

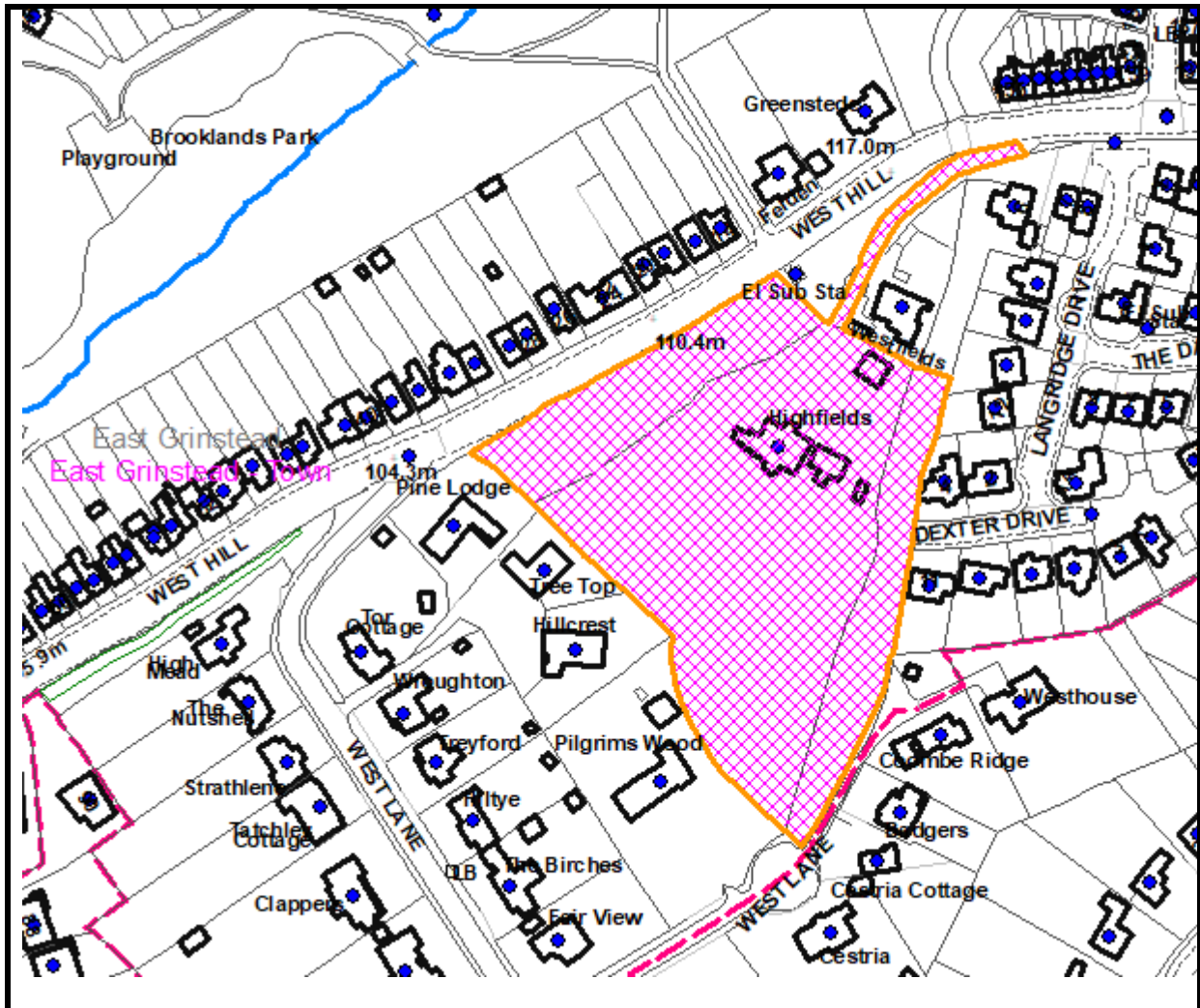
Planning Committee



Recommended for Permission

22nd June 2023

DM/23/0007



©Crown Copyright and database rights 2023 Ordnance Survey 100021794

Site:	Highfields West Hill East Grinstead West Sussex RH19 4DL
Proposal:	Outline application for Redevelopment of existing single dwelling house and erection of Care Home for up to 85 Bedrooms, with all matters reserved except for access.
Applicant:	Mr Paul Vanreyk - Brundell Property Group Limited
Category:	Largescale Major Other
Target Date:	28th April 2023

Parish:	East Grinstead
Ward Members:	Cllr John Dabell / Cllr Jacquie Russell /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNWRFTKT04L00>

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 Outline planning permission is sought for the redevelopment of the existing single dwellinghouse and erection of a care home for up to 85 Bedrooms, with all matters reserved except for access at Highfields, West Hill, East Grinstead.
- 2.2 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.
- 2.3 National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 2.4 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (national guidance in the PPG states that the need to provide housing for older people is '**critical**'). The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that '*This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation*', thereby making it clear that the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated in due course.
- 2.5 Policy SA39 in the Site Allocations DPD relates to specialist accommodation for older people and care homes. This supports such development in the built up area. As such the principle of a care home on this site is acceptable.
- 2.6 The site is within the built up area of East Grinstead which is a Settlement 1 Category. The site it therefore considered to be a suitable and sustainable location for a care home.
- 2.7 Whilst the NPPG excludes residential gardens from the definition of previously developed land, part of the site is considered to be previously developed land.

