WEST SUSSEX  
WEST WING AND FOURTH FLOOR EXTENSION TO PROVIDE 10NO. RESIDENTIAL  
DWELLING UNITS, TOGETHER WITH IMPROVEMENTS TO EXISTING BUILDING  
INCLUDING BALCONIES, CLADDING, FENESTRATION CHANGES, AND  
ASSOCIATED PARKING AND LANDSCAPING. AMENDED PLANS RECEIVED 27TH  
SEPTEMBER 2018 SHOWING REMOVAL OF JULIETTE BALCONIES ON GROUND  
FLOOR EAST ELEVATION; BALCONY DETAIL AMENDED ON EXISTING  
BUILDING; ALTERATION TO BALCONIES ON PROPOSED WEST WING  
EXTENSION AND THE ADDITION OF JULIETTE BALCONIES TO THE SOUTH  
ELEVATION OF THE EXISTING BUILDING.  
WHITEHALL HOMES LLP**

POLICY: Ashdown Forest SPA/SAC / Brownfield Land / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 31st January 2019

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Joanne Fisher

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for a west wing and fourth floor extension to provide 10no. residential dwelling units, together with improvements to the existing building including balconies, cladding, fenestration changes, and associated parking and landscaping at Farringdon House, Wood Street, East Grinstead.

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

The application site lies in the built up area of East Grinstead and results in the formation of 10 residential units. The proposed design and scale of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

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

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

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

## **RECOMMENDATION**

### **Recommendation A**

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

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 6th March 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

## **SUMMARY OF REPRESENTATIONS**

*East Grinstead Society*

No objection.

## **SUMMARY OF CONSULTEES**

**WSCC Highways Authority**

No objection.

**WSCC County Planning Officer**

S106 Contributions:

Education: Primary - £11,039

Education: Secondary - £11,880  
Education: 6th Form - £2,783  
Libraries - £2,978  
TAD - £12,965

### **MSDC Housing**

No on site affordable housing or contribution required.

### **MSDC Urban Designer**

No objection subject to conditions.

### **MSDC Leisure**

S106 Contributions:

CHILDRENS PLAYING SPACE - £7,062  
FORMAL SPORT - £10,336  
COMMUNITY BUILDINGS - £5,928

### **MSDC Drainage**

No objection.

### **MSDC Tree Officer**

No objection.

### **MSDC Environmental Protection**

No objection subject to conditions.

### **MSDC Contaminated Land Officer**

No objection subject to conditions.

### **MSDC Street Name & Numbering**

Informative.

### **Aerodrome Safeguarding Officer**

No objection subject to conditions.

### **EAST GRINSTEAD TOWN COUNCIL**

Would support approval.

---

## **INTRODUCTION**

Planning permission is sought for a west wing and fourth floor extension to provide 10 no. residential dwelling units, together with improvements to the existing building including balconies, cladding, fenestration changes, and associated parking and landscaping at Farringdon House, Wood Street, East Grinstead.

## **RELEVANT PLANNING HISTORY**

The site has an extensive planning history. The most relevant are considered to be:

06/01758/FUL - Change of use, conversion and extension of existing office building to form 10 one bed social flats, 21 two bed and 4 three bed private flats with associated parking for 31 cars and landscaping. Amended plans received 16th October 2006 amending floor plans and reducing no. of units to 34 to be comprised of 9 one bed units (7 affordable), 21 two bed units (3 affordable) and 4 three bed units. Approved 25th May 2007.

07/03801/FUL - Within the footprint of the approved scheme (planning reference GR/06/01758/FUL) part conversion and extension we propose to provide 41 apartments comprising of 21 no 1 bed flats and 20 2 bed flats (incorporating 5 x 2 bed affordable flats (including a wheelchair unit) and 7 x 1 bed affordable flats.) Formation of access and provision of 40 car parking spaces. Change of use from commercial space to residential. Approved 11th April 2008.

