

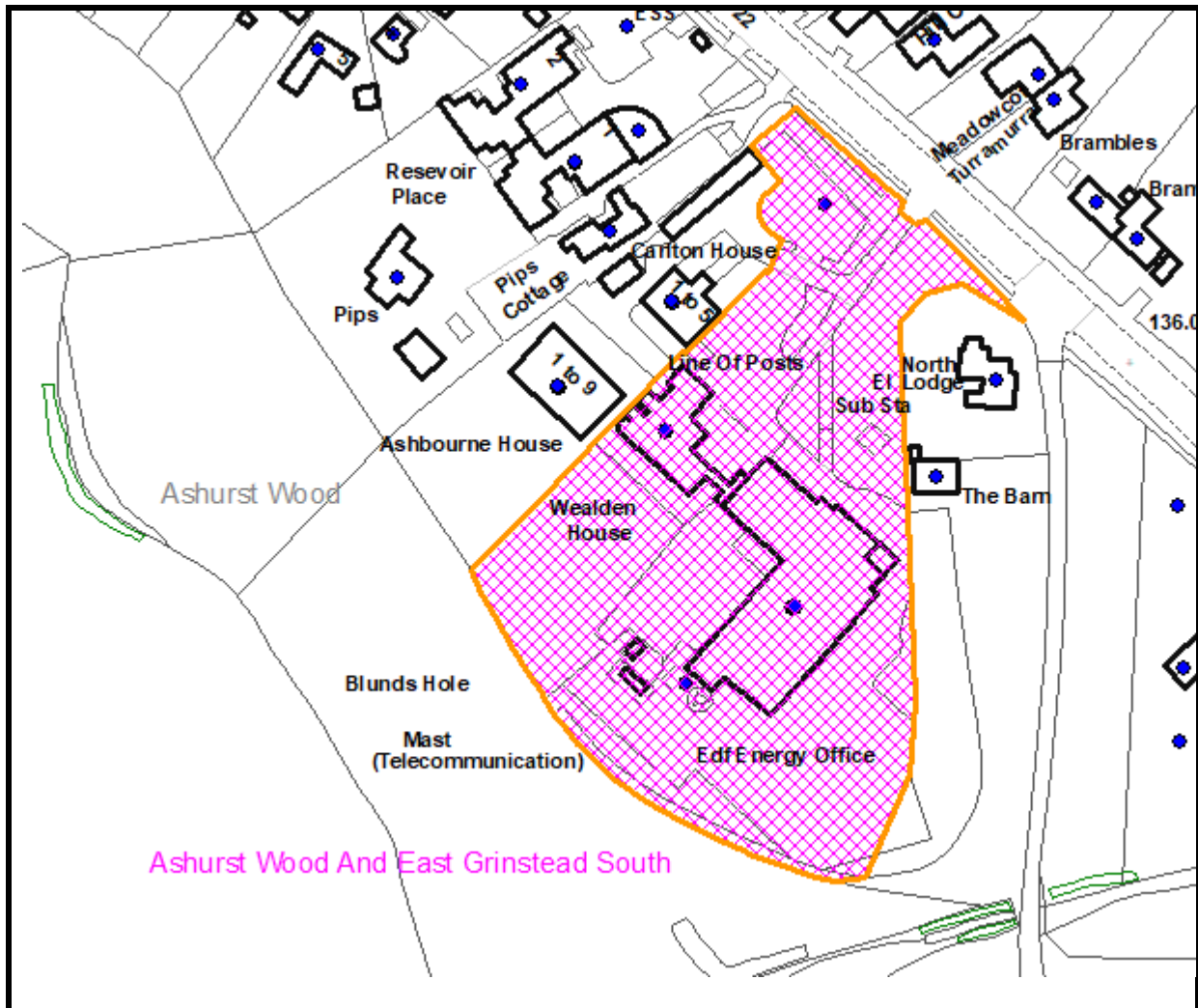
District Planning Committee



Recommended for Permission

1st June 2023

DM/22/2832



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Site:	Wealden House Lewes Road Ashurst Wood West Sussex RH19 3TB
Proposal:	Demolition of existing buildings and erection of residential redevelopment scheme comprising 2 x three storey buildings containing 15 apartments together with 35 x three and four bedroom houses, 105 car and garage spaces, associated landscaping and open space. 'Additional supporting information (Viability Report) received 26th October 2022.' (Amended elevations to plots 1 to 6 and plot 47 received 30th November 2022).
Applicant:	Ashgrove Homes Ltd

Category:	Smallscale Major Dwellings
Target Date:	23rd March 2023
Parish:	Ashurst Wood
Ward Members:	Cllr John Belsey /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RI3SWNKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks full planning permission for a residential development consisting of 50 units following demolition of the existing buildings at the Life Improvement Centre Wealden House and EDF Energy, Lewes Road, Ashurst Wood. The site is allocated for residential development through policies ASW9 and ASW10 of the Ashurst Wood Neighbourhood Plan (AWNPN).
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.3 The requirement to determine applications 'in accordance with the plan' does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 2.4 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.
- 2.5 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the AWNP.
- 2.6 As the site is allocated for redevelopment in the AWNP, the principle of the development is acceptable. It is also relevant that planning permission has been granted on appeal for the redevelopment of the EDF energy building for 54 units and this scheme is extant, and could therefore be built out.

- 2.7 It is your Planning Officers view that overall, the design and layout of the scheme is acceptable and would provide good quality accommodation for future occupiers. The development is of a modern contemporary design, featuring traditional materials. It is considered that this is an acceptable approach and will create a development that has a cohesive character. It is also relevant that a modern contemporary approach was found to be acceptable by the Planning Inspector who granted planning permission for 54 units on the EDF energy site.
- 2.8 It is considered that the scheme would not cause a significant loss of residential amenity to the occupiers of The Barn or to North Lodge to the east of the site. It is also considered that the scheme would not cause significant harm to the occupiers of the flats at Ashbourne House and Carlton House to the northwest of the site.
- 2.9 It is considered that the setting of Camden Cottage, a grade 2 listed building to the east of the site will be preserved. It is considered that given the existing buildings that occupy the site, the proposal would conserve the natural beauty of this part of the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.10 The scheme does not propose any affordable housing as the applicants have demonstrated that the scheme would not be viable to provide any affordable housing. As such, the applicants have complied with the requirements of policy DP31 in relation to this matter. A review mechanism would be included within the section 106 legal agreement. This will determine whether the development is capable of providing additional affordable housing or meeting other unmet policy requirements, deemed unviable at planning application stage through the Submission Viability Appraisal.
- 2.11 The proposed access arrangements to the site are considered to be satisfactory. Whilst the proposal has less car parking than is set out in the Neighbourhood Plan and WSCC car parking guidance, there is no objection to the proposal from the Highway Authority. The Planning Inspector who granted planning permission for 54 units on the EDF energy site found that a reduced level of car parking compared to the Neighbourhood Plan and County standards was acceptable. In light of all these points it is considered that the proposed development would not have a severe impact on the highway network and the level of car parking provision is satisfactory.
- 2.12 The scheme can be satisfactorily drained and a legal agreement can secure the required infrastructure contributions, including the required mitigation for the Ashdown Forest. There are no ecological objections to the scheme from the Councils Ecological Consultant.
- 2.13 Also weighing in favour of the scheme is the fact that the proposal would bring about a redevelopment of a previously developed site. There would be economic benefits from the scheme associated with both the construction phase and also the additional spend in the economy from new residents. The provision of 50 dwellings would make a positive contribution to the Councils housing land supply and this all weighs in favour of the application.
- 2.14 In light of all the above it is considered that the proposal complies with the development plan, when read as a whole. Subject to conditions and the completion of a section 106 legal agreement to secure the necessary infrastructure contributions, Ashdown Forest mitigation, off site Highway Works, a Travel Plan monitoring fee and a Viability Review in relation to affordable housing, it is recommended that the application be approved.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is approved subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required SAMM and SANG mitigation, infrastructure contributions, a Viability Review mechanism in relation affordable housing, a Travel Plan and the required off site highway works.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 1st September 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:

1. The proposal fails to provide the required infrastructure contributions or an appropriate review mechanism in relation to affordable housing provision. The application therefore conflicts with policies DP20 and DP31 in the Mid Sussex District Plan 2014-2031.
2. The application fails to mitigate its impact on the Ashdown Forest SPA and SAC, contrary to policy DP17 of the Mid Sussex District Plan 2014-2031 and the provisions contained within the National Planning Policy Framework.
3. The application does not provide the required off site Highways Works and a Travel plan to secure more sustainable forms of Transport has not been secured. The application therefore conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031.

4.0 Summary of Representations

- 4.1 4 letters received commenting/objecting to the application:

- proposal has not overcome previous reasons for objecting to the development of this site
- road safety will be adversely affected because of the additional traffic using the A22
- there would be an increase in bedrooms compared to the previously approved scheme for flats
- the area known as the lower car park should not be used for dwellings. This space is insufficient for the proposed houses and would result in a loss of natural space
- the tree report dismisses the value of C grade trees but these are an attractive amenity
- planting of new trees in front of new houses is not practical
- the architecture of the blocks of flats is not attractive and not compatible with the architecture of Carlton House
- concerned about potential noise from air source heat pumps
- there is a Tawny Owl in the ancient woodland and this is currently untouched by human presence which would change if the development proceeds

- the Ashbourne Park Owners Association broadly welcome the new proposals but we do have some concerns about the proposal which are as follows:
- we consider the 6 car parking spaces next to the access road to be dangerous and likely to lead to accidents
- concerned that the green area of play space is close to the entrance to Ashbourne Park
- there are a number of utilities that run under the LIC part of the site to Ashbourne Park and shared services
- we would like to see as much planting retained as possible together with comprehensive new planting
- would like to see new illuminated signage to identify the two Ashbourne Park buildings by name as well as the new development
- would want our land to be adequately protected from any changes to land levels

5.0 Summary of Consultees

5.1 County Planning Officer

Requires infrastructure contributions towards education and library provision and Total Access Demand.

5.2 Highway Authority

No objection subject to condition.

5.3 WSCC Lead Local Flood Authority

The majority of the proposed site is at low risk from surface water and ground water flooding.

5.4 WSCC Fire and Rescue Service

Request a condition regarding the provision of fire hydrants.

5.5 NHS Sussex

NHS Sussex requests a contribution from the applicant of £83,328.

5.6 Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development.

5.7 Sussex Police

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my observations, concerns and recommendations being satisfactorily addressed.

5.8 Sussex Police Infrastructure

Sussex Police request an infrastructure contribution of £23,569.94.

5.9 **Natural England**

To be reported

5.10 **Ecological Consultant**

No objection subject to condition.

5.11 **MSDC Drainage Engineer**

No objection subject to condition.

5.12 **Environmental Health Officer**

No objection subject to conditions regarding construction, noise and air quality.

5.13 **Contaminated Land Officer**

No objection subject to condition.

5.14 **Leisure Officer**

Requires infrastructure contributions towards children's playing space, formal sport and community buildings.

5.15 **Housing Officer**

It was agreed that it was not viable at the current time to provide any on site affordable housing units. The viability of the scheme will however need to be reassessed at a later stage in the project in accordance with our Development Viability SPD, when more accurate information about build costs and sales values will be able to be provided. The Council's standard review formula and the relevant figures will be included in the section 106 agreement.

5.16 **Urban Designer**

I object to this planning application as it does not accord with policy DP26 of the District Plan or with design principles DG13, DG16, DG18, DG19, DG20, DG27 in the Council's Design Guide SPD (and I question whether it accords with principles DG45 and DG48).

5.17 **Conservation Officer**

I would suggest that the impact will be relatively minor, there will therefore be a low degree of less than substantial harm (in terms of the NPPF) to the special interest of the listed building (Camden Cottage) and the manner in which this is appreciated. In light of this I would suggest that a detailed landscaping scheme should ideally include the retention and strengthening of the existing vegetation along the Lewes Road frontage, and in particular further planting of native species trees and hedging.

5.18 **Tree Officer**

To be reported.

6.0 Town/Parish Council Observations

- 6.1 Recommend: No Objection; Members feel that this application is a vast improvement on the previous ones with a better mix of dwelling types and inclusion of private amenity spaces. However, members would strongly press for the inclusion of affordable housing. There are some reservations over the parking arrangements. Neighbourhood Plan Policy 21 requires three spaces for dwellings with four bedrooms. Some of the allocated spaces are not well located in relation to the dwelling, for example 34, 35, 38, 50. In addition the tandem parking arrangements will be inconvenient. There should be clarification of the arrangements for future conservation and management of the Ancient Woodland and buffer zone - with the appropriate conditions. It would be helpful if a colour version of the Landscape Appraisal could be placed on the portal. Finally, members agree that the disability island crossing should be extended, as stated by Disability Access, but alternatively a traffic light controlled crossing should be considered.

Additional comments received 17th May 2023

- 6.2 Recommend: As previously advised, the Village Council is generally supportive of this application. However, members are concerned that the committee report is being prepared despite the concerns previously expressed on 5th October 2022 not having been addressed.

7.0 Introduction

- 7.1 This application seeks full planning permission for a residential development consisting of 50 units following demolition of the existing building at the Life Improvement Centre, Wealden House and the EDG Energy building Lewes Road, Ashurst Wood.