- 2.8 The means of access to serve the development with a new vehicular access off West Hill and the use of the existing access for pedestrians accessing this site is considered acceptable. No highway objections have been made by West Sussex County Council.
- 2.9 Whilst the access and proposed retaining wall would be visible within the street scene, it is considered that the overall impact would not cause significant detriment to the character of the area due to the replacement planting proposed. The access would be similar in context to that of West Lane set to the north-west of the site which retains the verdant character of this part of the highway.
- 2.10 The proposal will deliver positive social and economic benefits through the delivery of a care home within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 2.11 As the application is in outline form only, consideration on the design and the impact on the amenities of surrounding residential occupiers would be considered at the reserved matters stage.
- 2.12 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. In addition there would be a neutral impact in respect of the Ashdown Forest.
- 2.13 On the basis of the above, the application is considered to comply with policies DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, DP41 and DP42 of the District Plan, policies SA38 and SA39 of the Site Allocations DPD, policies EG3, EG5, EG11 and EG16 of the East Grinstead Neighbourhood Plan, and the provisions of the National Planning Policy Framework.
- 2.14 Officers consider that in the context of the adopted District Plan, Site Allocations DPD and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.
- 2.15 Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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 infrastructure contributions.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 22nd 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 to serve the development. The application therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

4.0 Summary of Representations

4.1 42 letters received commenting / objecting to the application:

- Developments should not be given approval until MSDC and other associated service providers are prepared to invest in infrastructure of East Grinstead
- Care home will place extreme pressures on overloaded GP's in the vicinity
- Size of building will be overbearing
- Concerns on the exit / entrance onto West Hill with access close to West Lane which has poor sight lines
- Query provision for disabled pedestrians from site – a footpath is minimum requirement on the south side of West Hill with crossings
- Overdevelopment which is a significant change of use. Exponential increase in noise, light and air pollution caused by the sheer increase in the number of people in and around the development and the associated vehicle movements
- Headlights shine into property (Cestria, West Lane) when accessing the site;
- Significant disturbance to residential amenities with vehicle movements 24 hours a day
- Proposed height of the building not in keeping with the area and the screening provided by trees will not protect surrounding properties from the development
- Development out of character with houses in the surrounding area of mainly detached homes
- West Hill is a busy and dangerous road and development result in significant vehicle movements to the detriment to surrounding properties
- Visibility will be restricted for the access
- Existing parking issues on West Hill leading to unsafe movements which will be worsened
- The nearby access of West Lane already has poor visibility and difficulties with access and the additional traffic will cause further dangers to accessing West Lane
- Concerns on impact to nature particularly badger, fox and wildlife activity
- Loss of wildlife habitat due to the scale of the development
- Concerns on water run-off from site resulting in flooding at the bottom of West Hill
- Despite there being a TPO in place it has been suggested that many of the trees are diseased and dying and therefore can be removed. Consider that this is not correct as there is healthy foliage and it is down to poor maintenance
- Trees cannot be felled
- Concerns that the appearance is of a residential apartment block and could lead to in the future being changed to residential
- Site is boarded on all sides by domestic dwelling and the size and type of development is inappropriate
- Buildings proximity to plot boundaries results in issues around privacy, noise, odours, loss of light and loss of trees
- Noise concerns on the proposed commercial scale heat pumps and also from larger vehicles accessing the site for deliveries and emergency vehicles

- With the additional traffic pollution levels will increase which will have a detrimental effect on human health and the environment
- Loss of privacy to surrounding properties
- Concerns on cooking smells from residential catering
- West Lane is an Area of Townscape Character and receive low levels of light pollution. Proximity of development, especially the access road will significantly impact on the light quality, noise and pollution levels in a residential area
- Footpaths not suitable for the amount of new residents to the care home which are narrow and not suitable for aids such as walkers and wheelchairs
- Loss of views from West Hill
- Issues during construction of flooding, traffic, dust, working hours and noise
- Town has a saturation of retirement accommodation and traffic
- Concern on amount of parking proposed – does not consider there is adequate parking for the proposed use and surrounding roads would not be able to accommodate parking
- Queries on fencing for the adjoining houses
- Concern on safety of care / safeguarding of future residents
- Concerns on devaluation of property.

5.0 Summary of Consultees

5.1 West Sussex Highways Authority

No objection subject to conditions.

5.2 West Sussex Lead Local Flood Authority

No comment.

5.3 West Sussex County Planning Officer

S106 Contributions sought for:

Libraries;
Total Access Demand (TAD).

5.4 West Sussex Fire and Rescue Services

No objection subject to conditions.

5.5 West Sussex Minerals and Waste

No objection.

5.6 MSDC Urban Designer

Initial comments on the illustrative proposals submitted.

5.7 MSDC Drainage

No objection subject to conditions.

5.8 **MSDC Tree Officer**

No objection provided the above reports are fully adhered to.

5.9 **MSDC Housing**

Having checked over the submitted plans, I am happy that this development is being brought forward as a C2 development and therefore is not required to provide affordable housing or an affordable housing contribution by way of a commuted sum.

5.10 **MSDC Leisure**

As the proposal is for a Class C2 residential care facility there is no requirement for financial contributions toward play provision, formal sports or community buildings.

5.11 **MSDC Environmental Protection**

No objection subject to conditions.

5.12 **MSDC Contaminated Land Officer**

No objection subject to conditions.

5.13 **MSDC Ecology Consultant**

No objection subject to conditions.

5.14 **MSDC Street Name and Numbering Officer**

Informative

5.15 **Southern Water**

No objection subject to condition.

6.0 Town/Parish Council Observations

6.1 Recommend Refusal: The application to approve the site and the access raises worries as to the safety of the opening on to West Hill. There are cars parked along West Hill all day which will make this turning access very tight and of concern. The visibility splays as shown need strong consideration and it is vital that WSCC must visit this site to assess this to prove that these site lines can be achieved. The plan for a care home is supported (although there are some concerns as to the proposed design) but the access is not at this point, proven for safety.

7.0 Introduction

7.1 Outline planning permission is sought for the re-development of the existing single dwellinghouse and the erection of a care home for up to 85 Bedrooms, with all matters reserved except for access at Highfields, West Hill, East Grinstead.

8.0 Relevant Planning History

8.1 There is no relevant planning history.

9.0 Site and Surroundings

- 9.1 The application site currently comprises a single large dwellinghouse and detached outbuildings within extensive grounds upon a roughly triangular site. The site is accessed via a relatively narrow driveway serving two other properties, which leads from West Hill, which is the main road leading into the centre of East Grinstead.
- 9.2 The site has a sloping topography, with the existing house generally occupying the highest point, with the garden sloping downwards in a north west direction towards West Hill. The houses to the north-east on Dexter Drive are set at a higher level, and the dwellings to the south-west on West Lane and north-west on West Hill are set at a lower level than the site.
- 9.3 The site is surrounded by trees on all sides with a group TPO to the north-western, south-western and south-eastern boundaries (GR/04/TPO/84) of mixed woodland. These trees form part of the verdant character along West Hill on the north-western boundary.
- 9.4 Surrounding the site is a mixture of scale and design of dwellings on varying plot sizes.
- 9.5 The application site is situated within the built up area of East Grinstead as defined in the District and East Grinstead Neighbourhood Plans.