07/03801/OMA - Proposed variation to Section 106 Agreement at Farringdon House East Grinstead in relation to planning approval 07/3801/FUL dated April 2008. Split decision issued 26th October 2009 (Council was not satisfied that the applicants have demonstrated that the proposed scheme is financially unviable based on current land values and that the applicant can and should provide 12 affordable units on site in accordance with the approved application and signed Section 106 Legal Agreement. It is however accepted that the payment of the agreed commuted sums can be delayed until first occupation of the completed scheme.)

10/01400/EOT - To extend the time limit for implementation of 07/03801/FUL - Within the footprint of the approved scheme (planning reference GR/06/01758/FUL) part conversion and extension we propose to provide 41 apartments comprising of 21 no 1 bed flats and 20 2 bed flats (incorporating 5 x 2 bed affordable flats (including a wheelchair unit) and 7 x 1 bed affordable flats.) Formation of access and provision of 40 car parking spaces. Change of use from commercial space to residential. Withdrawn 24th November 2010.

07/03801/S106AH - Application to amend the affordable housing obligations. Approved 17th July 2013.

14/03204/CND - Removal of Condition 3 of planning permission 07/03801/FUL - In order for the material finish of the extension to differ from that of the existing building. (The extension will be finished completely in render rather than render/brick to improve the aesthetic of the building; the render will be a neutral colour that tones

with the render on the original building). Amended plans received 1/12/2014 showing corrected changes proposed. Approved 9th January 2015.

DM/16/3065 - Proposed conversion of lower ground floor car parking facilities into seven residential apartments with amenity space, car/cycle parking and associated works. Withdrawn 22nd December 2016.

DM/16/3301 - Discharge of S106 agreement (Pursuant to application reference - GR/07/03801/FUL). Withdrawn 1st December 2016.

DM/16/4547 - Determination as to whether prior approval is required for the conversion of the existing office building (Class B1) into dwellings (Class C3) comprising 34 units (23 x 1 bed and 11 x 2 bed) with associated car and cycle parking. Prior approval granted 16th December 2016.

DM/16/4735 - Proposed side extension and roof alterations. Withdrawn 1st December 2016.

DM/17/0843 - Conversion of the lower ground floor car parking facilities to residential with additional side extension and roof extension with amenity space, car/ cycle parking and associated works to provide a total of 43 units to the building. (The development to be carried out in conjunction with the planning approval granted by way of Ref: DM16/4547 authorising the conversion of the existing office building to 34 residential units). Withdrawn 21st July 2017.

DM/18/3417 - Determination as to whether prior approval is required for the conversion of existing office building (Use Class B1) to residential dwellings (Use Class C3) comprising 32 units arranged as 25 x 1 bed and 7 x 2 bed, with associated car and cycle parking in basement. Prior approval granted 12th October 2018.

## **SITE AND SURROUNDINGS**

Farringdon House is a four-storey vacant building located on Wood Street, East Grinstead. It is a heavily modelled rectangular block with brick clad concrete structure, brick corbelling and substantial brick spandrel panels beneath windows, all topped by a lead-clad fascia. The lowest level is dominated with basement parking with the upper four floors formerly being in office use. There is also some open parking on both its east and west sides, and three parking spaces to the front. The building has a height of some 16.6m at its highest and a width of 16m.

Enabling works are currently being carried out in accordance with the 2007 scheme for the conversion and extension of the building for residential purposes.

To the west lies a petrol filling station and Greenstede House which is a residential development of 14 flats. Development is currently being carried out to the west, adjacent to the site and next to Greenstede House of 11 residential units over four storeys.

To the north a block of five three-storey town houses is sited to the rear of 34 and 40 St James Road, behind which lie Victorian style dwellings and associated parking

areas which front Station Road and St James Road. St James Court, a three storey McCarthy and Stone development also lies to the north.

To the east lies East Grinstead House a significant office building with a multi-storey car park.

East Grinstead Railway Station lies in close proximity to the south with the highway of Beeching Way and highway land with mature trees and vegetation adjacent to the southern boundary of the site and the highway. This vegetation softens the buildings on Wood Street.