8.0 Relevant Planning History

- 8.1 A planning application for the demolition of the existing buildings at EDF Energy and a residential redevelopment consisting of 54 units (reference DM/19/1025) was refused planning permission on 20th September 2019 for the following reasons:
1. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031 and policy ASW15 of the Ashurst Wood Neighbourhood Plan.
 2. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.
 3. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal is seeking to put too many units onto the site and this results in a conflict with policies ASW9 and ASW14 in the Ashurst Wood Neighbourhood Plan. The proposal also conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

8.2 An appeal against this decision was allowed by the Planning Inspector on 11th November 2020. This planning permission is therefore extant. The views of the Inspector who allowed this appeal are an important material planning consideration in the determination of this application.

9.0 Site and Surroundings

9.1 The site of the application comprises the EDG Energy building and Wealden House. The EDF Energy building is located on the southern side of Lewes Road in Ashurst Wood. The building is set back some 70m from the Lewes Road. It is bounded by car parking to the north, east and south. There is a large telecommunications mast to the rear of the building. Wealden House is located to the northwest of the EDF Energy building. It is a two storey pitched roof building in commercial use. There is a car parking area to the front (northeast) of Wealden House and a garden area to the rear (southwest). The garden area is some 50m in depth. This garden falls away to the southwest. Beyond the rear garden area is a sharper fall in levels and a belt of ancient woodland.

9.2 The access road to the site also serves the former EDF Energy building to the southeast, a development of flats to the north (Carlton House) and a development of flats to the northwest (Ashbourne House). To the northeast is an area of car parking.

9.3 In policy terms the site lies within the countryside as defined in the DP and is allocated for development under policies ASW9 and ASW10 in the AWNP. The site also lies within the High Weald area of outstanding natural beauty (AONB).

10.0 Application Details

10.1 This application seeks full planning permission for the demolition of the existing buildings on the site and the erection of 50 dwellings, comprising 2 x three storey buildings containing 15 apartments together with 35 x three and four bedroom houses.

10.2 The plans show that there would be four semi detached houses on the northern boundary of the site, adjacent to the Lewes Road. The access road for the development would be to the east of these houses, using the existing access point into the site.

10.3 The layout of the site proposes a block of flats on the eastern side of the site next to the access road and then a terrace of houses running parallel to the eastern boundary. There would be a row of detached houses running along the southern boundary of the site, which would run from the east to the west side of the site.

10.4 The plans show a block of flats to the southeast of Carlton House and a row of terraced houses to the southeast of Ashbourne House. There would be an area of open space towards the northern end of the site, to the north east of the second block of flats.

10.5 Block 1 would contain 6 flats and would be 3 storeys in height with a flat roof. External elevations would be brick with some feature cladding. Block 1 would contain 9 flats and would be 3 storeys in height with a flat roof. It would also have brick elevations with some feature cladding.

- 10.6 The houses would be of a contemporary design with pitched roofs. The dwellings along the northern boundary would be two storeys in height. The dwellings along the eastern and southern boundaries would be 3 storeys in height, with the upper storey in the roof space. External elevations would feature brick and slate together with feature areas of render.
- 10.7 There would be a total of 105 car parking spaces, comprising 85 allocated and 20 unallocated bays. Parking bays have been allocated on the basis of 1 space per unit for flats and 2 spaces per unit for houses.
- 10.8 The plans show that cycle storage would be provided in car ports and/or gardens with appropriate access to gardens provided where cycles are to be stored in garden stores. A cycle store is provided for a handful of dwellings where access to rear gardens is not achievable. For the proposed flats, it is intended that communal cycle stores will be provided, that will be covered, lit, secure and located close to the entrance of the building they serve.
- 10.9 The scheme would provide the following mix of units:
- Market housing
8 x 1 bed
9 x 2 bed
15 x 3 bed
18 x 4 bed
- 10.10 The scheme does not propose any affordable housing as the applicants have stated that it would not be viable to provide any affordable housing.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
- a) The provisions of the development plan, so far as material to application,*
b) And local finance considerations, so far as material to the application, and
c) Any other material considerations.'
- 11.3 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.'*
- 11.4 The requirement to determine applications 'in accordance with the plan' does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations DPD and Ashurst Wood Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

- 11.8 The District Plan (DP) was adopted at Full Council on 28th March 2018.

Relevant policies:

DP6 - Settlement Hierarchy
DP12 - Protection and Enhancement of Countryside
DP16 - High Weald area of outstanding natural beauty
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, air and light pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP34 - Listed Buildings and other Heritage Assets
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

SA38 - Air Quality

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.10 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

Neighbourhood Plan

- 11.11 The Ashurst Wood Neighbourhood Plan (AWNPN) was made on 30th June 2016 and so forms part of the development plan. It is therefore a material consideration with full weight.

Relevant policies are:

Policy ASW 1 - Protection of the Countryside
Policy ASW 5 - Sites for New Homes
Policy ASW 9 - Wealden House, Lewes Road (EDF site)
Policy ASW 10 - Wealden House, Lewes Road (Life Improvement Centre)
Policy ASW 14 - Design and Character
Policy ASW 15 - Affordable Housing
Policy ASW 21 - Parking Provision

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Development Viability Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

- 11.13 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'
- 11.14 Paragraph 12 of the NPPF 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.*'
- 11.15 Paragraph 38 of the NPPF states '*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.'

- 11.16 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

- 11.17 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

- 11.18 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

12.0 Assessment

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

- The principle of development;
- Character and design
- Crime prevention
- Sustainable design and construction
- Impact on residential amenity
- Impact on the High Weald AONB
- Impact on Heritage Assets
- Affordable housing and housing mix
- Noise
- Access, Parking, and Highway Safety
- Drainage
- Infrastructure
- Contaminated land
- Ecological matters
- Impact on Ashdown Forest
- Planning Balance and Conclusion

The principle of development

- 12.2 Whilst the site is in the countryside as defined in the DP, it is a previously developed site and has been allocated in the AWNP for redevelopment. Policy DP12 of the DP relates to development in the countryside and states:

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

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

- 12.3 Policy DP6 in the DP states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement. The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

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

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*

- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

1.4 Policies ASW9 and ASW10 in the AWNP are criteria based policies that support the redevelopment of this site for residential development.

12.5 It is therefore clear that development plan policy supports the redevelopment of the site for residential uses. Therefore, there is no conflict with policy DP12 or DP6 of the DP since the site is allocated for development in a Neighbourhood Plan. The principle of redeveloping the site is therefore acceptable.

Overview of site specific policies in AWNP

12.6 Policy ASW9 in the AWNP states:

'Proposals for residential development on land at Wealden House, Lewes Road (EDF site) will be supported subject to the following criteria:

- a) *Schemes must reflect and respect the predominant character of the area with particular regard to unit type, scale and massing; and*
- b) *Ensure that all properties are set back from the front boundary to reflect the pattern of development in the immediate area and have a layout which reflects and respects the spacious character of the locality to help integrate the new development into the vicinity; and*
- c) *Use the existing access from Lewes Road with appropriate modifications as required for increased traffic to site; and*
- d) *Retain and strengthen tree screening to the western and southern boundaries of the site; and*
- e) *Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site; and*
- f) *Provide for the removal or suitable relocation of the telecommunications mast; and*
- g) *Provide evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has been satisfactorily undertaken before any development begins; and*
- h) *Provide a mix of dwelling types and sizes, both market and affordable, to include small homes and homes suitable for elderly residents. Appropriate mix to be informed by an up-to-date housing needs survey together with information from MSDC's Common Housing Register; and*
- i) *Show what arrangements will be made for future maintenance of communal areas; and*
- j) *Ensure future access to the existing sewerage infrastructure within the site for maintenance and upsizing; and*
- k) *Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details.'*

12.7 Policy ASW10 in the AWNP states:

'Proposals for residential development on land at Wealden House, Lewes Road (Life Improvement Centre) will be supported subject to the following criteria:

- a) *Use the existing access from Lewes Road with appropriate modifications as required for any increase in traffic to the site unless it can be shown that a new access can be achieved without causing danger to highway users; and*
- b) *In respect of any proposed new buildings on the site, demonstrate that development can be achieved without harmful impact on the amenity of the residents of Ashbourne House or Carlton House; and*
- c) *Retain and strengthen tree screening around the site and integrate existing and new trees and hedgerows into the scheme wherever possible in order to reflect the rural character of the area; and*
- d) *Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site; and*
- e) *Show what arrangements will be made for future maintenance of communal areas; and*
- f) *Ensure that new residential development is sensitively incorporated into the historic character buildings on the site; and*
- g) *Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details.'*

12.8 Taking the criteria of policy ASW9 in turn:

- (a) The scheme will represent a comprehensive redevelopment of the site and will by definition, represent a major residential development that is of a greater scale than the existing residential properties around it. However, this reflects the fact that the whole site is allocated for residential development in the AWNP.

The majority of this scheme comprises house rather than flats, and where flats are proposed, these are in three storey blocks. There are existing flats to the west of the site at Carlton House and Ashbourne House and the proposed blocks of flats on this site would not be out of scale with these neighbouring flats.

- (b) The houses on the north side of the development would be set back from the Lewes Road. The detailed layout and design of the scheme will be discussed later in this report.
- (c) The proposal would use the existing access from Lewes Road. Further discussion on the transport issues associated with the proposal will be set out later in this report.
- (d) The plans show additional planting on the southern boundary of the site. As the proposal is a comprehensive development that includes the Life Improvement Centre building to the west, there is no requirement for additional tree screening on the western boundary of the EDF site as this is within the centre of the planning application.
- (e) The plans show a 15m buffer zone along the southern boundary of the site adjacent to the Ancient Woodland.
- (f) The plans show that the existing telecommunications mast will be removed from the site.

- (g) Potential contamination of the site can be dealt with by condition. This will be discussed later in the report.
- (h) The mix of dwellings will be discussed later in this report.
- (i) Maintenance of communal areas would be undertaken by a management company. The details of this can be controlled by a planning condition.
- (j) The drainage of the site can be controlled by a planning condition. This will be discussed later in the report.
- (k) If approved, a construction management plan (CMP) could be required by condition to control construction activities to comply with this element of policy ASW9.

12.9 Taking the criteria of policy ASW10 in turn:

- (a) The proposal would use the existing access from Lewes Road. Further discussion on the transport issues associated with the proposal will be set out later in this report.
- (b) The second criteria refers to development being achieved without harmful impact on the amenity of the residents of Ashbourne House or Carlton House. Policy DP26 in the DP seeks to avoid 'significant harm' to residential amenity. There is, therefore, some conflict between the wording of policy ASW10 and DP26. In accordance with planning law, this conflict must be resolved in favour of the most recently adopted policy. As such it is policy DP26 that takes precedence, and the test is whether the proposal would cause 'significant harm' to the amenities of adjoining occupiers. This will be discussed later in this report.
- (c) The plans show that the existing beech hedge along the northern boundary will be retained. Additional planting is shown on the eastern and western boundaries of the site.
- (d) The plans show a 15m buffer zone along the southern boundary of the site adjacent to the Ancient Woodland.
- (e) Maintenance of communal areas would be undertaken by a management company. The details of this can be controlled by a planning condition.
- (f) This criteria of policy ASW10 in the AWNP implies that the existing building on the site should be retained. This proposal involves the demolition of the existing building on the site and therefore, this element of the policy would not be met. However, the existing building on the site is not listed and is not of listable quality. Planning permission is not, therefore, required to demolish this building. It is therefore felt that the fact that the proposal involves the demolition of the existing building on the site would not be a reason to resist this planning application.
- (g) If approved, a construction management plan (CMP) could be required by condition to control construction activities to comply with this element of policy ASW10.

Character and design

- 12.10 Policy DP26 in the DP seeks to promote a high standard of design in all new development. It states:

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

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

- 12.11 Policy ASW14 in the AWNP contains a number of criteria relating to design for all development in the parish. It states:

'All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:

- a) *Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and*
- b) *Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and*
- c) *Using materials which are compatible with the materials of the host or surrounding buildings; and*
- d) *Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and*
- e) *Ensuring safe access for pedestrians, cyclists and other road users; and*

- f) *Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and*
- g) *Adopting the principles of sustainable drainage where appropriate; and*
- h) *Providing private garden amenity space proportionate to the size of the dwelling; and*
- i) *Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and*
- j) *Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas.'*

12.12 At the national level, paragraph 126 of the NPPF states in part that:

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

12.13 Paragraph 130 of the NPPF states:

'Planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

12.14 Planning permission was granted on appeal for 54 units on the former EDF Energy building. This planning permission expires on 11th November 2023. As such it is an important material planning consideration that this high density scheme could be built and would contribute to the character of the area.

12.15 The views of the Planning Inspector who allowed this appeal are also an important material planning consideration. In relation to design matters the Inspector stated:

'...the scheme responds to the existing circumstances whereby the site is already set back from the main road behind vegetation and contains the substantial mass of the single EDF building. In this context, the breaking up of this extant mass into a range of smaller apartment blocks, maintaining tree screening and a buffer to the ancient woodland, with access as currently from Lewes Road, meets other parts of this policy. Whilst not finding universal favour, the design has been subject to a rigorous review process and, in the context of the existing site with its vacant office building, would be of a satisfactory design, without causing significant harm to the overall character and appearance of the wider residential area.'