10.0 Application Details

- 10.1 Outline planning permission is sought for the redevelopment of the existing single dwellinghouse and the erection of a care home for up to 85 Bedrooms, with all matters reserved except for access at Highfields, West Hill, East Grinstead.
- 10.2 Such a use of a care home is classed as C2 (residential institution use) under the Town and Country Planning (Use Classes) Order 1987 (as amended). The submitted Planning Statement sets out the use as a care home and states:

'Future residents will be afforded a range care options, from a minimal level of support through to a higher level of assistance. On site facilities are expected to include a restaurant, cafe, garden lounge and cinema rooms. There will be dedicated care rooms for therapy and spa treatments. Onsite staff room areas will be provided, as well as onsite Laundry and commercial Kitchen to serve residents throughout the day.'

In addition it states:

'The accommodation provided will be for the frail elderly but will be designed to provide for a range of care needs. It will include a safe and secure environment and specialist design to assist with both the living experience and care of the residents, as well as assisting carers to provide the required level of care for each resident. Details of the specific care package being offered will be provided at Reserved Matters stage once the operator requirements are confirmed.'

- 10.3 Matters for consideration under this outline scheme is access, with all other matters (appearance, landscaping, layout and scale) being reserved.

- 10.4 The proposal seeks to create a new vehicular access onto West Hill positioned on the north-western boundary of the site. This would include a path and a hardstanding pedestrian space at the access and retaining walls at the site entrance due to the levels of the site.
- 10.5 The retaining walls to either side of the new vehicular access would measure some 8.3 metres in length.
- 10.5 Pedestrian access would be retained on the existing access into the site.
- 10.6 Whilst all other matters are reserved, illustrative plans have been provided showing the likely scale, appearance and layout of the scheme. The indicative proposal is shown to utilise the sloping topography of the site, cutting into the bank to ensure that the proposals are sunken into the landscape. Illustrative plans show that the proposal would form one single building up to 3 storeys in height above ground level, with a basement beneath. The illustrative plans show that within the basement would be undercroft car parking as well as services and community facilities for the residents.
- 10.7 It is sought to provide replacement trees along the West Hill boundary to mitigate the removal of trees to provide access into the site. In addition, there are to be additional trees planted along West Lane.
- 10.8 The application has been accompanied with the following supporting documents:
- Planning Statement;
 - Design and Access Statement;
 - Transport Statement;
 - Sustainability Statement;
 - Road Safety Audit;
 - Arboricultural Impact Assessment;
 - Tree Management Plan;
 - Preliminary Ecological Appraisal;
 - Preliminary Tree Roost Assessment;
 - Outline Drainage Strategy;
 - Phase 1 Geo-Environmental Assessment Report;
 - Townscape and Visual Appraisal;
 - Planning Obligation Form; and
 - Statement of Community Involvement.

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, the Site Allocations DPD and the East Grinstead 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
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP40 - Renewable Energy Schemes
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment.

Site Allocations Development Plan Document (DPD)

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

Relevant policies:

Policy SA38: Air Quality
Policy SA39: Specialist Accommodation for Older People and Care Homes

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 East Grinstead Neighbourhood Plan was made on 2nd November 2016 and so forms part of the development plan with full weight.

Relevant policies:

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

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing 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)

- 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

12.0 Assessment

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

- The principle of development;
- Access and Highway Safety
- Character and design
- Sustainable design and construction
- Ecology
- Impact on residential amenity
- Drainage
- Infrastructure
- Impact on Ashdown Forest
- Water supply
- Contaminated land
- Planning Balance and Conclusion

The principle of development

12.2 Policy DP6 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.'*

12.3 The site is within the built up area of East Grinstead and therefore the principle of the redevelopment of this site accords with policy DP6.

12.4 Policy SA39 in the Site Allocations DPD relates to specialist accommodation for older people and care homes. It states:

'There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold.'

The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces.

The Council will support proposals that will contribute to meeting these types of specialist accommodation.

Proposals for specialist accommodation for older people and care homes will be supported where:

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan, or*
- b) It forms part of a strategic allocation, or*
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map, or*
- d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.

Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'

12.5 As the site is within the built up area of East Grinstead, the development accords with part c) of policy SA39. It is also accessible to local shops, services and community facilities and public transport. As such the principle of a care home on this site is acceptable.

12.6 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need. National Guidance in the PPG states that the need to provide housing for older people is 'critical'. The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that *'This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation.'* It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons and that the intention is to carry forward this commitment when the NPPF is updated.

12.7 Policy EG5 of the Neighbourhood Plan relates to housing and states

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

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

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

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

12.8 The site is within the development boundary of East Grinstead and the principle is therefore considered acceptable under the above policy.

- 12.9 In light of the above it is clear that the development plan supports the re-development of the site for a care home. Thus, the proposal accords with Policy SA39 of the Site Allocations DPD, Policy DP6 of the District Plan and policy EG5 of the Neighbourhood Plan.