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

## **APPLICATION DETAILS**

The proposed development is for a total of 10 flats comprising of 1 no. 3-bed, 8 no. 2-bed and 1 no 1-bed set over 5 floors above basement level car parking.

The proposal consists of a west side extension to the existing building, adding 1 apartment at each of level corresponding with accommodation within the existing building (approved through the prior approval for the conversion of the building from offices to residential) to the ground to third floor and then 6 new flats to the new fourth floor.

Alterations to the external appearance of the existing building are proposed allowing for the flats above ground floor level to benefit from a private balcony amenity space.

One lift and two staircases are provided for vertical circulation throughout the building. The lift extends to the basement level parking area. Ancillary plant space is provided at basement level together with secure enclosed cycle storage. Refuse storage is provided in secure covered 'pods' at ground floor level.

Materials proposed for the extension and alterations are to comprise of brick elevations, grey fibre cement cladding, aluminium windows and doors, aluminium panels integrated with the windows and glass balustrades.

## **LIST OF POLICIES**

### **District Plan**

The District Plan was adopted in March 2018.

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

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

DP20 - Securing Infrastructure

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards  
DP28 - Accessibility  
DP37 - Trees, Woodland and Hedgerows  
DP41 - Flood Risk and Drainage

## **East Grinstead Neighbourhood Plan**

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

Relevant policies:

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

## **National Policy and Legislation**

### *National Planning Policy Framework (NPPF)*

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

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

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

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.



## *Planning Practice Guidance*

### *Technical Housing Standards*

#### **ASSESSMENT**

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest; and
- Planning Balance and Conclusion.

#### **Principle of development**

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

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

*"In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

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

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

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

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

Policy EG5 of the 'made' East Grinstead Neighbourhood Plan relates to housing development and states *"as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported"*. It lists various criteria including that *"a) The proposed development contributes to sustainable development"*. Policy EG5 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

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

Permission has previously been granted on the site and works have been carried out which are considered to constitute a commencement of development in respect of the 2007 scheme through the excavation of trenches containing part of the foundations for the previously approved extension. As such there is an extant permission on this site for the conversion and extension of the building for residential purposes.

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

### **Design and Impact on Character and Appearance of Area**

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

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

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

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

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

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

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

The size of the building and its location at a higher level viewed when entering the town from the railway station means that the consideration of the design of the building is particularly important. The building is relatively sombre at present and offers little merit architecturally. The application takes the opportunity to improve the buildings image and design status and reuse a long standing vacant and dilapidated building.

The development is the same footprint as the previously approved 2007 scheme. The proposed rear extension is considered sympathetic with the existing building and the roof extension would not dominate the building through being stepped in from the building. In addition, the roof extension would not appear prominent in the street scene due to the heights of the neighbouring buildings.

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

*"Consent was granted in 2008 for a scheme with the same overall envelope. This proposal is an improved design, so I therefore have no objections to this application."*

*The Wood Street/north elevation has been successfully modelled with the lift-well bay accommodating the solid canvas for the signage that provides an appropriate vertical subdivision of the façade while also announcing the entrance to the building within its street context.*

*The proposed extension on the north-west corner of the building integrates well with the rest of the façade; its crisper architectural language nevertheless gives it a slightly contrasting aesthetic providing visual interest.*

*The fourth floor additional storey is unusually shaped with chamfered edges / insets generating a more sculpted form that also contributes to giving the building more individuality."*

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

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

### **Residential Amenity**

Policy DP26 of the District Plan states in part that proposal should "*not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*".

The test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

With regard to neighbour amenity, due to the location of the extension to the southern end of the building, the proposal is to be set away from surrounding residential occupiers. The nearest development would be that currently under construction at land east of Greenstede House. This is set to the west of the site some 20 metres away. Due to the distance and relationship there would be oblique views from the northern windows of the proposed extension towards this neighbouring site. As such it is not considered that the proposal would result in significant detriment to future occupiers of this neighbouring site through overlooking or a loss of privacy.