12.16 *With the site parameters, taking account of the large office building and extent of car parking present, there would be impracticalities in delivering a viable scheme similar to housing within the surrounding area and which met all limbs of AWNP policies ASW9 and ASW14. I am satisfied that the scheme is otherwise of a suitable design given the site characteristics and constraints and would make effective use of this previously-developed land, with adequate landscaping and without material harm to the living conditions of neighbouring occupiers, due to either loss of light or privacy.'*

12.17 The Local Planning Authorities (LPAs) assessment of this application is therefore not starting from a blank canvas: regard must be had to the Planning Inspectors comments and the planning history of the site.

12.18 Your Planning Officer agrees with the views of the Councils Urban Designer who states:

'A scheme based predominantly on houses rather than flats is more suited to this site especially given the modest open space provision and distance from town centre facilities that can be provided for flat dwellers (that don't have the benefit of private gardens). For these reasons this is a better approach in principle than the previous application proposals that relied wholly on flats. It is also appropriate to locate the blocks of flats at the front of the site around the open space, so they directly benefit from it.'

12.19 With regards to the design of the individual houses and blocks of flats, the Urban Designer states:

'The design of the houses benefits from formal symmetry and holistically articulated facades provided by the vertically grouped upper floor windows set above a ground floor plinth, and the projecting grey frames are a refined detail. Underlying rhythm is generated too from replication of these frontages that are elegantly modulated by their gabled profiles; some variation within this theme is provided by employing different brick finishes and by variation in the building typology with the shorter terraces characterised by a single continuous building line and the longer terraces which have their main gabled frontages separated by set-back first floor side extensions that extend over the off-street parking discreetly accommodated at the side of the houses.'

12.20 Your Planning Officer agrees with these comments. The design of the houses and flats is modern and contemporary. It is considered that the development will have create a distinct sense of place as it will have its own character. As the majority of the site is well screened and set back from the Lewes Road and this is a large development, this allows the site to have its own identity. Whilst this scheme has a reduced density compared to the scheme allowed on appeal at the EDF Energy

site, the proposal does still make efficient use of this previously developed site, in accordance with development plan policy and national guidance in the NPPF.

- 12.21 The Urban Designer has raised criticisms of two specific areas of the proposal. The first concern relates to the amount of soft landscaping, specifically between units 35-37 and 38-46. Principle DG18 in the Design Guide SPD states in part:

'The quality of the street environment should be a paramount consideration in designing parking spaces into the street. Parking should be attractively integrated so that it does not dominate the streetscape, is softened by landscaping and accords with the other layout principles in the Guide.'

- 12.22 *A balanced approach should be taken to achieve convenient parking close to households whilst minimising the impact of parking on the street. Applicants should prepare a comprehensive car parking strategy which contains a combination of appropriate parking solutions with a balance of on-street and off-street parking provided (refer to District Plan policy DP21).'*

- 12.23 Principle DG19 relates to the provision of off street car parking. This states in part:

'To achieve well defined streets with a good level of enclosure and avoid parking dominating streets, it will normally be necessary to accommodate off-street parking in new developments. These parking spaces should be discreetly incorporated, and preferably screened from the main public realm, so they do not contribute to a hard-edged / parking-dominated environment.'

Higher density areas within new developments which incorporate terraced housing and flats should normally include rear court, under-croft or underground parking.'

'For lower density areas with detached and semi-detached houses, parking should normally be discreetly accommodated to the side of dwellings, and behind the building line where it is less visible from the street. Tandem parking arrangements avoid over-wide separation gaps between buildings.'

Off-street parking in front of houses should normally be avoided. This is likely to result in environments dominated by hard surfaces and generates greater face to face building distances leading to weaker street enclosure unless combined with taller building frontages.'

- 12.24 The detached houses within the development have car parking to the side of the properties. This allows the houses to be close to the street to provide a strong frontage and a good level of enclosure.

- 12.25 With regards to units 35 to 37, the plans show a modest buffer of 1m soft landscaping between the front of the houses and then the footway adjacent to the car parking spaces. Whilst this is a modest area of landscaping it is not felt that the proposed car parking is so close to these houses that it would result in significant harm to residential amenity. The level of activity within this area will not be significant because this is a parking area for these houses and there is no through route. It is your Planning Officers view that the amount of soft landscaping is sufficient to soften this part of the development.

- 12.26 With regards to the flats in block 2 (units 38-46), the plans also show a modest buffer of some 1m of planting between the southwest elevation of the building and the footway and parking area. The majority of the car parking spaces would be

adjacent to the central entrance core for the block and the refuse and cycling store. There would be three car parking spaces (numbers 39, 40 and 41) that would be in front of the two bedroom windows on one of the ground floor flats in this block. It is Your Planning Officers view that the level of activity associated with the use of these car parking spaces would not result in the significant harm to the occupiers of this flat that would justify a refusal of planning permission. As with the car parking spaces opposite, this is not a through route so there would not be a large number of people using this footway.

12.27 It is not felt that the car parking adjacent to block 2 and the houses on plots 31 to 37, or the car parking in front of plots 47 to 50 would be overly dominant.

12.28 The second specific area of concern for the Councils Urban Designer, are the houses on plots 47 to 50. The Urban Designer states that:

'houses 47-50 fail to address the Lewes Road frontage as they back-on to it and risk inappropriately revealing the back gardens and boundaries to the public realm. This back to front configuration is likely to place pressure on the trees and shrubs on the Lewes Road boundary that risks future removal and reduction especially given the modest size of the gardens.'

12.29 Principle DG13 in the Design Guide SPD states:

New development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Within urban areas, the established existing building line should usually be followed.

Buildings should be arranged with public areas to the front so that buildings overlook and provide natural surveillance to streets and open spaces minimising opportunities for crime. This also allows for secure private areas at the rear.'

12.30 Principle DG16 has similar aims in relation to the creation of a positive urban edge. In part it states that:

'Properties should not back onto the settlement edge and the edge should not be defined by rear garden fences' and 'Developments should therefore normally be designed with building frontages facing site boundaries served by new access roads that run adjacent to the site edge.'

12.31 It is your Planning Officers view that overall, the scheme does comply with the broad aims of Principles DG13 and DG16. The scheme is laid out so that the front of the houses and blocks of flats face towards the street. It is acknowledged that plots 47-50 would have their rear gardens facing towards the Lewes Road, however, the plans show the existing boundary hedge would be retained so there would not be a blank fence or wall along this part of the road frontage. Given the fact that this is a modest part of the overall scheme, it is your Planning Officers view that this element of the scheme is acceptable.

Space standards

12.32 The scheme would comply with the nationally described dwelling space standards, thereby meeting policy DP27 of the DP.

Sustainable design and construction

- 12.33 Policy DP39 in the DP seeks to ensure that new development has regard to the issue of energy efficiency and sustainable design. The applicants have stated in their Design and Access Statement that they intend to:
- have fabric insulation that will improve on the latest Building Regulations Part L 2021 standards
 - low energy lighting
 - solar PV on the flats
 - air source heat pumps on the houses
 - limit water use to 110 litres/person/day by using sanitary fittings with lower flow rates, dual flush toilets, low water usage dishwashers and washing machines
- 12.34 It is considered the applicants have addressed the issue of sustainable design as set out in policy DP39.

Crime prevention

- 12.35 The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. The Crime and Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.
- 12.36 Car parking spaces number 1 to 6 would be overlooked by windows in the kitchen/living area of the flats in block 1. As such there would be active surveillance of these car parking spaces. The house on plot 47 would have first floor bedroom windows overlooking these car parking spaces. Therefore, whilst Sussex Police have expressed some concerns over these car parking spaces, it is considered that they are reasonably well overlooked. It should also be noted that a very similar car parking layout was approved on the scheme that was allowed on appeal by the Planning Inspector.
- 12.37 The central area of open space is not proposed to be an equipped area for play, but will be a visual amenity and an area to sit and rest. It is centrally located and well overlooked. It is not considered that this area would result in nuisance and a loss of amenity to the occupiers of the properties around it.
- 12.38 The majority of the houses are arranged so that back gardens face on to one another, which is a sound arrangement in relation to crime prevention as it limits opportunities for unauthorised rear access.
- 12.39 In light of all the above it is considered the proposal is acceptable in relation crime prevention matters.

Impact on residential amenity

- 12.40 Policy DP26 in the DP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. Policy ASW14 in the AWNP refers to:

'Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded.'

- 12.41 Therefore is there some conflict between these two policies. In accordance with planning law the conflict must be resolved in favour of the more recently adopted policy. As such the test would be whether the proposal causes significant harm, as set out in policy DP26 of the DP.
- 12.42 The nearest residential property to the site is a two storey house, known as The Barn, that is located to the east of the site. This property is within the ownership of the adjacent school and is occupied as a residential dwelling. The rear elevations of the houses on plots 9 and 10 would be some 12.7m from the side elevation The Barn. There is a first floor bedroom window in the side elevation of The Barn which faces towards the application site. This bedroom is also served by a roof light in the rear (north) facing roof slope. The proposed houses would be visible from the side facing bedroom window in The Barn, it is not considered, however, that the proposed houses would appear overly dominant or overbearing. The approved scheme showed a 3 storey block of flats 10m to the west of The Barn. It is considered that the proposed houses will have less impact on the outlook of The Barn compared to the scheme that was allowed on appeal. In light of the above it is not felt that the proposal would cause a significant loss of amenity to the occupiers of The Barn, which is the test in policy DP26.
- 12.43 North Lodge is a detached property that is set some 14m from the eastern boundary of the site. The proposed plans show that block 1 (a 3 storey block of 6 flats), would be located some 17.8m from North Lodge, at their closest point. The way the footprint of block 1 is laid out means that its southeast elevation tapers away from North Lodge. Amended plans have been received showing that the first and second floor windows on the southeast elevation of block 1 serving the kitchens would be secondary and high level windows and the bathroom windows would be obscure glazed. As such there would be no harmful overlooking towards North Lodge. It is considered that the distance between block 1 and North Lodge (17.8m at its closest point and 22.7m at its furthest point) means that this block will not be overbearing to the occupiers of North Lodge. The scheme that was approved on appeal shows a 3 storey block of flats some 16m away from North Lodge. It is considered that the current application will have less of an impact on North Lodge compared to the scheme that was allowed on appeal.
- 12.44 The flats in block 2 would be located some 2.2m away from the side elevation of Carlton House. There is one obscure glazed window in the first floor side elevation of Carlton House facing the site, with another ground floor window below this. These serve en-suites. There is a 1.8m fence on the boundary. Given the position of block 2 adjacent to the side elevation of Carlton House, it is not considered that it would cause a significant loss of amenity to the occupiers of the flats in Carlton House. There would be kitchen and en-suite windows in the side elevation of block 2 facing towards Carlton House. Given the proximity of these windows to Carlton House it is considered that they should be conditioned to be obscure glazed. The kitchens in block 2 are dual aspect so this is considered to be acceptable.
- 12.45 The house on plot 37 would be some 4.3m away from the side elevation of the flats at Ashbourne House. There are two first floor and two ground floor windows in the side elevation of Ashbourne House that serve the kitchen in those flats. There is a 1.8m fence on the boundary. It is considered that the impact of the proposed development would be similar to that of the existing Wealden House, which is some 3.7m away from the side elevation of Ashbourne House. As such it is not

considered that there would be significant harm to the amenities of the occupiers of the flats in Ashbourne House from the house on plot 37.

- 12.46 The house on plot 28 would be some 11.5m away from Ashbourne House at its closest point. Whilst the side elevation of this house would be visible from the rear elevations of the flats in Ashbourne House, simply being able to see a building does not equate to harm. The first and second floor windows in the side elevation of plot 28 would serve a bathroom and en-suite and as such can be conditioned to be obscure glazed to prevent any harmful overlooking towards Ashbourne House.

Impact on the High Weald AONB

- 12.47 The site lies within the High Weald AONB. Policy DP16 in the DP states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

- 12.48 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 12.49 Given the existing development on the site, it is considered that in terms of its impact on the High Weald AONB, the scheme would conserve the natural beauty of this part of the AONB. It is important to note that this is a different issue compared to an assessment of the design merits of the proposal.

Impact on Heritage Assets

- 12.50 Section 66 (1) of the Planning Listed Building and Conservation Areas Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

- 12.51 Policy DP34 in the DP relates to listed buildings and other heritage assets. Archaeological assets fall within the definition of heritage assets in this policy. The policy seeks to conserve heritage assets in a manner appropriate to their significance.

- 12.52 Camden Cottage is a grade 2 listed building that is some 120m to the east of the site, on the northern side of the Lewes Road. The comments of the Councils Conservation Officer are set out in full in the appendix and summarised at the start of this report. She states in part:

'The current application at the Wealden House site follows on from a number of other proposals for residential development on the site. The earliest of these did not include Wealden House itself, only the EDF building adjacent and surrounding land. This resulted in the new development being set well back from the road frontage- as a result there was not considered to be a material impact on the character of the setting of Camden Cottage or the approach to it along Lewes Road. The current proposal, however, includes redevelopment of Wealden House itself, and the land to the front of it adjacent to Lewes Road. The submitted site plan and site elevations (2305_006) show new dwellings located close to Lewes Road, and open to view from it, despite the proposed retention of some of the vegetation to the frontage. This will have quite a marked impact on the character of the site as viewed from Lewes Road, and will to an extent detract from the surviving semi-rural nature of the setting of Camden Cottage, including the approach to it from the north west.'