Access and Highway Safety

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

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

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

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

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

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

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

12.11 Policy EG11 of the Neighbourhood Plan relates to mitigating highway impact and states:

'Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:

- 1. Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements;*
- 2. Include access arrangements that are appropriately designed and include adequate visibility splays.'*

12.12 Policy EG12 relates to car parking and states:

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

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

12.13 Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

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

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

12.14 In addition, para 111 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.'

- 12.15 The site lies close to East Grinstead town centre. Continuous walking routes from the current access and suitable crossing points are available to meet likely travel demand.
- 12.16 A new vehicular entrance will be created off West Hill to the north-western boundary. This will require the removal of some trees along this boundary and the regrading of the banks. Due to the bank the access will require retaining walls. Plans show that this would be of a width to accommodate two way traffic with a 1:20 gradient for the first 10m from the carriageway edge (West Hill).
- 12.17 The new access would provide visibility splays of 2.4 metres by 47.3 metres to a 1 metres offset from the nearside kerb. These visibility splays can be accommodated within the site ownership and adopted highway. In order to achieve this some front vegetation would be removed with new planting set back behind the visibility splays. These splays have been provided in line with the speed limit of the road.
- 12.18 The existing site access will be retained as it serves two other properties. However in respect of this site it would be for pedestrian access only.
- 12.19 In respect of car parking, this matter is not under consideration as part of the scheme. However illustrative plans show that there would be 35 parking spaces within the site in the under-croft parking area as well as cycle parking. Further details of this would be submitted at the reserved matters stage should outline permission be granted.
- 12.20 A Transport Statement has been submitted with the application. This states that:
'Due to the specialist nature of a care home, residents would typically be frail and/or living with cognitive impairments, such as dementia, and would not own a car or travel off site regularly – particularly by walking or other sustainable travel modes. As such, movements to and from the care home would be from staff and visitors, including staff potentially leaving the site at break times.'
- 12.21 In relation to trip generation to the site with the proposal the submitted Transport Statement considers that:
'The TRICS analysis shows that the proposals are forecast to increase vehicle movements in the AM and PM network peak hours by 9-10 vehicle movements compared with the existing residential use. This is an average of just one vehicle movement every 6 minutes (or less) on the surrounding network.
Over a 12 hour period, there is forecast to be an increase of 160 vehicle movements, which equates to an average increase across each hour of the day of 13 vehicle movements. This is a minimal level of traffic on the network and into and out of the site. With this level of vehicle movements, the access is considered suitable for all vehicle movements.
Based on the minimal increase in vehicle movements, particularly in the AM and PM network peak hours, the proposals would not have a severe impact on the operation of the highway or an unacceptable impact on road safety and are therefore in accordance with transport policies in the NPPF.'
- 12.22 The Highways Authority has considered the proposal and raised no highway objection. In respect of trip generation they consider that the level of trips would not give rise to a severe impact on the operation of the highway or an unacceptable

impact on road safety and are therefore in accordance with transport policies in the NPPF.

- 12.23 The Transport Statement includes a Travel Plan Statement in order to promote sustainable means of travel. This would be produced prior to the occupation of the development and would need to be agreed with the Highways Authority prior to the occupation of the site. The Transport Statement identifies a number of initiatives such as a staff welcome pack, a travel page on the care homes website, encourage walking and cycling for staff, consider provide a mobility scooter pool for residents. The Highways Authority acknowledges the travel plan and suggests that this would need to be secured within the S106 legal agreement and a condition in relation to this.
- 12.24 Concerns have been raised from residents on the impact of traffic to the existing access of West Lane. A detailed plan has been provided to address the concerns raised about intervisibility between the proposed access and the existing West Lane access. The Highway Authority has reviewed this information and raise no concern. They consider that the *'proposed access/works will not alter the available visibility to the vehicles that use West Lane, and this junction is a suitable distance away from the proposed access, outside of the visibility splay required for the posted speed limit. Vehicles leaving the proposed access will have clear adequate visibility of a vehicle waiting to exit or enter West Lane.'*
- 12.25 Overall the Highway Authority considers that the proposal would not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network through the creation of the new vehicular access.
- 12.26 In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policy EG11 of the Neighbourhood Plan and para 110 of the NPPF.

Character, Design and Trees

- 12.27 Policy DP26 of the District Plan deals with design matters and states the following;
- 'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*
- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
 - *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
 - *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
 - *protects open spaces, trees and gardens that contribute to the character of the area;*
 - *protects valued townscapes and the separate identity and character of towns and villages;*

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

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

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

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

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

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

12.30 Para 130 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

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

- 12.31 On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 12.32 The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*
- 12.33 The Council's adopted Design Guide is a material consideration in the determination of the application. Within the Council's Design Guide design principles DG31 and DG32 support site optimisation and seeks to focus development in sustainable locations and promote a greater concentration of development within sites close to town centres. This follows the requirements of Policy DP26 of the District Plan. Design principle DG37 seeks for high quality and sustainable buildings. In addition, principle DG38 requires buildings to have architectural integrity and a sense of place.
- 12.34 Matters relating to appearance, landscaping, layout and scale of the development are reserved and not for consideration at this stage. However, illustrative plans have been provided showing the likely design of the site and to demonstrate that the development can be satisfactorily accommodated on the site.
- 12.35 The Council's Urban Designer has considered the illustrative plans and provided a number of observations which are detailed in full within Appendix B of this report. This relates to the elevations and massing of the building. These comments should be taken into consideration when submitting a detailed scheme to ensure that the building does not form a prominent feature due to it being set on a higher level of land and in order to reduce the impact of the massing.
- 12.36 Notwithstanding this, access is a matter sought as part of this application. As such the impact of the new access onto West Hill on the character of the area needs to be considered.

- 12.37 At present the north-western boundary along West Hill forms part of the verdant character when travelling along the road. Trees and vegetation are set on the boundary of the highway which extends from the bottom of the hill and along the banks of the application site to just beyond the existing access point.
- 12.38 In order to form the access into the site works are required to remove some trees along this boundary as well as re-grade the bank and provide a retaining wall at the entrance. It is acknowledged that the trees on the north-western boundary form part of a group tree preservation Order (TPO) (GR/04/TPO/84).
- 12.39 An Arboricultural Impact Assessment has been submitted as part of the application. This identifies that 39 trees are to be removed as part of the development either to facilitate the development and the access road or due to being poor specimens with a health and safety risk.

- 12.40 The report considers that:

'Removing the trees along the bank will have an initial negative visual impact on the road and the houses opposite, with the loss of many larger trees. This negative visual impact would only be temporary while the newly planted trees develop, after which a period of 10 years should see significant screening re-establishing along the bank.'

To help offset the loss of the trees along the bank and across the site, each tree that is removed will have a replacement tree (12-14cm girth) planted on the bank and across the site. This would equate to 29 replacement trees on the bank and 10 trees within the remainder of the site.

In addition, a restocking programme will be initiated along the bank that will plant whips to ensure a future belt of trees and good screening is achieved.'