Permission has been granted for the conversion of the former office to residential under a prior notification application (reference DM/18/3417) where the impact to the amenities of surrounding occupiers cannot be taken into consideration. However, the proposal is to provide Juliette balconies and small balcony areas to the northern and southern elevations of the existing building. The location of the new building to the west of the application site means that whilst there would be some overlooking, the majority of the windows and new balconies would overlook the existing petrol station.

The existing building is some 24 metres from St James Court where there are a number of living room and bedroom windows facing the site. The closest dwellings after that are some 48 metres distant. The dwellings of 42 - 50 St James Road are some 20 metres distant. The proposed use of the converted part of Farrington House means that the closest windows to these closest residents in this new development only serve the stairwell and not habitable rooms and would therefore be no different than the existing relationship.

It is considered that in this built up area, bearing in mind the former use of the building, previous permissions and proximity of the building and its existing numerous windows, no significant harm would be caused to the occupiers of the adjacent dwellings/buildings by virtue of overlooking or loss of privacy.

In respect of the amenities to future occupiers of the development, the Council's Environmental Protection Officer has requested a condition in respect of soundproofing to protect the proposed residential units from noise generated by road traffic. Whilst this is noted, it is considered that in this instance that such a condition is unnecessary bearing in mind the recent prior approval for the building, and the previous 2007 permission where such a condition has not been placed on either permissions. Whilst the site is close to the highway of Beeching Way, the petrol station and the railway line, due to the history of the site and other residential properties surrounding the site, it is considered that this does not meet the necessary tests for the use of conditions and it is unreasonable to require a condition in respect of soundproofing. In addition, building regulations would require necessary soundproofing under Part E (Resistance to the passage of sound) and is therefore controlled outside of planning legislation.

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

### **Highway Safety and Parking Provision**

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

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

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

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

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

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

38 parking spaces and 24 cycle parking spaces are proposed on site in the form of parking to the lower ground floor and also parking on the frontage of the building on Wood Street.

The Highways Authority has considered the proposal and raises no objection. They consider that the proposal would not have an unacceptable impact on highway safety, due to the enforceable parking restrictions that are in place locally to the site.

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

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

## **Sustainability**

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

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

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

The submitted Energy and Sustainability Report states that the proposal has reduced U-values and passive design strategy incorporated with energy efficient measures associated with energy efficient measures associated with heating, hot water and electricity use. The new building will exceed current building regulations in relation to external fabric insulation. In addition, the units have been designed to benefit from large east and west facing windows and balconies will enhance the opportunity for solar heat gain to reduce the requirement for heating and carbon emissions as well as cross-ventilation to reduce overheating.

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

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

## **Drainage**

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires *"For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land."*

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

The Council's Drainage Engineer has been consulted on the scheme and has no objection to the application subject to the development using the sustainable drainage features (permeable paving, green roof and shrub beds) outlined within the Energy and Sustainability Report dated August 2018 and completed by Pebble Energy.

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

### **Dwelling Space Standards**

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

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

### **Infrastructure contributions**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure to mitigate the impact of development on existing infrastructure and the monies identified will mitigate these impacts. It sets out that infrastructure contributions will be secured through the use of planning obligations.

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

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

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

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

and:

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

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*



- *fairly and reasonably related in scale and kind to the development."*

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

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

#### *County Council Contributions*

Education: Primary - £11,039  
Education: Secondary - £11,880  
Education: 6th Form - £2,783  
Libraries - £2,978  
TAD - £12,965

#### *District Council Contributions*

Children's playing space - £7,062  
Formal Sport - £10,336  
Community Buildings - £5,928  
Local Community Infrastructure - £6,729

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

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

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

#### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £21,200 and if the approved scheme provides for a strategic SANG contribution, this would be £12,777.

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

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

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

The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met

by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

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

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

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

provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

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

The Planning Obligation securing the SAMM contribution is being progressed, and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP15 of the Mid Sussex District Plan and Policy EG16 of the Neighbourhood Plan.