Although I would suggest that the impact will be relatively minor, there will therefore be a low degree of less than substantial harm (in terms of the NPPF) to the special interest of the listed building and the manner in which this is appreciated. In light of this I would suggest that a detailed landscaping scheme should ideally include the retention and strengthening of the existing vegetation along the Lewes Road frontage, and in particular further planting of native species trees and hedging.'

- 12.53 It is your Planning Officers view that the impact on the setting of Camden Cottage will be minimal. Given the existing structures on the site, it is not felt that the proposed redevelopment will materially impact the setting of this listed cottage, which is characterised by residential properties of varying ages and styles along the Lewes Road. Whilst there would be new houses on plots 47 to 50, the existing beech hedge along the frontage would be retained and would soften the visual appearance of the new houses. As such your Planning Officer considers that the proposed development would preserve the setting of Camden Cottage and thus comply with policy DP34 of the DP.

Affordable housing and Housing Mix

- 12.54 Policy DP31 in the DP requires developments on sites such as this to provide 30 % affordable housing on site. The policy states in part that proposals *'that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach.'*
- 12.55 Policy ASW15 in the AWNP has similar aims and refers to a requirement to provide 30 % affordable housing unless clear financial evidence has been provided to demonstrate why that cannot be provided.
- 12.56 The National Planning Policy Guidance (PPG) states that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'
- 12.57 The applicants have provided viability information with their application that seeks to demonstrate that the scheme is not viable to provide any affordable housing on site. This information has been independently assessed by consultants appointed by the District Council. This has indicated that the development could not support any on site affordable housing or an off-site affordable housing contribution. On this basis, it is your Officers view that it will therefore be reasonable to now agree that no on-site affordable housing is to be provided. An Advanced Stage Viability Review will however be required, on the sale/ letting of 75 % of the units, when more accurate information about costs and values will be able to be provided. The requirement and mechanism for this review will be included in the section 106 legal agreement. On the basis that the applicant has demonstrated that the scheme is not viable to provide any affordable housing, the proposal is considered to comply with policy DP31 in the DP because the policy allows for viability to be taken into consideration.
- 12.58 It should be noted that on the scheme for 54 units that was allowed on appeal (DM19/1025), the Planning Inspector accepted the applicants position that the appeal scheme could not provide any affordable housing and did not agree with the LPAs view that the scheme could provide some affordable housing. The appeal scheme therefore provides no affordable housing.
- 12.59 Policy DP30 in the DP seeks to provide a mix of dwelling types and sizes to support sustainable communities. It is considered that the proposed development provides a good mix of houses and flats and would comply with policy DP30 in the DP.

Noise

- 12.60 In relation to noise, policy DP29 states:

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

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;'*

- 12.61 Noise is a material planning consideration. The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that while such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.
- 12.62 In this case the dominant noise source would be road traffic noise from the A22. The proposed houses would be little closer to the highway than the existing housing that is on both sides of the A22. It is considered that it would be possible to satisfactorily design and insulate the proposed flats so that they provided an acceptable environment for prospective occupiers in relation to noise. The Councils Environmental Health Officer has not objected to the application and has suggested that a planning condition can be used ensure that noise levels could be appropriately controlled. It is considered that with this in place the application complies with policy DP29 of the DP.
- 12.63 Concerns have also been raised about possible noise from air source heat pumps that are proposed to be used within the development. It is considered that a planning condition can be used to address this concern and ensure the noise levels from air source heat pumps does not cause a nuisance.

Access, Parking, and Highway Safety

- 12.64 Policy DP21 in the District Plan states:

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

- *A high quality transport network that promotes a competitive and prosperous economy;*

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

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

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

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

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

12.65 The reference to development not causing a severe cumulative impact reflects the advice in paragraph 111 of the NPPF, which states:

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

Access

12.66 The existing established access and right hand turn lane from A22 Lewes Road will be used with no changes proposed. The road is subject to 30mph speed restriction

in this location. The required visibility splays of 95m south and 54m north can be achieved entirely within the public highway. The Highway Authority raise no concerns in relation to the visibility onto Lewes Road.

- 12.67 With regards to the level of vehicular movements, the development is estimated to generate a decrease in vehicular trips of 64 two-way trips in the weekday morning peak hour and 56 two-way trips in the weekday evening peak hour. Across a typical weekday, the proposed residential use could generate a reduction of 364 two-way vehicular trips compared to the existing commercial site use.
- 12.68 The Highway Authority has no objection in relation to the impact of the development on the highway network in respect of vehicular movements and there are no grounds for Officers to disagree with that assessment.
- 12.69 The plans propose a new central reservation to the northwest of the access into the site. This was required by the Highway Authority to encourage public transport use. The site is some 2.1 miles from East Grinstead train station and there is a bus service that stops on the Lewes Road. It would therefore be possible residents to use public transport or to walk/cycle to East Grinstead to access services, shops and employment opportunities. Nonetheless it is accepted that the location of the means it is not as sustainable in transport terms as sites closer to the town centre.
- 12.70 However it must be recognised that the site is allocated for residential use and a large residential scheme now has planning permission on part of the site of this application. The NPPF encourages development to be focussed on locations which are or can be made sustainable, but notes in paragraph 105 that '*...opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*' In light of the above points it is felt that the access to the site is acceptable.
- 12.71 Given the fact that the physical access to the site would be satisfactory, the site is allocated for residential development and there is an extant scheme for residential development on part of the site, it is felt that there are no grounds to resist the scheme based on access matters.

Car parking and Internal Layout

- 12.73 The scheme would provide 105 car parking spaces. Policy ASW21 in the AWP requires a minimum of two car spaces for units with 1-3 bedrooms and a minimum of 3 spaces for 4 bedroom units. As such the requirement under this policy would be for 118 spaces, meaning that the scheme is 13 spaces short. The more recent guidance from WSCC places the site in parking behaviour zone 1, where the parking demand is 1.5 space per 1 bed, 1.7 per 2 bed unit, 2.2 spaces per 3 bed and 2.7 spaces per 4 bed with 0.2 visitor space per dwelling. As such the requirement under the WSCC guidance would be for 119 spaces, meaning that the scheme would be 14 spaces short of this guidance.
- 12.74 The views of the Planning Inspector who allowed the scheme for 54 units on the adjacent site are a material consideration in relation to an assessment of the car parking provision on this site. The Inspector stated:

'In October 2019, the Council updated its car parking requirements to reflect new guidance produced by West Sussex County Council. I have had regard to this, and the County Council's parking demand calculator for this particular location. Whilst planning guidance, and not a part of the actual development plan, this recently

updated standard attracts weight as a material consideration. The County Council guidance would seek somewhat less parking provision than the AWNP, but the proposal would still fall 26 spaces short of the 93 sought.

I agree that the appeal site is in part of a residential area without services and facilities immediately nearby, and that those closest would not be a convenient walking distance. There is a regular bus service, but the location of the flats away from such services and facilities would encourage a reliance on access to a private car. With regard to overspill parking provision, this would not be appropriate along the A22, which is a busy strategic route. There are no quieter residential streets nearby to provide alternative parking, as might be available in more built up areas. Therefore, I agree the development would need to meet its demand for car parking on-site.

However, private car use and parking demand would be moderated by the measures set out in the proposal's Travel Plan Statement. These would promote the take up of more sustainable travel choices, such as use of the bus service, cycling or car sharing/pooling. The combination of these measures, along with the small size of the units and an assumption of caveat emptor being applied by future occupiers over available parking, are all persuasive factors towards the 67 parking spaces being adequate.'

- 12.75 The Inspector noted that the adjacent A22 is a busy strategic road which would be a deterrent as a reasonable parking choice and where, should it occur, this would likely be addressed by local highway authority regulation or enforcement. The Inspector concluded on this issue by stating:

'There would be conflict with development plan policy and current guidance over the amount of on-site parking proposed. However, in the context of the local highway authority's view, paragraph 106 of the Framework would not support the application of these maximum standards without the compelling justification for managing the local road network. A more restrained level of car parking for this development would help reduce private car use and promote sustainable travel choices, in line with wider national and local policy. On balance, and subject to the application of the measures within the Travel Plan Statement, I consider the amount of car parking proposed to be adequate.'

- 12.76 Therefore, whilst the LPA considered the car parking provision the previous application at the EDF Energy site to be deficient, the Planning Inspector did not. It should also be noted that the Highway Authority did not object to the application on the adjacent EDF Energy site. On the current application, the Highway Authority has no objection to the level of car parking, meaning that by definition, they do not consider that the level of car parking is such that it would result in a highway safety hazard. Given this stance and the decision of the Planning Inspector on the adjacent site, it is not felt that it would be justified to resist this application based on the level of car parking that is proposed.

- 12.77 A Travel Plan can be secured in a legal agreement. The Highway Authority now charge a fee for the monitoring of Travel Plans so this could be secured by way of a legal agreement with the Highway Authority rather than through a planning condition.

- 12.78 Internally the access road is a 4.8 metre shared surface access, in line with the arrangement approved as part of the appeal scheme (DM/19/1025). A shared

surface is considered acceptable considering the anticipated vehicle movements being below 100 per hour, as per Manual for Streets guidance.

- 12.79 In summary, taking account of all the above, it is considered that the application complies with policy DP21 in the DP.

Drainage

- 12.80 Policy DP41 in the DP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

- 12.81 The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk (the equivalent of flood zone 1). However, there is an area of high surface water flood risk (flood zone 3b equivalent) on the site. The application is supported by a flood risk assessment.
- 12.82 It is proposed that the development will utilise permeable paving and a swale to manage surface water drainage via infiltration. The use of infiltration drainage is

based on soakage tests undertaken in the area previously. The proposed drainage strategy shows that surface water drainage is likely possible on the site.

- 12.83 It is proposed that the development will discharge foul water drainage to the main public sewer located on Lewes Road. This is considered acceptable in principle.
- 12.84 The Council's Drainage Engineer has no objection to the scheme and considers that the details of the drainage scheme can be controlled by a planning condition. With this in place the application would comply with policy DP41 of the DP.

Infrastructure provision

- 12.85 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.86 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
- 12.87 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

'55 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:

'57 Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

- 12.88 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.89 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.

West Sussex County Council Contributions:

Library provision: £21,163
Education Primary: £198,343
Education Secondary: £213,467
6th Form: £ 50,006

TAD: £91,987

District Council Contributions

Children's play space: £50,920

Kickabout: £42,773

Formal sport: £58,099 toward formal sport facilities at Ashurst Wood Recreation Ground

Community buildings: £36,566 towards Ashurst Wood Recreation Ground pavilion and / or Ashurst Wood Village Centre

Local community infrastructure: £41,498

Other Contributions

Sussex Police: £23,569.94

NHS Sussex: £83,328

- 12.90 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. A section 106 legal agreement would need to be completed to secure these contributions.

Contaminated Land

- 12.91 Paragraph 183 of the NPPF states:

'Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

- 12.92 Mapping indicates that the site has two in-filled pits within its curtilage, the contents of which are unknown. There is also an electricity substation on site. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

- 12.93 Due to the above, and the size and sensitivity of the proposed development, the Council's Contaminated Land Officer has recommended that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Additionally the Contaminated Land Officer recommends that a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed. With such a condition in place it is considered that this issue would be appropriately addressed.

Ecological matters

- 12.94 The scheme is accompanied by Outline Ancient Woodland Management Plan, Bat Emergence and Owl Survey Report, a Preliminary Ecological Appraisal Report and Phase 1 Vegetation Survey and Risk Assessment for Protected Species. All of this information has been assessed by the Councils Ecological Consultant and her comments are set out in full in the appendix.
- 12.95 In summary, the applicants reports found that the following:
- there was no evidence of the regular presence of any legally protected reptiles or amphibians within the development area or in close proximity
 - trees within the development area are considered to have negligible potential to support roosting bats
 - the buildings, cabins, and various other built structures to be demolished are all of unsuitable design for bats, and there was no evidence of use by bats from a careful search for the usual signs.
- 12.96 The applicants propose a 15m buffer zone to the ancient woodland, to be planted with locally native shrubs and trees e.g. hazel, field maple, holly, hawthorn etc. to provide a 'soft' edge to the ancient woodland. A woodland management plan is proposed to cover all woodland within the ownership of the company.
- 12.97 Policy DP38 of the DP seeks to protect biodiversity.
- 12.98 The woodland to the south and southwest of the site is designated as ancient woodland. In relation to ancient woodland paragraph 180 of the NPPF states:
- 'When determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*
- 12.99 Footnote 63 states *'For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and*

hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'

- 12.100 The development has been designed with a 15m buffer to the ancient woodland. This is in line with Government guidelines. The Councils Ecological Consultant has no objection to the scheme in relation to ancient woodland.
- 12.101 The Councils Ecological Consultant accepts the applicants reports that following two emergence surveys, no bat roosts were identified in the house and that no further surveys for bats are required. The Councils Ecological Consultant recommends a planning condition to support the implementation of a non-licensed Precautionary Method Statement for mobile animals, including bats. The Councils Ecological Consultant also agrees that the pond within the site has poor suitability for Great Crested Newts (GCN) and recommends the implementation of a non-licensed Precautionary Method Statement for mobile animals, to include GCN.
- 12.102 In conclusion, the Councils Ecological Consultant has advised that there is sufficient ecological information available to determine the application and that with the appropriate mitigation measures secured by condition, the development can be made acceptable. Your Planning Officer has no reason to disagree with the Ecological Consultants conclusion. With the suggested conditions in place the scheme will comply with policy DP38 in the DP.
- 12.103 Policy DP37 in the DP seeks to support the protection and enhancement of trees. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.
- 12.104 The application is accompanied by an Arboricultural assessment and method statement. This outlines that there are two category B trees on the site that would be retained. It is only low quality category C trees that would need to be removed. It is not considered that the removal of these trees, which are scattered within the site, would have an adverse impact on the character of the area. None of these would be suitable for a tree protection order (TPO). There will also be an opportunity for new tree planting within the site. It is therefore considered the application complies with policy DP37 in the DP.