- 12.41 The Council's Tree Officer has considered the Arboricultural Impact Assessment and Tree Management Plan submitted with the application. They raise no objection to the proposal. It is noted that *'a number of trees are to be removed along the NW boundary of the site to accommodate the proposed main access to the site from West Hill. These trees are subject to an Area Preservation Order dating back to 1984 and consequently many of them are low quality or potentially dangerous trees. All the trees that are being removed are classified (as per BS5387) as either category U or category C. There is to be no removal of any category A or B trees. The loss of trees is to be mitigated with the replacement of native trees on a 1:1 basis, along with native whips for understory.'*
- 12.42 Your Officers consider that whilst there would be an initial impact on the loss of some of the trees along the boundary with West Hill to facilitate the access into the site, due to the replacement planting proposed over time the proposal would allow the verdant character to be retained.
- 12.43 CGI images have been provided within the Design and Access Statement showing the impact of the access through the removal and replacement planting over a period of 1, 5 and 10 years. Whilst the access and retaining wall would be visible within the street scene, it is considered that the overall impact would be acceptable and would not cause significant detriment to the character of the area due to the replacement planting proposed. The access would be similar in context to that of West Lane set to the north-west of the site which retains the verdant character of this part of the highway.

12.44 In light of the above it is considered that the proposal thereby complies with Policies DP26 and DP37 of the District Plan, Policy EG3 of the Neighbourhood Plan and the provisions of the NPPF.

Sustainable Design and Construction

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

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

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

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

12.47 Paragraph 152 of the NPPF states:

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

12.48 Paragraph 157 states:

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

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

- 12.49 Whilst the appearance and scale of the proposed building is not for consideration with this outline scheme, a Sustainability Statement has been submitted with the application. This sets out a number of energy efficient measures which could be incorporated in the development. This includes passive heating and cooling systems, the use of photovoltaic panels, the installation of air source heat pumps, and a reduction in water consumption. These measures will be incorporated into the detailed design which would be subject of a future reserved matters application should outline permission be granted. It is also sought to provide cycle parking and electric vehicle charging points to encourage sustainable means of transport to the site.
- 12.50 In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. It is acknowledged that the development is situated in a highly sustainable location close to the town centre close to bus stops and there is a pavement outside the current access of the site to allow for walking to the development.
- 12.51 Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Ecology

- 12.52 Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).
- 12.53 Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity. There is a requirement for no net loss to biodiversity. The policy does not, however, require a specified net gain to biodiversity from the resulting development. It states in part:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas...*

12.54 Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states '*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*'. In addition it considers that '*development whose primary objective is to conserve or enhance biodiversity should be supported*'.

12.55 The application is accompanied by a Preliminary Ecological Appraisal, a Preliminary Tree Roost Assessment and a Badger Survey Report.

12.56 In summary, these reports consider that:

- a precautionary approach to site clearance in respect to reptiles, breeding birds, hazel dormice, hedgehogs, and stag beetles is recommended to minimise any adverse impacts on these species groups;
- the site is enhanced by introducing some compensatory planting and installing bat and bird boxes;
- two trees (T1813 and T1841), were identified as having moderate potential to support roosting bats due to damage caused by stem decay. The remainder of the trees that are to be removed or reduced were considered to have negligible potential to support roosting bats, with a complete absence of potential roosting features seen;
- further bat surveys comprising two emergence/re-entry surveys, should be undertaken on trees T1813 and T1841 at Reserved Matters stage;
- bat boxes should be installed to provide additional roosting opportunities on the site, either on mature trees or the new building, and lighting should be controlled to minimise impact on any potential roosting or foraging bats;
- no heavy machinery will be operated within 30m of either active badger sett and no construction works will be undertaken within 20m of either active badger sett.

12.57 Whilst the proposal does not specify a biodiversity net gain from the development it sets out that there will be compensatory planting, installing bird and bat boxes and the formation of wildlife plants to provide habitat enhancements and wildlife corridors. This will be controlled by a planning condition.

- 12.58 The Council's Ecology Consultant has considered the application and has advised that there is sufficient ecological information available to determine the application. They raise no objection to the proposal subject to conditions. They support the reasonable biodiversity enhancements that have been recommended to secure net gains for biodiversity and the enhancement measures, including additional shrub and tree planting using native species, the creation of wildlife friendly corridors of hedgerows, scrub and rough grassland and hedgehog holes in fences to benefit wildlife.
- 12.59 Your Planning Officer has no reason to disagree with the Council's Ecological Consultants conclusion.
- 12.60 Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan and para 180 of the NPPF.

Impact on Residential Amenity

- 12.61 Policy DP26 of the District Plan states in part that proposals *should 'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.
- 12.62 The test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.
- 12.63 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.
- 12.64 Policy DP29 of the District Plan relates to noise, air and light pollution which is considered pertinent due to the proximity with the railway line. In relation to noise pollution, this policy states in part:

'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.'

- 12.65 Policy SA38 of the Site Allocations DPD relates to Air Quality. This states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in

the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

- 12.66 As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage.
- 12.66 However, illustrative plans have been submitted for the proposal showing a potential layout and scale of the development. These do not form part of the application and a number of observations have been raised over these plans by the Urban Designer. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered. Notwithstanding this, the illustrative plans show the development could be accommodated within the site.
- 12.67 It has been submitted by surrounding residents that there would be significant disturbance to residential amenities through vehicle movements accessing the site 24 hours a day. As set out in the Transport Statement and above in para 12.21 of this report, there is forecast to be an increase of 160 vehicle movements over a 12 hour period, which equates to an average increase across each hour of the day of 13 vehicle movements. This is considered to be a minimal level of traffic on the network and into and out of the site. The site is within the built up area of East Grinstead set off a classified road. Whilst it is acknowledged that there would be additional vehicle movements from the site it is not considered that this would result in further significant noise levels which would be detrimental to the amenities of existing properties to that existing.
- 12.68 Concerns have been raised from the impact of headlights from vehicles using the new access onto properties on West Hill and to properties on West Lane. The access is set on the opposite side of the highway of properties on West Hill some 14.75 metres from the front of no. 28 West Hill. Between the access and this property there is the highway, footpath, on street parking and also hardstanding to the front of no. 28. West Hill is a main road serving the town with street lights. Whilst there would be some light spill from vehicles accessing and existing the site during hours of

darkness, it is not considered that this would result in significant detriment to the amenities of residents on West Hill through light spill from vehicles.