## **PLANNING BALANCE AND CONCLUSION**

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of East Grinstead. The redevelopment of the site for 10 flats with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. It is not considered that the conversion of the building would cause significant harm to the living conditions of existing or future residents on adjacent land. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will bring the re-use of a former building which has laid vacant for a number of years and the external alterations will result in an attractive, contemporary development appropriate to its setting and wider street scene opposite one of the 'entrances' to the town.

The proposal will provide positive social and economic benefits through the delivery of 10 additional dwellings in the built up area of East Grinstead within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community.

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

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

---

## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved Plans**

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

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

### **Pre-commencement conditions**

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

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017. This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2017, Policy DP17 of the Mid Sussex District Plan 2014 - 2031 and paragraph 175 of the National Planning Policy Framework.

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of facing

materials and finishes to be used for external walls, roof and windows of the proposed building.

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

5. 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

~~a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;~~

and unless otherwise agreed in writing by the LPA,

Please note: section a) of this condition has been purposely stricken through, as the desktop study undertaken by RPS Group (ref: HLEC49754), dated 21st February 2017 is deemed to have met this requirement.

- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

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

- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).

Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

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

### **Construction phase**

6. The Bird Hazard Management Plan dated 10th October 2018 shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the roofs in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds and to accord with para 175 of the NPPF.

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

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

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

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

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

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

9. The development shall be carried out in accordance with the dust control scheme approved under condition 11 of reference 07/03801/FUL. The scheme shall be operated at all times during the construction phases of the development.

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

10. The development shall be carried out in accordance with the details approved under condition 6 of reference 07/03801/FUL in respect of the provision for the temporary parking of vehicles and the loading and unloading of vehicles and all temporary contractors buildings, plant and stacks of materials associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

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

11. The development shall be carried out in accordance with the sustainable drainage features (permeable paving, green roof and shrub beds) outlined within the Energy and Sustainability Report dated August 2018 and completed by Pebble Energy.

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

### **Pre-occupation conditions**

12. The building shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

13. The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

14. The development shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.



## INFORMATIVES

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

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

2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	RFT-02-XX-DR-A-0001		16.08.2018
Block Plan	RFT-02-XX-DR-A-0002		16.08.2018
Site Plan	RFT-02-XX-DR-A-0003		16.08.2018
Existing Floor Plans	RTF-02-00-DR-A-0200		16.08.2018
Existing Floor Plans	RTF-02-GF-DR-A-0200		16.08.2018
Existing Floor Plans	RTF-02-01-DR-A-0200		16.08.2018
Existing Floor Plans	RTF-02-02-DR-A-0200		16.08.2018
Existing Floor Plans	RTF-02-03-DR-A-0200		16.08.2018
Existing Floor Plans	RTF-02-04-DR-A-0200		16.08.2018
Proposed Floor Plans	RTF-02-00-DR-A-0201		16.08.2018
Proposed Floor Plans	RTF-02-GF-DR-A-0201	P06	27.09.2018
Proposed Floor Plans	RTF-02-01-DR-A-0201	P06	27.09.2018
Proposed Floor Plans	RTF-02-02-DR-A-0201	P06	27.09.2018
Proposed Floor Plans	RTF-02-03-DR-A-0201	P06	27.09.2018
Proposed Floor Plans	RTF-02-04-DR-A-0201	P08	21.11.2018
Proposed Roof Plan	RTF-02-05-DR-A-0201		16.08.2018
Existing Elevations	RTF-02-ZZ-DR-A-0300		16.08.2018
Proposed Elevations	RTF-02-ZZ-DR-A-0301	P05	27.09.2018

Proposed Elevations	RTF-02-ZZ-DR-A-0501	P04	27.09.2018
Landscaping Details	LLD1211-LAN-DWG-200		16.08.2018
Landscaping Details	LLD1211-LAN-DWG-100		16.08.2018

## APPENDIX B – CONSULTATIONS

### Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 29th October 2018:- Would support approval.

### WSCC Highways Authority

The application is to extend the building to accommodate 10 further flats. The site has a long planning history. It has already been established that the change of use from offices to residential will provide a less intensive use than the previous use, with regards to trip generation/vehicular movements. With the addition of the proposed flats under this application it will bring the total on site to 42.