Impact on Ashdown Forest

- 12.105 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.106 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

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

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

12.110 This planning application is within the 7km zone of influence and generates a net increase of 43 dwellings, and as such, mitigation is required.

12.111 An appropriate scale of SAMM mitigation for the proposed development is £58,500, and if the approved scheme provides for a strategic SANG contribution, this would be £80,522.

12.112 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.

12.113 The strategic SANG is located at East Court and 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.

12.114 The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ('Planning Obligation').

12.115 Once the Planning Obligation securing the SAMM and SANG contributions has been completed it is considered that the mitigation of the recreational impact to the Ashdown Forest will be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

12.116 Natural England has been consulted on the appropriate assessment of this proposed development and an update will be provided at the Committee meeting.

Atmospheric pollution

12.117 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen

may detrimentally affect the composition of an ecosystem and lead to loss of species.

- 12.118 The proposed development was modelled in the Mid Sussex Transport Study as development allocated through the Neighbourhood Plan such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest.

Conclusion of the Habitats Regulations Assessment

- 12.119 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.
- 12.120 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.121 No mitigation is required in relation to the Ashdown Forest SAC.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP, Site Allocations DPD and the AWNP. The NPPF is an important material planning consideration. The planning history on the site is also a relevant material planning consideration.
- 13.2 As the site is allocated for redevelopment in the AWNP, the principle of the development is acceptable. It is also relevant that planning permission has been granted on appeal for the development of the EDF energy building for 54 units and this scheme is extant, and could therefore be built out.
- 13.3 It is your Planning Officers view that overall, the design and layout of the scheme is acceptable and would provide good quality accommodation for future occupiers. The development is of a modern contemporary design, featuring traditional materials. It is considered that this is an acceptable approach and will create a development that has a cohesive character. It is also relevant that a modern contemporary approach was found to be acceptable by the Planning Inspector who granted planning permission for 54 units on the EDF energy site.
- 13.4 It is considered that the scheme would not cause a significant loss of residential amenity to the occupiers of The Barn or to North Lodge to the east of the site. It is also considered that the scheme would not cause significant harm to the occupiers of the flats at Ashbourne House and Carlton House to the northwest of the site.
- 13.5 It is considered that the setting of Camden Cottage, a grade 2 listed building to the east of the site will be preserved. It is considered that given the existing buildings that occupy the site, the proposal would conserve the natural beauty of this part of the High Weald AONB.

- 13.6 The scheme does not propose any affordable housing as the applicants have demonstrated that the scheme would not be viable to provide any affordable housing. As such, the applicants have complied with the requirements of policy DP31 in relation to this matter. A review mechanism would be included within the section 106 legal agreement. This will determine whether the development is capable of providing additional affordable housing or meeting other unmet policy requirements, deemed unviable at planning application stage through the Submission Viability Appraisal.
- 13.7 The proposed access arrangements to the site are considered to be satisfactory. Whilst the proposal has less car parking than is set out in the Neighbourhood Plan and WSCC car parking guidance, there is no objection to the proposal from the Highway Authority. The Planning Inspector who granted planning permission for 54 units on the EDF energy site found that a reduced level of car parking compared to the Neighbourhood Plan and County Council standards was acceptable. In light of all these points it is considered that the proposed development would not have a severe impact on the highway network and the level of car parking provision is satisfactory.
- 13.8 The scheme can be satisfactorily drained and a legal agreement can secure the required infrastructure contributions, including the required mitigation for the Ashdown Forest. There are no ecological objections to the scheme.
- 13.9 Also weighing in favour of the scheme is the fact that the proposal would bring about a redevelopment of a previously developed site. There would also be economic benefits from the scheme associated with both the construction phase and also the additional spend in the economy from new residents. The provision of 50 dwellings would make a positive contribution to the Councils housing land supply and this all weighs in favour of the application.
- 13.10 In light of all the above it is considered that the proposal complies with the development plan, when read as a whole. Subject to conditions and the completion of a section 106 legal agreement to secure the necessary infrastructure contributions, Ashdown Forest mitigation, off site Highway Works, a Travel Plan monitoring fee and a Viability Review in relation to affordable housing, it is recommended that the application be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. **Pre commencement**

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- pollution incident control and site contact details in case of complaints
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete

- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

4. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

5. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. 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 Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

6. Part A: External Noise

No development shall take place until a scheme for protecting the residential unit from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA.

Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed.

Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing.

All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Part B; Air Source Heat Pumps

Unless otherwise agreed, the air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Reason: to protect the amenity of local residents and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the 'Air Quality and Emissions Mitigation Guidance for Sussex' which is current at the time of the reserved

matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with policy SA38 of the Site Allocations DPD.

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

a) A preliminary risk assessment which has identified:

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

• and unless otherwise agreed in writing by the Local Planning Authority,

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

and, unless otherwise agreed in writing by the Local Planning Authority,

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

Reason: 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 and to comply with paragraph 183 of the NPPF.

9. No development shall take place (including any demolition, ground works, site clearance) until a Precautionary Biodiversity Method Statement for protected and Priority species (bats and Great Crested Newt) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats and species) and s17 Crime and Disorder Act 1998 and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

10. Prior to any development commencing (including demolition) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include reference to the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;
- b. detailed designs or product descriptions to achieve stated objectives;
- c. locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d. persons responsible for implementing the enhancement measures; and
- e. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

12. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- i. 1:20 scale elevation (vignette) and section drawings that show a typical part and elements of one of the 3 storey building's front elevations.
- ii. Facing materials including windows
- iii. The rainwater discharge arrangements
- iv. The design and layout of solar panels
- v. Materials for the access road, parking areas and footways

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy ASW14 of the Neighbourhood Plan.

13. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire and Rescue Service Act 2004.

Pre occupation

14. Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire and Rescue Service Act 2004.

15. The development hereby permitted shall not be occupied until a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority

habitats and species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

16. The development hereby permitted shall not be occupied until a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: 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 and to comply with paragraph 183 of the NPPF.

18. No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane

liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

19.

No dwelling shall be occupied until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

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

20.

No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving the development have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the District Plan 2014 - 2031.

21.

No part of the development shall be first occupied until visibility splays of 2.4 by 43 metres been provided at the proposed site vehicular access onto Lewes Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

22.

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

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

23.

The dwellings shall not be occupied until the parking spaces/turning facilities/and garages 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/turning/and garaging 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 and Policy ASW21 of the Neighbourhood Plan.

24. The dwellings shall not be occupied until details of the open space areas to be provided on site have been submitted to and approved by the Local Planning Authority. The details shall include the landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that the open space is provided and retained within the development for use by future occupiers and to accord with Policy DP26 of the District Plan 2014 - 2031.

25. Before the dwellings hereby permitted are occupied recycling and dustbin enclosure(s) shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

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

Construction period

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

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

27. 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

Sunday and Public/Bank holidays: None permitted

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

unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: 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 and to comply with paragraph 183 of the NPPF.

29. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence and Owl Survey Report (Corylus Ecology, September 2021), Outline Ancient Woodland Management Plan Revision B (Land Management Services Ltd., August 2022), Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with policy DP38 of the Mid Sussex District Plan 2014 - 2031.

Post occupation

30. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling houses, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

32. The proposed first and second floor windows in the northwest elevation of plot 28 shall at all times be glazed with obscure glass.

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

33. The proposed first and second floor windows in the northwest elevation of plot 37 shall at all times be glazed with obscure glass.

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

34. The en-suite and kitchen windows at first and second floor level in block 2 on the northwest elevation of the building shall at all times be glazed with obscure glass.

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

35. The bathroom windows on block 1 annotated as being opaque windows on plan numbers 2053_010 A, 2053_011 A and 2053_012 A shall at all times be glazed with obscure glass.

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

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

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

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. 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.
3. In order to ensure approval, we strongly recommend that the air quality mitigation scheme is agreed in advance with the Council's Air Quality Officer.
4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

APPENDIX B – CONSULTATIONS

County Planning Officer

Education			
School Planning Area	East Grinstead		
Population Adjustment	119.0		
	Primary	Secondary	6th Form
Child Product	1.4007	1.4007	0.7564
Total Places Required	9.8049	7.0035	1.5128
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steypning	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£21,163		
Population Adjustment	119.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	50		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	119.0		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£198,343
Education - Secondary	£213,467
Education - 6th Form	£50,006
Libraries	£21,163
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£91,987
Total Contribution	£574,966

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the

planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 50 net dwellings, and no additional parking in addition to existing provision on site.

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 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional facilities at Ashhurst Wood Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Sackville School.

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

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

The contributions generated by this proposal shall be spent on:

- Cycle improvements on the A22 between Ashurst Wood and East Grinstead and/or
- Traffic calming and pedestrian/cycle improvements within Ashurst Wood village

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

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

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

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

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

All contributions will be index linked from the date of this consultation response to the date the contributions become due.

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33percent 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 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,229 per child**
- Secondary Schools- **£30,480 per child**
- Sixth Form Schools- **£33,056 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,928** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 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.

$$\text{TAD} = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$$

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 2022/2023 is £1,549 per parking space.

$$\text{Infrastructure contributions} = \text{Car parking spaces} \times \text{Cost multiplier}$$

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 (£773).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 773$$

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

Highway Authority

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Statement (TS).

Background and Site Context

The application site 'Wealden House' comprises two buildings formerly occupied by EDF Energy and Life Improvement Centre. The former EDF Energy building has a gross external floor area of 3,057 square metres with 64 car parking spaces and an additional, informal, overflow parking area. The building formerly occupied by Life Improvement Centre has a gross external floor area of 769 square metres with 50 car parking spaces. The LHA had no objection to the previous residential developments on these sites.

The current development proposal is for the demolition of these two buildings and construction of 50 nos. residential dwellings, comprising 15 flats and 35 houses. Provision for 105 car parking spaces is made at the site, together with safe and secure cycle parking.

Access and Visibility

The site fronts onto A22 Lewes Road, an 'A' classified road subject to 30 miles an hour speed limit. The existing established access and right hand turn lane from A22 Lewes Road will be used for vehicular access with no changes proposed. Pedestrian and cycle access will be via the same access, with the access road forming a shared surface environment within the site. A central refuge island with corresponding dropped kerb and tactile paving has been provided near to site access on Lewes Road, to facilitate safe pedestrian movement. A Stage 1 Road Safety Audit undertaken on the refuge island did not raise any concerns.

The TS states that 85th percentile speeds are 38mph northbound and 35mph southbound. This would require splays of 95m south and 54m north (where the appropriate standards have been applied to calculate Stopping Sight Distance for above and below 60kph). Whilst the raw data for speed survey has not been provided, it is clear from WSCC mapping, and the Proposed Site Access Visibility Splays plan, that in excess of this can be achieved entirely within the publicly maintained highway and thus no concerns are raised in regard to the level of visibility onto Lewes Road.

Personal Injury Accident (PIA) Data

The LHA have reviewed the data supplied to WSCC by Sussex Police over a period of the last five years. There has been recorded injury accidents on the nearby road network but none at the site access. Therefore, there is no evidence to suggest the site access is operating unsafely or that the additional dwellings would alter this.

Internal Layout

There are no concerns with the layout of the site. The access road is a 4.8 metre shared surface access, in line with the arrangement approved as part of the appeal scheme (DM/19/1025). Segregated footways are provided within the site, leading to apartment blocks, and dwelling entrances, including the play area. Shared surface is considered acceptable considering the anticipated vehicle movements being below 100 per hour, as per Manual for Streets guidance. Swept path tracking for a refuse collection vehicle has been provided and demonstrates that such a vehicle can enter from the public highway and manoeuvre within the site to exit in forward gear.

Parking

WSCC Parking Demand Calculator (PDC) is used to determine the car parking requirement. A total of 105 car parking spaces are proposed for the development at 2.1 parking spaces per dwelling. Previously, the LHA raised no concerns with parking allocation which was slightly below the requirement from the PDC. In addition, it should be noted the proposals are likely to be less intensive than the previous uses. Therefore, the LHA are satisfied that the car parking provision is anticipated to satisfy the likely demands.

Safe, lit, and secure cycle parking provision for the houses is made within rear garden sheds. For the proposed flats, cycle parking provision is made within communal stores at the entrance of the buildings.