- 12.69 With regards to the impact to properties on West Lane with the internal access road, the illustrative site layout shows that this would be set some 6 metres from the boundary with properties on West Lane. These properties are set at a lower level than the site. On this boundary is vegetation screening. It is considered that due to the vegetation screening and the relationship that the proposal would not result in significant detriment to the amenities of residents on the south-western boundary of West Lane through light spill from vehicles.
- 12.70 Residents have raised concerns in relation to air pollution from the increase in vehicles from the development. However, the site is within the built up area of East Grinstead and from the Transport Assessment it has been concluded that the development would result in a minimal level of traffic on the network and into and out of the site. As such it is considered that the development would not have a significant impact on local air quality.
- 12.71 Concerns have been raised in respect of noise from the possible heat pumps and also odours from the catering for the building. Whilst these are noted, as the application is in outline form such details are currently not available. However, the Council's Environmental Protection Officer has recommended conditions in respect of odour and commercial noise which can be placed on an approval in order to protect the amenity of local residents.
- 12.72 Objections have been raised in respect of the proximity of the building to the plot boundaries which would result in a loss of privacy and a loss of light to surrounding properties. As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage. Whilst illustrative plans have been submitted for the proposal showing a potential layout of the development. These do not form part of the application. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered.
- 12.73 Residents have raised concerns on light pollution and the impact that the development would have West Lane which receives low levels of light pollution currently. No details have been provided in respect of lighting for the development. However, a condition has been suggested by the Council's Environmental Protection Officer in relation to lighting details concerning their location, lux levels and times of use in order to consider the impact on the amenity of surrounding residential properties.
- 12.74 Queries have been raised in respect on fencing on the boundaries for adjoining houses. Such detail would be a reserved matter in relation to landscaping which is a reserved matter.
- 12.75 Concerns have also been raised in respect of the loss of views from West Hill. Whilst this is noted, the loss of a view is not a planning consideration.
- 12.76 The concerns raised in respect of issues during construction are noted. A condition requiring a Construction Environmental Management Plan can be placed on an approval to ensure that there are no significant impacts to surrounding residents during the construction of the development.

12.77 Whilst the application is in outline form only considering the principle of the development and the means of access, it is considered that with the details provided that the proposal would be acceptable in residential amenity terms and would comply with Policies D26 and DP29 of the Mid Sussex District Plan and Policy SA38 of the Site Allocations DPD. However, it is acknowledged that further consideration of the layout and scale of the development on neighbouring amenities would need to be made at the reserved matters stage.

Drainage

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

12.79 The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The site is shown to be at very low surface water flood risk.

12.80 An Outline Drainage Strategy accompanies the application. The report states that the area has a low infiltration potential, and the topography of the site limits the use of infiltration drainage.

12.81 It is proposed to attenuate then discharge surface water drainage at a controlled into a combined public sewer located on West Hill. It is also proposed that the development will discharge foul water drainage into the combined sewer located on West Hill.

12.82 The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to consideration of a reserved matters application and a drainage condition.

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

Infrastructure

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

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

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

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

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

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

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

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

12.85 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

12.86 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.'*

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

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

County Council Contributions

- Library provision – formula based to be spent on additional facilities at East Grinstead Library
- TAD – formula based to be spent towards the A22 improvement scheme.

- 12.88 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.
- 12.89 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.
- 12.90 The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

Ashdown Forest

- 12.91 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).
- 12.92 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.93 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.94 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.
- 12.95 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, 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.
- 12.96 This planning application is for a C2 Care Home. As such it does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

- 12.97 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.
- 12.98 The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Within the submitted Transport Statement which accompanies the planning application, it provides trip data for the proposed development. It states that over 12 hour period, there is forecast to be an increase of 160 vehicle movements, which equates to an average increase across each hour of the day of 13 vehicle movements. This is a minimal level of traffic on the network and into and out of the site and it is not expected that the proposal would generate unacceptable levels of traffic in the peak hours or at any hour during a 24-hour period. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.99 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.
- 12.100 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 does not require mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.101 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.102 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Water Supply

- 12.103 Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to the serve the proposed development.
- 12.104 The applicants have provided confirmation, via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with policy DP42.

Contaminated Land

- 12.105 A Phase I Geo-Environmental Assessment Report has been submitted with the application. This concludes that:

'This site has not had any significant development, remaining largely in residential use through time. The risk from onsite sources to human health is considered to be low to moderate at this stage.

The risk from off-site sources of soils contamination is considered to be low.

The risk from permanent ground gases (on and off site) is considered to be moderate to low.

The overall risk to controlled waters is considered to be low.

Intrusive investigations will be required to confirm the above assessed levels of risks and determine remedial requirements, if any.'

12.106 The Councils Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

Other matters

12.107 Concerns have been raised on the devaluation of properties. However, this is not a planning matter and cannot be taken into consideration in the determination of the application.

12.108 In addition, concerns have been raised in respect of the quality of care and adult safeguarding from a care home use. Whilst this is noted, this is not a planning matter and the future quality of care of residents is a matter for the Quality Care Commission and Safeguarding Officer.

12.109 Concerns have been raised that due to the potential design of the building that this could in the future lead to the building being changed to residential. This proposal is for a care home with communal facilities being provided for residents. If permission were granted this would specifically be for a care home and not as private dwellings. If it was sought in the future to change this from a care home this would need a formal planning application which would consider this in detail.

13.0 Planning Balance and Conclusion

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

13.2 National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

13.3 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (national Guidance in the PPG states that the need to provide housing for older people is critical). The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that *'This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation'*, thereby making

it clear that the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated.