Another prior approval application has been received recently for 32 flats, to which the LHA provided comments on (DM/18/3417). No highway concerns were raised, although there was a slight short fall in parking and cycle spaces as noted in our response.

### Parking

Minimum parking standards are set out in the MSDC Development Infrastructure and Contributions SPD.

38 parking spaces are proposed on site and 24 cycle parking spaces. It is noted that the application would fall short of the minimum provision by 20 vehicle parking spaces and 34 cycle parking spaces, for the site as a whole.

Whilst there is a shortfall in the parking provision the sustainable location of the site needs to be considered. Also there are parking restrictions in place locally to enforce unsafe parking that could cause Highway Safety issues. As such the LHA would not be able to resist this application. Paragraph 109 of the National Planning Policy Framework (NPPF) revised in July 2018 states;

- *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

The LHA does not consider that the proposal would have an unacceptable impact on highway safety, due to the enforceable parking restrictions that are in place locally to the site.

### Other

As with the previous application (DM/18/3417) the following should also be noted with regards to this current application;

- *It is noted that the plans do not include the provision of any improvements to the site frontage. The applicant should in conjunction with adjoining land owners consider the provision of dropped kerbs and tactile paving across the site frontage.*

## Conclusion

No objection is raised. It is recommended that MSDC consider the parking and cycle provision against that set out in the MSDC SPD and that the applicant works with adjoining land owners to deliver pedestrian improvements along Wood Street.

## **WSCC County Planning Officer**

### **Summary of Contributions**

<b>Education</b>			
Locality	East Grinstead		
Population Adjustment	18.9		
	Primary	Secondary	6th Form
Child Product	0.0880	0.0880	0.0475
Total Places Required	0.6160	0.4400	0.0950
<b>Library</b>			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,978		
Population Adjustment	18.9		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	10		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	18.9		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### **Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£11,039
<b>Education - Secondary</b>	£11,880
<b>Education - 6<sup>th</sup> Form</b>	£2,783
<b>Libraries</b>	£2,978
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£12,965
<b>Total Contribution</b>	<b>£41,645</b>

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

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional

County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

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

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

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

The calculations have been derived on the basis of an increase in 10 Net dwellings and an additional 38 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on classroom infrastructure at Halsford Park Primary School.

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

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

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

The contributions generated by this proposal shall be spent on traffic management and pedestrian/cycling/public realm improvements in Railway Approach.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself.

Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

### **Breakdown of Contribution Calculation Formulas:**

#### **1. School Infrastructure Contributions**

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

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

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

#### b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

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

#### 2. Library Infrastructure

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

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

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

##### a) Square Metre Demand

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

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

##### b) Cost Multiplier- Library Infrastructure

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

### 3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

#### a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x Cost multiplier

#### b) Sustainable Transport Contribution

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

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

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

### **MSDC Housing**

The applicant is proposing an extension to the existing approved scheme (DM/16/4547) to provide an additional 10 residential dwellings. As such, this application falls below the AH threshold set out in DP31 and therefore we will not be seeking any onsite AH or a contribution in lieu.

### **MSDC Urban Designer**

Consent was granted in 2008 for a scheme with the same overall envelope. This proposal is an improved design, so I therefore have no objections to this application.

The Wood Street/north elevation has been successfully modelled with the lift-well bay accommodating the solid canvas for the signage that provides an appropriate vertical subdivision of the façade while also announcing the entrance to the building within its street context.

The proposed extension on the north-west corner of the building integrates well with the rest of the façade; its crisper architectural language nevertheless gives it a slightly contrasting aesthetic providing visual interest.

The fourth floor additional storey is unusually shaped with chamfered edges / insets generating a more sculpted form that also contributes to giving the building more individuality.