Trip Generation and Highway Impact

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal and the previous builds use. The development is estimated to generate a decrease in vehicular trips of 64 two-way trips in the weekday morning peak hour and 56 two-way trips in the weekday evening peak hour. Across a typical weekday, the proposed residential use could generate a reduction of 364 two-way vehicular trips compared to the existing commercial site use.

The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings in comparison with the existing use. Whilst the proposal does exceed the 30 vehicle movement threshold the existing use of the site and less intensive nature does not warrant formal junction assessments. It is recognised that this proposal would give rise to a less intensive use of the existing access onto London Road. Therefore, the current proposal is not anticipated to result in a severe cumulative impact on the operation of the local network.

Sustainable Transport Accessibility

Footways on both sides of Lewes Road with a central refuge island crossing to the southeast provide a link for pedestrians to the local shop (0.7 mile) and Primary School (0.9 mile). The nearest bus stop is Windmill Close to the northwest and provides services to Brighton, Tunbridge Wells, Crawley, and East Grinstead.

The LHA advises that a Transport Plan (TP) is produced to further promote sustainable travel for all users of the site. The site is accessible via regular bus services accessible from bus stops along the A22 Lewes Road.

East Grinstead Train Station is 2.1 mile north and accessible through the nearby bus service or bicycle ride for the more confident cyclist, with cycle parking available at the station. Cycling in vicinity of site is on-carriageway but nearby NCR21 could provide some off-road sections for some parts of as journey.

Conclusion

In conclusion, the Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

CONDITIONS

Access

No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving the development have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 by 43 metres been provided at the proposed site vehicular access onto Lewes Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Vehicle Parking and Turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

Cycle Parking

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

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

Construction Management Plan

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Access arrangements from the public highway, including temporary accesses and alterations to existing accesses,
- details of public engagement both prior to and during construction works.

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

Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan

shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

INFORMATIVES

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSSC Lead Local Flood Authority

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk. We acknowledge receipt of the Flood Risk Assessment and Surface Water Drainage Strategy, Motion, August 2022.

We have no additional requirements/comments to submit with regards to this application at this stage. Please continue to consult the District Drainage Engineer.

Please Note:

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

WSSC Fire and Rescue Service

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

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

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased

programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire and Rescue Service Act 2004.

NHS Sussex Overview

Current Estate is at capacity in East Grinstead. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For East Grinstead area GP's, there are circa 50,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

Development proposal

NHS Sussex predicts that new residents will register at one of 2 GP practices that are being extended (new clinical rooms). The s106 funds will support **Modality GP services and GP practices in the area - the cost of new clinical space**. The new homes are in the catchment area of 3+ GP practices. Residents may be supported by other sites, dependent upon choice - but all are at capacity. Thus, NHS Sussex requests a contribution to enable support of the growing new housing population - work is under way for expanding capacity at the GP practices, subject to the s106 funding.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.**

NHS Sussex requests a contribution from the applicant of **£83,328**, as quantifiably in the tariff section, which will be used most likely towards supporting **Modality GP sites and E Grinstead area GP sites** (Ship St and Judges Close are specific site projects to fund).

Housing Funding will not be duplicated. NHS Sussex will consider the proportional use of these funds coupled with the other East Grinstead and area developments so as to give best benefit to patient care.

The Tariff formula has been independently approved by the District Valuer

Assessment and request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes.

The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in East Grinstead

Primary Care services in East Grinstead are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS) for running costs, staff and services. Housing growth additional factors are a premises need specific factor. This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in East Grinstead is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible - to enhance good current sites where staff already work. To add to that good service. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of **£83,238** for the infrastructure needs of **NHS GP service site(s)**. With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. Funds will only be asked for on a proportionate level for the directly related services.

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been verified by the **District Valuer Service** (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 123 new residents (weighted) with a consequential additional GP surgery area requirement of 13.99m². This equates to a direct cost of **£83,238** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

S106 Contribution to NHS/GP Community/ Provision	(Formula agreed by The District Valuer)							
Mid Sx DC Ref DM-22-2832								
15 apartment & 35 3/4 bed houses								
Wealden House, Ashurst Wood, East Grinstead								
Font in red can be adjusted								



Sussex
NHS Commissioners



Housing Development

House Numbers (Inc Social Housing)	House Type	New Occupanc (Persons)	Surgery Area Requirement (sqm)		Infrastructure Development cost(psm)	Capital Contribution (£)	Approx Contribution per dwelling(£)
5	1 Bed	8	1	@	£5,950	£5,096	£1,019.24
10	2 Beds	19	2	@	"	£12,910	£1,291.04
18	3 Beds	45	5	@	"	£30,577	
17	4 Beds	51	6	@	"	£34,654	
0	5 Beds	0	0	@	"		
0	Care Home						
		equivalent					
50	House Total	123	13.99	@	"	£83,238	

Ave Occupancy	2.45	Contribution Per Dwelling	£1,665	per dwelling
			£679	per person

Occupancy Assumptions (confirmed by WSCC JUL 2015) Care home contributions are at up to 100% of 1 bed dwelling

PER CENSUS 2011 - WSCC							
Infrastructure costs	£5,950.0	psm					
Average Sqm Per Patient	0.1142	sqm					
Average Occupancy Assumptions							
	1 Bed	1.5	Persons				
	2 Bed	1.9	Persons				
	3 Bed	2.5	Persons				
	4 Bed	3	Persons				
	5 Bed	3	Persons				

Explanation

1. Build costs include basic build cost, finance, professional fees. To be amended annually.
2. The occupancy assumptions can be amended as per the requirements of the Local Authority.
3. The average sq metre per patient has been derived from SFA 2003/04 as below, including additional space. This can be amended to reflect the flexibility of the NHS Directions and the requirement of the CCG to provide additional clinical or service development space within a new development

1600 patients per GP							
1500	sqm GIA	7	GP Practice	AVG Patient List	11200	0.1339	sq m per patient
836	sqm GIA	6	GP Practice	AVG Patient List	9600	0.0871	sq m per patient
718	sqm GIA	5	GP Practice	AVG Patient List	8000	0.0898	sq m per patient
646	sqm GIA	4	GP Practice	AVG Patient List	6400	0.1009	sq m per patient
487	sqm GIA	3	GP Practice	AVG Patient List	4800	0.1015	sq m per patient
374	sqm GIA	2	GP Practice	AVG Patient List	3200	0.1169	sq m per patient
271	sqm GIA	1	GP Practice	AVG Patient List	1600	0.1694	sq m per patient
				Average		0.1142	sq m per patient

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 5,000 homes in this area (East Grinstead and surrounding area) over the current planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for East Grinstead.

ii. Directly related

It is indisputable that the increase in population of approximately 123 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. **Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.**

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff - which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.

Southern Water

Thank you for your letter dated 20/09/2022.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

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

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Thank you for your correspondence of 20th September 2022, advising me of a full planning application for the demolition of existing buildings and erection of residential redevelopment scheme comprising 2 x three storey buildings containing 15 apartments together with 35 x three- and four-bedroom houses, 105 car and garage spaces, associated landscaping, and open space at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

Despite the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have a small number of concerns with the proposal. Additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

The development is accessed off Lewes Road with a single non-through vehicle route. There is an existing public footpath in the north east corner of the site that links into the

development. All the dwellings face onto the street layout which has created good active frontage with the streets and the public areas being overlooked. There are back-to-back gardens or gardens that back onto the development's boundary. This has eliminated the need for vulnerable rear garden pathways. Parking has been provided with garage, on-curtilage, overlooked bays and a number of on street parking bays, this should leave the street layout free and unobstructed.

I have concerns that the communal parking for Block 1, plots 1-6 have very limited surveillance over them. I feel they are vulnerable to unobserved attack from Lewes Road. Where communal parking occurs, it is important that they must all be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, timber picket fencing or defensive planting. Whereas vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis (300mm) topped 1.5-metre-high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Where gates provide access to the rear garden, they must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

With regard to the blocks of multiple dwellings. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2019 V2 chapter 27 respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. For multiple blocks of multiple dwellings serving 10 dwellings or more please see chapter 27.14. More robust construction.

With respects to mail delivery for bocks of multiple dwellings. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended / permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32.

I recommend the postal arrangements for the flats is through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. (Note 21.5). This would apply to windows as well.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.

Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access Para 9 SBD Homes 2019.

I have concerns that the proposed play area behind Block 2, plots 38-46 has the potential to impact upon the amenity of the residents within.

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should be no higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Where the existing footpath links into the development on the north east corner of the site. The applicant has demonstrated any means by which footfall will be directed through the development in an organised manner. This brings uncontrolled permeability into the development. I recommend the applicant follows the SBD advice given below.

When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed. Chapter 8.3 of SBD Homes 2019 V2 states; Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.

Chapter 8.10 Footpath Design. SBD have identified that public footpaths should not run to the rear of rear gardens as this has proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that

they are as straight as possible o wide o well lit (within BS 5489-1:2020) o devoid of potential hiding places o overlooked by surrounding buildings and activities o well maintained so as to enable natural surveillance along the path and its borders.

SBD Homes 2019 V2 chapter 8.12 Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles, and mobility vehicles). If footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

Where cycle security is being provided for within garages, cycle sheds within the gardens and communal cycle stores. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 and 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling where applicable.

I recommend that the dwelling lighting is switched by dusk till dawn lighting as opposed to PIR. Secured by Design has not specified PIR activated security lighting for a number of years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. For blocks of multiple dwellings, I recommend that the lobbies are lit with dusk till dawn switched lighting with the stairwells having PIR operated lighting.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case, it is acceptable. However, where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations have been given due consideration.

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

Sussex Police Infrastructure

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning application DM/22/2832 seeking planning permission for 50 residential dwellings at the former Wealden house, Ashurst Wood, West Sussex.

Sussex and Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically Burgess Hill will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development.

All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is a vacant partially developed site that has a negligible impact on policing. Once developed this site will create an additional demand upon the police service that does not currently exist.

The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's towns and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to

deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex and Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the district.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices). The principle of developer contributions towards Sussex Police has recently been upheld by the Secretary of State in the allowed appeal relating to new 400 homes on the land east of Fontwell Avenue, West Sussex (Appeal ref: APP/C3810/V/16/3143095 - Appendix 2).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/22/2832, makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the Community Infrastructure Levy (CIL). This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the NPPF and within Paragraph 156 of the NPPF which states '*Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver... the provision of health, security, community and cultural infrastructure and other local facilities*'.

In the support of this request the following information is provided by Miranda Kadwell, Corporate Finance Manager at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

National funding

Sussex Police receives 59percent of its funding from central government and 41percent from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as central government grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of central government grant is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

The first stage of the formula is to divide funds between the different activities that the police undertake. These activities, or workloads, can be broken down into five key areas (Crime, Incidents, Traffic, Fear of Crime, and Special Events).

A portion of total funding is also distributed according to population sparsity, to address the specific pressure created by the need to police rural areas.

The second stage is to divide funding for each of these workloads between the 43 local policing bodies of England and Wales. In order to do this, 'workload indicators' are calculated to estimate how much work each Police Force is expected to have in each of the key area compared to other forces. These estimates are calculated by socio-economic and demographic indicators that are correlated with each workload. Indicators of workload are used rather than data recorded crime levels to account for known variations in recording practices, and the funding model has been designed to avoid creating any incentives for forces to manipulate figures.

The formula consists of a basic amount per resident and a basic amount for special events, and top ups for the five key areas, sparsity and area costs (which takes account for regional differences in costs).

The top-ups etc. are weighted and use specific categories of population, rather than a straight forward population figure, to determine grant allocations, for examples specific categories includes the population of various benefits, long-term unemployed, over crowded households, hard pressed households, residents in terraced accommodation etc.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in Central Government Grant to Surrey Police. Putting aside the time delays between recognising population growth and this being fed in to the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

For the 2020/21 year there was an increase in the CGG despite to begin to accommodate 'Operation Uplift' across the UK. This funding was ring fenced for revenue expenditure on employing new police officers. However it can be stated with certainty that even if there was

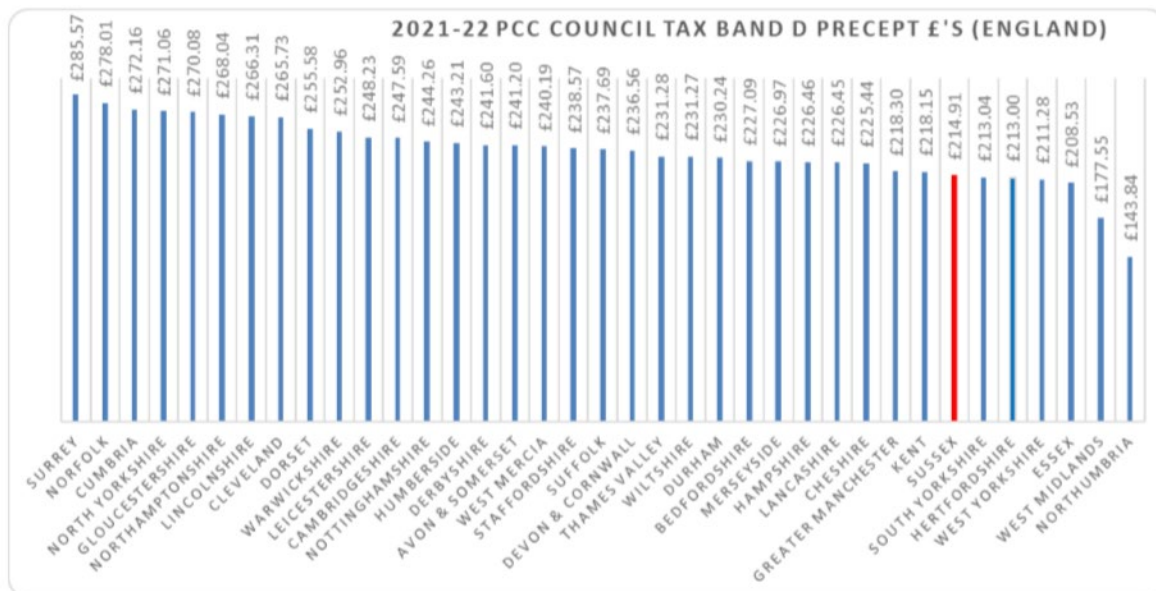
further increases in central funding as a result of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police to plan in an efficient way is his priority. Therefore, proposed changes to the funding formula will be revisited at the next Spending Review. Due to the uncertainty and range of possible outcomes, we have made no assumptions regarding a change to the funding formula in our current financial forecasts. This adds to the level of uncertainty over future government funding.