- 13.4 Policy SA39 in the Site Allocations DPD relates to specialist accommodation for older people and care homes. This supports such development in the built up area. As such the principle of a care home on this site is acceptable.
- 13.5 The site is within the built up area of East Grinstead which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for a care home.
- 13.6 Whilst the NPPG excludes residential gardens from the definition of previously developed land, part of the site is considered to be previously developed land.
- 13.7 The site is within the built up area of East Grinstead which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for a care home.
- 13.8 The means of access to serve the development with a new vehicular access off West Hill and the use of the existing access for pedestrians accessing this site is considered acceptable.
- 13.9 Whilst the access and retaining wall would be visible within the street scene, it is considered that the overall impact would be acceptable and would not cause significant detriment to the character of the area due to the replacement planting proposed. The access would be similar in context to that of West Lane set to the north-west of the site which retains the verdant character of this part of the highway.
- 13.10 The proposal will deliver positive social and economic benefits through the delivery of a care home within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 13.11 As the application is in outline form only, consideration on the design and the impact on the amenities of surrounding residential occupiers would be considered at the reserved matters stage.
- 13.12 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. In addition there would be a neutral impact in respect of the Ashdown Forest.
- 13.13 On the basis of the above, the application is considered to comply with policies DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, DP41 and DP42 of the District Plan, policies SA38 and SA39 of the Site Allocations DPD, policies EG3, EG5, EG11 and EG16 of the East Grinstead Neighbourhood Plan, and the provisions of the National Planning Policy Framework.
- 13.14 Officers consider that in the context of the adopted District Plan, Site Allocations DPD and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. **Approved Plans**

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.

3. **Pre-commencement Conditions**

No development shall take place, including any works of demolition until a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the local planning authority. The report should be submitted concurrent with the Reserve Matters application and should provide a minimum of 10 percent measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The proposed development shall be carried out in accordance with the report unless otherwise agreed in writing with the Local Planning Authority.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site,
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity,
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality,
- Details of the implementation measures and management of proposals,
- Details of the monitoring and auditing measures.

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) and to comply with DP38 of the Mid Sussex District Plan.

4. 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. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works,
 - details of measures to control noise or vibration affecting nearby residents; artificial illumination,
 - dust control measures,
 - measures to deal with surface water run-off from the site during construction,
 - pollution incident control and site contact details in case of complaints.

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

5. 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 in consultation with Southern Water. 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.

6. 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 site investigation, based on the phase 1 geo-environmental assessment report undertaken by Brownfield Solutions Ltd, dated December 2022, ref: NA/C5238/11569 Rev A, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) 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 accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) 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 in accordance with Policy DP20 Mid Sussex District Plan 2014 - 2031 and the Fire and Rescue Service Act 2004.

8. Prior to the commencement of any works, detailed plans showing the retaining walls to the front entrance including the materials to be used in its construction shall be submitted to and approved in writing to the Local Planning Authority. The works shall be carried out in accordance with the approved details thereafter.

Reason: To protect the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the Neighbourhood Plan.

9. Further supplementary ecological surveys of trees for bats shall be undertaken and submitted with the reserved matters application to inform the preparation and implementation of mitigation measures required. The supplementary surveys shall be of an appropriate type for bats in all trees to be removed and survey methods shall follow national good practice guidelines.

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

10. Prior to the commencement of any development, 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).
- 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

11. Prior to the commencement of the development a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Phlorum Limited, December 2022), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

12. Prior to the commencement of any development, a Badger Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Badger during the construction phase.

The measures and/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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

13. 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

14. No development shall take place until a scheme for protecting the residential units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & 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 future residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

15. Prior to the commencement of any part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme 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.

16. **Construction Phase**

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

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

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

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

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

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

18. 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 accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Tree Roost Assessment (Phlorum Limited, December 2022), Preliminary Ecological Appraisal (Phlorum Limited, December 2022) and the Badger Survey Report (Phlorum Limited, December 2022) 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

20. **Pre-occupation Conditions**

The development shall be carried out in accordance with the details set out in the Tree Protection Plan (drwg D2874.V1.1-A1-TPP(AIA), Rev 1.1), the Arboricultural Impact Assessment (ref D2874.V1.1-AIA), and the Tree Management Plan (ref D2874.V1.1-TMP). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or

diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

21. 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 Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

22. No part of the development shall be first occupied until such time as the new vehicular access serving the development from West Hill has been constructed in accordance with the approved plans, including the agreed bank works to achieve the required visibility splays. This also includes signage and some physical feature on the existing access road to restrict vehicular access to the development, so there is no intensification of the existing substandard access.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan and the provisions of the NPPF.

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

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan and Policy EG12 of the Neighbourhood Plan.

24. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

25. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the

approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason: 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 accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

26. Prior to the occupation of any development 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

27. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant 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 in accordance with Policy DP20 Mid Sussex District Plan 2014 - 2031 and the Fire & Rescue Service Act 2004.

28. The development hereby permitted shall not operate catering activities until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

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

29. The use hereby permitted shall not come into operation until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build 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 assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development 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.

30. **Post-occupation monitoring/management conditions**

No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 08:00 - 18:00 hours Monday - Friday, 09:00 - 13:00 hours, Saturday, none permitted on Sundays or Bank/Public Holidays.

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

31. Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light.

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

INFORMATIVES

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

Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

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

2. The applicant is required to obtain all appropriate consents from 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.
3. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover

any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

4. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
5. In respect of condition 15, in order to ensure approval, we strongly recommend that the scheme of mitigation measures to improve air quality is agreed in advance with the Council's Air Quality Officer.
6. Occupation of the development is to be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development
7. 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: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). 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.
8. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

West Sussex Highways Authority

Section 1 – Report Introduction/ Background

- 1.1 The LHA has been re-consulted by the LPA to provide comments on the further submitted highways information as requested previously in our response dated 14th March 2023 and the original response dated 31st January 2023. The following points required more information to be submitted for review.

1. **RSA Response Report**

Section 2 – Further submitted information

- 2.1 Please see the Road Safety Audit Response Report (RSARR) for the LHA's response to the safety audit problems that were raised. Problem 4.1 has now been resolved to the safety auditor's satisfaction. The LHA have now signed off the RSARR.

Section 3 – Summary

- 3.1 With reference to the LHA's comments dated 31st January 2023 and section 4.2 '*The LHA note the comments made in the TS about the existing access remaining as access for vehicles to the existing two flats, for pedestrian/cycle access and emergency access only. This will need to be well signed and if possible conditioned so no intensification of the existing access by vehicles can take place due to it being substandard*'. Condition wording needs to be agreed to cover this point.