The revised drawings show reconfigured balconies on the existing part of the building that are significantly reduced in size (to address engineering issues) and now designed so they approximately follow the alignment of the inset bays on the east and west elevations (previously they overlapped the adjacent windows). This not only allows for a cleaner aesthetic, but it also should allow the balustrading to unite with the existing façade. However, because of the irregular profile of the existing façade it is still an awkward junction. The balconies/balustrading is also a key element of the extended part of the building. For these reasons, I recommend that a condition is included stipulating that the balcony and balustrading design is subject to further approval with detailed section and elevation drawings provided, that clearly show the junction with the main façade.

I would also recommend that conditions are included that cover facing materials (including windows) and landscaping (including boundary treatment).

### **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Mound Noddy recreation ground is approximately 600m from the development site. This facility will face increased demand from the new development and a contribution of £7,062 is required toward kickabout provision at this site. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £10,336 is required toward pitch drainage at King Georges Field.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,928 is required to make improvements to the Jubilee Community Centre

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

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **MSDC Drainage**

The application is for the extension of an existing building with a relatively limited footprint at ground level in relation to the existing ground level footprint.



We have no objection to the application subject to the development using the sustainable drainage features (permeable paving, green roof and shrub beds) outlined within the Energy and Sustainability Report dated August 2018 and completed by Pebble Energy.

### **MSDC Tree Officer**

Based on the information provided, I have no objection to the above application.

### **MSDC Environmental Protection**

#### **Main Comments:**

The site is in close proximity to a busy road (the A22), a 24 hour petrol station and East Grinstead Railway Station all of which are potential noise sources.

Environmental Health uses a number of professional standards (World Health Organisation Guidelines on Community Noise and BS8233) to assess whether internal noise levels within a property will be acceptable.

An acoustic survey is therefore required in order to identify background levels, and make recommendations on what protection is needed in order for the above internal standards to be achieved.

The NPPF recognises the need to protect future residents from potential noise pollution and this is shown in paragraphs 109,110 and 123, which are reproduced below.

Para 109, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

Para 110, In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.

Para 123, Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

Environmental Protection therefore recommends the following conditions should the application be granted permission.

### **Recommendation: Approve with Conditions**

**Soundproofing (Road Traffic):** No development shall take place until a scheme for protecting the residential units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall

demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L<sub>Amax</sub> when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period.

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

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

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

**Informative:**

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

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

**MSDC Contaminated Land Officer**

**Main Comments:**

The application seeks to extend the existing building in order to provide 10 residential units.

I can see that under application DM/17/0843 a phase 1 desktop study was undertaken by RPS Group (ref: HLEC49754) for the application site, due to potential contamination concerns relating to historical uses on and around the site.

The report concluded that further intrusive investigation was needed at the site in order to determine its suitability for residential use.

As such it is recommended that conditions be attached to any application for residential units at the site, requiring potential contamination to be investigated and remediated as necessary.

**Recommendation: Approve with conditions**

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

~~a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;~~

**and unless otherwise agreed in writing by the LPA,**

**Please note:** section a) of this condition has been purposely stricken through, as the desktop study undertaken by RPS Group (ref: HLEC49754), dated 21st February 2017 is deemed to have met this requirement.

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

**and, unless otherwise agreed in writing by the LPA,**

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

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

the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

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

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

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

### **MSDC Street Name and Numbering**

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

Informative: Info29

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

### **Aerodrome Safeguarding Officer**

Further to our recent correspondence regarding the Bird Hazard Management Plan (BHMP) and the submission of the revised BHMP dated 10 October 2018.

I can confirm that the revised BHMP is now acceptable and we would ask that the condition as requested in our previous response letter dated 18 September 2018 is now replaced with the following condition:

#### Implementation of Bird Hazard Management Plan

The Bird Hazard Management Plan dated 10th October 2018 shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the

development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

**Reason:** It is necessary to manage the roofs in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds.

We will need to object to these proposals unless the above mentioned condition is applied to any planning permission.

If you have any queries please do not hesitate to contact me.

It is important that the condition requested in this response is applied to a planning approval. Where a Local Planning Authority proposes to grant permission against the advice of Gatwick Airport Limited, or not to attach conditions which Gatwick Airport Limited has advised, it shall notify Gatwick Airport Limited, and the Civil Aviation Authority add as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.