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently £12 per Band D property to maintain real terms funding. The cap on precept uplift was raised to £12 for all forces for the 2018/19 year. The precept was raised to £10 for the 2021/22 financial year.

During 2021/22 Sussex Police had the 7th lowest net expenditure per head of population nationally at £199.91 and the 7th lowest precept of any PCC in England and Wales.



There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2020/2021 will reduce the severity of the Forces previous savings target. The savings target represents a funding gap between our existing budget requirements and current funding sources. However the latest Medium Term Financial Strategy indicates the PCC will still require a further £1.9m to be drawn from our reserves to support revenue costs associated with our Local Policing Program over the period to April 2022.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And, the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Over the last nine years Sussex Police have worked hard to deliver savings and have made £109m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the 'Sussex Police Medium Term Financial Strategy' (MTFS) identifies a net savings requirement in the region of £20.7m over the next four years. This is the 'budget gap' i.e. the difference between funding and the cost of policing which will need to be met by savings.

Capital Funding

Central Government funding for investment in capital infrastructure takes the form of a Home Office Grant. This grant makes up a small part of the overall funding for the Capital Programme and was reduced from 0.906m to £0.243m for the 2019/20 financial year and has remained at this level for 2020/21. Our capital and investment program is funded firstly by our capital grant and capital receipts (building sales) and is then supported by reserves or revenue contributions.

Home office capital grant is cash limited and has been reduced in recent years due to austerity measures and the requirement to fund national projects such as the new National Police Air Support (NPAS) service and Police Live Services for digital data and technology capabilities. The grant is not affected by movement in the local population of CTB, therefore, any local capital investment creates an additional financial burden on Sussex Police which will be funded through reserves or borrowing. With diminishing reserves and the implications of borrowing both situations both alternative funding mechanisms are inadvisable.

Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service has to deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

2. Assessment and Request

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of this borough where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the district. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the borough.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that '*infrastructure*' is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of 'infrastructure' but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word '*includes*' prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy

terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.

- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

3. Current Policing requirements in the District of Mid Sussex

Sussex Police's existing estate

At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that East Grinstead police office has existing capacity and could provide limited space to support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Sussex Police's current policing requirements and projections

For the last financial year Sussex Police recorded 20,569 incidents in the District of Mid Sussex which accounted for 6.1percent of the total number of incidents in the County (2021/22 incident records) and 13.6percent of incidents in the Western division.

To determine the current policing requirements per household or individual person an approximate estimation of the number of households and population in the district is required. The 2021 census listed 63,300 households and 152,600 persons living in Mid Sussex with an average household size of 2.41 persons. Taking into account the number of recorded incidents and current number of households this results in 0.325 incidents per household (20,569 / 63,300) and 0.135 incidents per person (20,569 / 152,600) that require police attendance in the Mid Sussex district each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. We deliver crime prevention and presence, attendance and service lead at emergencies eg RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety of children, the elderly and those with special needs.

4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of homes would have a population of 117.2 persons (see breakdown). Applying the current ratio of 'incidents' to population then the development would generate an additional 15.8 incidents per year for Sussex Police to attend (0.135 x 117.2).

Housing Type	1 bed	2 bed	3 bed	4 bed	Total
No. of units	8	9	15	18	50
Expected occupancy	1.3	1.9	2.5	2.9	
Total	10.4	17.1	37.5	52.2	117.2

These incidents are likely to result in 5 additional recorded crimes per year attributed to this neighbourhood.

5. Current breakdown of policing delivered in Mid Sussex

Current statistics show that Sussex Police employ 3124 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood and response policing; divisional policing delivering specialist services such as investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Forcewide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

Police officers

- 87 dedicated uniformed Officers
Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.
- 19 divisional officers
The West Sussex division has 151 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 12.5percent of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 19 divisional officers to the Mid Sussex district.
- 56 Force wide officers
A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 930 officers Force wide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 6percent of all incidents managed by Sussex Police occur in Mid Sussex, 56 officers are required for the policing of this district.

Police staff

Sussex Police currently employs 2509 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (ie: East Sussex, West Sussex, and Brighton and Hove) delivering services such as crime prevention, operations, investigations,

strategic support, corners office and other essential roles. Force wide support staff roles such as public protection, joint transport services, crime justice and custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above force-wide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 14 dedicated support staff
Police Enquiry officers, Facilities officers, Facilities Assistants
- 24 divisional support Staff
As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office and other essential roles.
- 120 Force-wide support staff

The majority of our support staff functions are delivered in a force-wide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 2509 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.5percent of all incidents managed by Sussex Police occur in Mid Sussex, 120 support staff are currently required to support policing in Mid Sussex.

Dedicated officers	87	
Divisional officers	19	
Force wide officers	56	
Total number of officers	162	
Dedicated support Staff	14	
Divisional support staff	24	
Force wide support Staff	120	
Total number of staff	158	

Currently 20,569 incidents are attended by 162 officers per year in Mid Sussex which is a ratio of 127 incidents per officer, per year. To retain this current ratio of 127 incidents per officer per year, an additional 15.8 incidents per year would require 0.125 additional officers (12.5percent of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 158 police staff are required to support policing to the 63,300 households in Mid Sussex. This is a ratio of 400 households per staff member. Therefore an additional 50 households would require 0.125 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 50 additional homes

Total Additional Officers Required	0.125	15.8 (expected No. incidents arising from development) / 127 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.125	(50 / 400) (no. of new households / Existing no of support staff per household)

6. COSTS

In order to mitigate against the impact of growth our office have calculated that the capital 'cost' of policing new growth as a result of this major planning application equates to **£23,569.94.**

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

OFFICER SET UP

OFFICER			
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33	0.125	£538.42
Start-up recruitment and training cost	£5,460	0.125	£682.50
TOTAL COST	£9767.33	0.125	£1,220.92

SUPPORT STAFF			
Start-up equipment (workstation, IT equipment)	£2,086	0.125	£260.75
Start-up recruitment cost	£1,060	0.125	£133
TOTAL COST	£3,146	0.125	£393.25

Sussex Police would utilise the contribution in the following manner;

- **£1,220.92** as a pooled payments towards the cost of 1 additional dedicated officer in the
- Herontye and Ashurst Wood NPT to deliver policing to the site and surrounding area to be based at Burgess Hill Police Station.
- **£393.25** as a pooled payment towards the cost of training and equipping 1 additional support staff member to deliver policing to the site and surrounding area to be based at East Grinstead Hill Police Station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

PREMISES

At present policing in Mid Sussex is delivered from Haywards Heath, Burgess Hill and East Grinstead (Chequer Meads art centre) police stations. Haywards Heath and Burgess Hill are our major divisional sites which accommodates various functions including prevention, response and roads policing teams that would serve new development occurring across the district.

Any additional officers or staff would be based at the East Grinstead police office where our estates department have identified sufficient capacity at this time and therefore no contribution is sought for the cost of supporting these officers at this site.

VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g Scene of Crime Officers) vehicles, pursuit vehicles - 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 63,300 households) currently consists of 27 active dedicated vehicles and 39 force-wide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to provide additional vehicles in line with development growth at present and our budget is required to replace and maintain vehicles at their end of life.

Contributions towards additional police vehicles have commonly been sought via developer contributions to meet the increased demands on our service as a result of development growth.

In total there are 27 dedicated vehicles and 39 force-wide vehicles delivering policing to the district of Mid Sussex.

	Department	Number of vehicles
Divisional	Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations	27
Forcewide	Crime support command, Dogs section, Firearms, Intel, Licensing, Major investigations, Public protection, Traffic, Training.	39

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or 125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5percent of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

66 vehicles at net value of £1,122,000

Existing number of households in Mid Sussex (63,300) = £17.72 per Household (1,122,000 / 63,300) x 50 Households x 2 = **£1,772** to give 8-year life of provision.

Sussex Police would utilise the contribution in the following manner;

- **£1,772** as part payment towards one additional vehicle in the Herontye and Ashurst Wood NPT/NRT to deliver policing to the Mid Sussex District Council administrative area. This would include replacement after 4 years at a cost of £17,000 per vehicle.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the most recent appeal decision concerned contributions towards policing (Appendix 5 - APP/R1845/W/17/3173741) issued on the 18th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

7. Compliance with National Policy and CIL Regulations

Following the abolition of CIL regulation 123, the funding of infrastructure is no longer restricted to 5 separate developer contributions. Within Mid Sussex the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams. Therefore, when contributions from new housing development are pooled it is sensible to do this based on NRT areas which in the case of this development is the Bolney, Albourne, Warninglid, Pyecombe and Poynings NRT/NPT.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as Appendix 2. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to 'protective clothing, uniforms and bespoke training' and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims 'To support sustainable communities which are safe, healthy and inclusive'.

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with

sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation.

The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police's infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (Appendix 4) stated:

62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.

63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010.

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (Appendix 1) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

'The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose '.. *Directly from the new households occupying the proposed development*'. Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions'.

'Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an

incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12percent of an additional vehicle over a six year period.'

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages 'sustainable development': see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters'.

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (Appendix 2) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in Police and Crime Commissioner for Leicestershire vs Blaby Council. Paragraph 61 and 62 of the judgment state:

61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be 'consumer view' of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to

carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.

62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs'.

In respect of the methodology used for this request the same Planning Inspector stated '47 - *I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP'.*

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Mid Sussex safe.

2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Sussex Police to maintain its current level of service in the borough. This infrastructure has been identified by Sussex Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 and APP/X2410/A12/2173673, Appendix 2). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at para 29 of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries. Para 292

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (2018);

Paragraph 20 (b) retains reference to 'security infrastructure' and advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).

Paragraph 91 advises that planning policies should aim to achieve healthy, inclusive and safe places which:

'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 95 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

The Glossary to the new NPPF includes an entry entitled 'Essential Local Worker'. It states '*these are public sector employees who provide frontline services in areas including health, education and community safety - such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers*'. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our office's request for infrastructure contributions relating to this development at the former Wealden house, Ashurst Wood.

I am more than happy to discuss the content of this submission with yourselves and support with any further evidence if considered necessary.

Natural England

To be reported.

Ecological Consultant

Holding Objection pending further information	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

Summary

We have reviewed further information including the Bat Emergence and Owl Survey Report (Corylus Ecology, September 2021), Outline Ancient Woodland Management Plan Revision B (Land Management Services Ltd., August 2022), Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021) and Phase 1 Vegetation Survey and Risk Assessment for Protected Species (Hobbs, 2018), supplied by the applicant, relating to the likely impacts of development on protected species and Priority species and habitats, with identification of proportionate mitigation.

We accept that, following two emergence surveys, no bat roosts were identified in the house and that no further surveys for bats are required (Bat Emergence and Owl Survey Report (Corylus Ecology, September 2021)). However, as there has been historical use of the building by bats (Section 4.3 Bat Emergence and Owl Survey Report (Corylus Ecology,

September 2021)), we support the implementation of a non-licensed Precautionary Method Statement for mobile animals, including bats. This should be secured by a condition of any consent and implemented in full.

We accept that the pond within the site has poor suitability for Great Crested Newt (GCN) (Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021)). However, as the rear garden provides suitable habitat for GCN during their terrestrial phase, there are four ponds within 500m, which is the likely distance of travel for GCN, and a further 23 ponds within 1km of the site (Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021)), we recommend the implementation of a non-licensed Precautionary Method Statement for mobile animals, to include GCN. This should be secured by a condition of any consent and implemented in full. We note that the NatureSpace District Licensing for Great Crested Newts will be available in Mid Sussex in the near future but is not in place yet.

We note that the site is adjacent to Ancient Woodland (irreplaceable habitat) to the west (Blunds Hole). We accept that a 15m buffer between the site and the Ancient Woodland has been proposed in line with Government Standing Advice (Outline Ancient Woodland Management Plan Revision B (Land Management Services Ltd., August 2022)).

Please note that the site is within the adopted 7 km Zone of Influence for Ashdown Forest SAC and, as this is a residential application, this will trigger a financial contribution to new SANG.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Bat Emergence and Owl Survey Report (Corylus Ecology, September 2021), Outline Ancient Woodland Management Plan Revision B (Land Management Services Ltd., August 2022) and Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent and implemented in full.

The proposed habitats, including the planting of native trees and shrubs, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver net gain for biodiversity. This LEMP should be secured by a condition of any consent and implemented in full.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Emergence and Owl Survey Report (Corylus Ecology, September

2021). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

'All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence and Owl Survey Report (Corylus Ecology, September 2021), Outline Ancient Woodland Management Plan Revision B (Land Management Services Ltd., August 2022), Preliminary Ecological Appraisal Report (Corylus Ecology, August 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.'

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. PRIOR TO COMMENCEMENT: PRECAUTIONARY BIODIVERSITY METHOD STATEMENT

'No development shall take place (including any demolition, ground works, site clearance) until a Precautionary Biodiversity Method Statement for protected and Priority species (bats

and Great Crested Newt) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a. purpose and objectives for the proposed works;*
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c. extent and location of proposed works shown on appropriate scale maps and plans;*
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e. persons responsible for implementing the works;*
- f. initial aftercare and long-term maintenance (where relevant);*
- g. disposal of any wastes arising from works.*

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.'

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats and species) and s17 Crime and Disorder Act 1998.

3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

'A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of 'biodiversity protection zones'.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include reference to the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority'

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

'A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;*
- b. detailed designs or product descriptions to achieve stated objectives;*
- c. locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d. persons responsible for implementing the enhancement measures; and*
- e. details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.'

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species).

5. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

'A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.'

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

'A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.'

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.'

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

MSDC Drainage Engineer

FLOOD RISK

INFORMATION

The Planning Practice Guidance for Flood Risk and Coastal Change requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the National Planning Policy Framework. This means that surface water flood risk extents should be considered equivalent to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

Annual exceedance	Flood Zone	Surface Water Flood Risk
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

APPLICATION SPECIFIC COMMENT

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk (the equivalent of flood zone 1). However, there is an area of high surface water flood risk (flood zone 3b equivalent) on the site.

The application is supported by a flood risk assessment, the report is dated prior to the update to the Planning Practice Guidance. However, the site is largely at very low risk of flooding and the modelled flood maps do not show any flood extents on site which originate from off-site. The flood risk and drainage team accept the findings of the flood risk

assessment (site at overall low risk of flooding) and in this instance do not require an updated report to be produced for this application.

Mid Sussex District Council's records show the site has not experienced flooding in the past. Our records also show the area immediately surrounding the site has not experienced flooding in the past.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

INFORMATION

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the latest climate change guidance from the Environment Agency.

APPLICATION SPECIFIC COMMENT

The BGS infiltration potential map shows the site to be in an area with moderate infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site subject to design. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will utilise permeable paving and a swale to manage surface water drainage via infiltration. The use of infiltration drainage is based on soakage tests undertaken in the area previously. The proposed drainage strategy shows that surface water drainage is likely possible on the site. Therefore, the flood risk and drainage team recommend a drainage condition is applied to this application.

We would advise the applicant that the proposed swale is located within the Ancient Woodland buffer. The drainage design should include evidence that this level of excavation within this buffer zone is acceptable.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage to the main public sewer located on Lewes Road. This is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

GENERAL DRAINAGE REQUIREMENT GUIDANCE

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Information	Location of information / drawing number
<i>For all designs</i>		
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)		
On-site infiltration test results		
Plans / details of areas to be drained based on finalised development plans		
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events		
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system		
Maintenance and management plan ¹		
<i>For soakaways</i>		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
<i>For discharge to watercourse</i>		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²		
Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ³)		
<i>For discharge to sewer</i>		
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)		
Discharge location and manhole number		
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ⁴		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁵)		

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

³ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

⁴ Formal approval via S106 etc is not required.

⁵ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Summary	Location of information / drawing number
<i>For all designs</i>		
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location		
Foul flow calculations and confirmation proposed system is sized appropriately		
<i>For connection to main foul sewer</i>		
Discharge location and manhole number		
Evidence of communication with Water Authority regarding connection ⁶		
<i>For non-mains system with drainage field</i>		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
<i>For non-mains system with discharge to open water</i>		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
Outfall location and construction details		

The flood risk and drainage team have reviewed the information submitted as part of this application since our previous comments (dated 2022-10-03) and can confirm our findings remain the same.

We would ask that the following condition is placed on the application in addition to the previously recommended drainage condition:

Surface water drainage verification report

No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil,

⁶ Formal approval via S106 etc is not required.

topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

Environmental Health Officer

Due to the proximity of adjacent residential premises, should the application be approved, the following conditions aimed at minimising disturbance to residential amenity during demolition and construction are recommended. In addition, the proximity of this site to a busy A road suggests that existing background noise levels are likely to be high due to traffic. A condition is therefore recommended to protect the amenity of future residents from traffic noise. Given the number of dwellings proposed a condition is recommended requiring suitable mitigation measures to preserve the amenity of local residents in terms of air quality.

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

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

Reason: to protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

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

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

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

Construction Environmental Management Plan: Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall

thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents and businesses

Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential unit from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA.

Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed.

Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing.

All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: to protect the amenity of local residents.

Informative:

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

Accordingly, you are requested that:

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

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

Contaminated Land Officer

Mapping indicates that the site has two in-filled pits within its curtilage, the contents of which are unknown. There is also an electricity substation on site. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Due to the above, and the size and sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until

such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with the following conditions:

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

- a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the Local Planning Authority,

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

and, unless otherwise agreed in writing by the Local Planning Authority,

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

Reason: 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.

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

Reason: 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

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.

Leisure Officer

Thank you for the opportunity to comment on the plans for the demolition of existing buildings and erection of residential redevelopment scheme comprising of 15 apartments and 35 houses with associated parking and landscaping at Wealden House, Lewes Road, Ashurst Wood on behalf of the Head of Planning Policy and Housing Enabling. 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

The developer has indicated that they intend to provide an equipped play space on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £58,099 is required toward formal sport facilities at Ashurstwood Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £36,566 is required to make improvements to community buildings the Ashurstwood Recreation Ground pavilion and / or Ashurstwood Village 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.

Further comments 21/12/2022

The draft Play Design Guide produced by Ethos Environmental Planning states that ' A buffer zone of 10 metres minimum depth normally separates the activity zone and the boundary of the nearest property containing a dwelling. A minimum of 20 metres should normally be provided between the activity zone and the habitable room facade of the nearest dwelling.' If this can't be achieved at this site then a financial contribution would be preferable as it will inevitably lead to neighbour disputes and complaints.

In this situation, the nearest LEAP to development site is at Ashurst Wood Recreation Ground and we would expect a contribution £93,693 to make improvements to play equipment (£50,920) and kickabout provision (£42,773) based on all market housing

8	1 bed
9	2 bed
14	3 bed
19	4 bed

Housing Officer

The applicant is proposing a development of 50 dwellings comprising 15 apartments (8 x 1B/2P and 7 x 2B/4P) plus 35 houses (2 x 2B/4P, 14 x 3B/5P and 19 x 4B/6P), which gives rise to a minimum onsite affordable housing requirement of 30percent (15 units) in accordance with District Plan Policy DP31. The affordable housing units required comprise 8 x 1B/2P flats at a minimum of 50m² and 7 x 2B/4P flats @ a minimum of 70m². 4 of the total number of affordable dwellings are required to be for First Homes, and 11 of the total are required to be for social or affordable rent. A viability appraisal was however submitted with the application, to support the applicants position that the scheme could not viably support the provision of any affordable housing. An independent valuer was appointed to undertake an assessment of the information submitted and, as a result, it was agreed that it was not viable at the current time to provide any on site affordable housing units. The viability of the scheme will however need to be reassessed at a later stage in the project in accordance with our Development Viability SPD, when more accurate information about build costs and sales values will be able to be provided. This advanced stage viability review will be undertaken on the sale / letting of 75percent of the units. It will determine whether or not any additional value has been generated since the current viability assessment was undertaken, as a result of a change in the Gross Development Value or the Build Costs or a combination of the two. Such additional value will enable a contribution to be paid towards the provision of off-site affordable housing, in order to achieve greater policy compliance. The Council's standard review formula and the relevant figures will be included in the section 106 agreement.

Urban Designer

A scheme based predominantly on houses rather than flats is more suited to this site especially given the modest open space provision and distance from town centre facilities that can be provided for flat dwellers (that don't have the benefit of private gardens). For these reasons this is a better approach in principle than the previous application proposals that relied wholly on flats. It is also appropriate to locate the blocks of flats at the front of the site around the open space, so they directly benefit from it.

The design of the houses benefits from formal symmetry and holistically articulated facades provided by the vertically grouped upper floor windows set above a ground floor plinth, and the projecting grey frames are a refined detail. Underlying rhythm is generated too from replication of these frontages that are elegantly modulated by their gabled profiles; some variation within this theme is provided by employing different brick finishes and by variation in the building typology with the shorter terraces characterised by a single continuous building line and the longer terraces which have their main gabled frontages separated by set-back first floor side extensions that extend over the off-street parking discreetly accommodated at the side of the houses.

Units 1-34 allow just enough space to provide an acceptable amount of soft landscaping at the front and reasonable sized gardens at the back as well as sufficient separation from the site boundaries. Units 35-50 now also provide a modest defensible space at the front of the dwellings; this area is still though lacking adequate soft landscaping that results in the parking being too dominant and generating an unacceptably hard-edged environment especially between 35-37 and 38-46; this arrangement also results in a poor outlook, lack of privacy and nuisance caused by vehicle noise and headlights (due to the proximity of parking adjacent to windows) that are likely to impact adversely on residential amenity.

My main concern though is that houses 47-50 fail to address the Lewes Road frontage as they back-on to it and risk inappropriately revealing the back gardens and boundaries to the public realm. This back to front configuration is likely to place pressure on the trees and

shrubs on the Lewes Road boundary that risks future removal and reduction especially given the modest size of the gardens.

Overall Assessment

For the above reasons I object to this planning application as it does not accord with policy DP26 of the District Plan or with design principles DG13, DG16, DG18, DG19, DG20, DG27 in the Council's Design Guide SPD (and I question whether it accords with principles DG45 and DG48).

Conservation Officer

Wealden House is an unlisted building located in a semi-rural position on the edge of Ashurst Wood. The core of the building appears to date from the 19th century, but it has been much altered and extended. Adjacent to Wealden House, and also within the site, is a large modern building, the former EDF offices. To the south west of the site is woodland and open countryside beyond; to the east and north east on the opposite side of Lewes Road is a line of houses of varying periods and styles, including Camden Cottage, which is a Grade II listed early 19th century villa located a short distance to the east. Although the site is separated from Camden Cottage by intervening development including North Lodge, directly to the east, it is possible that development on the site would be considered to affect the setting of the listed building, including in particular the character of the approach to it along Lewes Road from the north west.

Camden Cottage, as above, is a Grade II listed early 19th century villa in the Classical style typical of that period. It is located in an edge-of-village position on the western side of Ashurst Wood. Historical map regression suggests that when constructed, the Cottage would have been set in a more rural landscape, although still on the outskirts of the Ashurst Wood village. I would consider it likely that the building would be considered to possess historical evidential and illustrative value as good example of a house of its type and period, as well as aesthetic value. I would speculate that the Cottage was built to satisfy a desire for 'polite' living in a semi-rural setting- as such the surviving rurality of the setting is likely to be considered to contribute positively to the special interest of the listed building and how this is appreciated, and in particular that part of that interest which is drawn from historical illustrative and aesthetic values.

At present, although there is obvious and fairly dense development to either side of the building along Lewes Road, and to the rear (north east), the character of the street frontage to the opposite side of Lewes Road tends to be of more sparse, larger scale buildings, set well back from the street and relatively well hidden behind well vegetated front boundaries. This would also be true of the site in question. Having said this, there is a recently approved and constructed redevelopment scheme at Willow Trees/Spinney Hill opposite Camden Cottage which has intensified the development to south western side of that part of Lewes Road, and somewhat opened up the frontage.

The current application at the Wealden House site follows on from a number of other proposals for residential development on the site. The earliest of these did not include Wealden House itself, only the EDF building adjacent and surrounding land. This resulted in the new development being set well back from the road frontage- as a result there was not considered to be a material impact on the character of the setting of Camden Cottage or the approach to it along Lewes Road. The current proposal, however, includes redevelopment of Wealden House itself, and the land to the front of it adjacent to Lewes Road. The submitted site plan and site elevations (2305_006) show new dwellings located close to Lewes Road, and open to view from it, despite the proposed retention of some of the vegetation to the frontage. This will have quite a marked impact on the character of the site as viewed from

Lewes Road, and will to an extent detract from the surviving semi-rural nature of the setting of Camden Cottage, including the approach to it from the north west.

Although I would suggest that the impact will be relatively minor, there will therefore be a low degree of less than substantial harm (in terms of the NPPF) to the special interest of the listed building and the manner in which this is appreciated. In light of this I would suggest that a detailed landscaping scheme should ideally include the retention and strengthening of the existing vegetation along the Lewes Road frontage, and in particular further planting of native species trees and hedging.

Tree Officer

To be reported.