- 3.2 The LHA does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The following conditions should be added to any grant of planning consent.

3.3 **Conditions**

1. Access & visibility - No part of the development shall be first occupied until such time as the new vehicular access serving the development from West Hill has been constructed in accordance with the approved plans, including the agreed bank works to achieve the required visibility splays. This also includes signage and some physical feature on the existing access road to restrict vehicular access to the development, so there is no intensification of the existing substandard access. Reason: In the interests of road safety.
2. 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),
 - details of public engagement both prior to and during construction works.Reason: In the interests of highway safety and the amenities of the area.

3. 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.

4. Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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.

3.4 Informatives

1. Works within the Highway – Implementation Team - The applicant is required to obtain all appropriate consents from 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.
2. Temporary Works Required During Construction - The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
3. Temporary Developer Signage - The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

West Sussex Lead Local Flood Authority

This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards.

Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

West Sussex County Planning Officer

S106 Contributions Sought

Libraries

Total Access Demand

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined in the *National Planning Policy Framework, 2019*.

The advice is as follows:

1. Library Infrastructure Contribution

1.1 The County Librarian advises that the proposed development would be within the area served by East Grinstead Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent

reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size	Occupancy	
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2022/2023 are [30/35 sq.m] and £5,928 per sqm respectively).

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

2. Transport (TAD) Contribution

2.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C – D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size	Occupancy	
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £773

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1,549

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

2.2 The contribution generated by this proposal shall be spent on the A22 improvement scheme.

General points

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

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

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

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

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

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.

West Sussex Fire and Rescue Services

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

- 1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC 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 [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) 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/unit forming part of the proposed development that they will at their own expense install the fire hydrant 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 & Rescue Service Act 2004.

West Sussex Minerals and Waste

Please be advised that the MWPA would offer no objection to the proposed development as it relates to brownfield land would not prevent or prejudice the continued operation of any nearby waste infrastructure.

MSDC Urban Designer

This is an outline scheme in which appearance, design, landscaping, and scale are reserved matters. These observations are initial comments on the illustrative proposals submitted.

Access

- Impact on tree belt along West Hill:

The vegetation and tree screening along West Hill is a key part of the character of the area, which forms a leafy part of the character of West Hill. The proposed scheme showed the formation of an access point to create vehicular access to the site from West Hill. Due to the levels of the site, this would result in a large engineering operation and a loss of a number of these trees and vegetation to create the access and necessary visibility splays.

All these pressures risk significantly diminishing this attractive tree belt.

- The proposed new access point is not showing any allowance for use by pedestrians, a basic footpath should be provided unless it's a shared surface.

Access and movement around the building

- Routes linking communal areas (ground floor), 'landscape platform' and 'landscape gardens' should be designed better. In some cases, they don't exist.
- Landscape platform and landscape garden need to be directly connected to allow continuous movement throughout the site and building.
- Design of any scheme for frailer older people or others with disabilities and those in need of care or support services should meet and maintain high standards of accessibility so that all users can use them safely and easily. More information is needed on meeting accessibility requirements.

Access and movement through the building

- It is clear from the illustrative design that the building has two points of entry
 1. Ground Floor access facing the northern boundary to be used by pedestrian/cyclist approaching to and from West Street.
 2. Lower Ground Floor access point facing carpark to be used by 50 staff, external consultants and specialists visiting, residents coming and going to daily outings in minibuses or other forms of transport provided, visitors to the building by vehicle, etc.

To allow for convenient movement without compromising security, each entrance to the building needs to be clearly marked as well as route linking front and basement entrance needs to be better defined.

Lobby on the lower level needs to have bigger and more active frontage (although it's a basement there could be more glazed lobby or the hairdressing for example) and the route leading to upper level should be more straight forward, wider, and better overlooked. Current indicative design can achieve it by creating much grander void that visually links both lobbies and carpark.

Elevations/Massing

The site is situated on a hill. There is a gradient running downhill from northeast to southwest and south.

At 3 storeys high at the north of the site and 4 storeys high at the south end of it (including the parking level), this is a potentially prominent building positioned on high land and needs to be designed carefully. It is noted that scale is a reserved matter.

- The current illustrative building form does appear to partially benefit from the integrity of the previous concept, where the repeated gables provided some natural rhythm and allowed the facades to be naturally articulated into vertical bays that should help to break down their scale. In the current scheme, the juxtaposition of the flat and gabled roof

elements doesn't appear to sit comfortably together. The gabled roof configuration also looks fudged where the northern block turns the corner.

- Corridors shown on the illustrative proposed plans rely hugely on artificial light. To allow more natural light into the circulation zones, more design solutions should be explored.
- With the exception of the southern boundary, the scheme provides little separation from tree-lined boundaries. Scheme is uncomfortably close to the tree line limiting sunlight/daylight into the building (and outlook), especially at the lower floor level. The buildings are fairly tight to the side of the trees, compromising light to the windows and leading to issues with roof encroachment, maintenance of gutters/roofs etc.
- Special attention should be paid to avoid single-aspect accommodation facing north.

Embedding the building into the ground helps integrate it better with the land than simply sitting it down on top of it. Building feels partly grounded and responsive to the terrain, except for the south end of the scheme and the 'landscape platform'.

- Terracing the building along with the contours and stepping it down gradually from North to South would help to reduce the scale and the potential impact on neighbouring buildings and impact on longer views.
- Because of the sloping nature of the site, it would be helpful to accompany any future applications with proposed site plans overlaid with the ground-level contours together with the height of the proposed floor levels. I would also like to see a plan that shows the cut and filling proposed and more section drawings that comprehensively show the relationship between the building and the topography – a 3D model would be particularly useful.
- Long sections should be provided to demonstrate the scale and visibility of the proposals from neighbouring properties and the potential impact from views from West Lane.

Sustainability

Sustainability needs to be fully considered, and I would expect it to contribute to shaping the scheme's design.

Mid Sussex Design Guide SPD

Full consideration needs to be given to the MSDG (as well as the National Design Guide and National Model Design Code). For the above reasons, the scheme will especially need to satisfactorily address the following design principles in the MSDG: DG1, DG2, DG3, DG7, DG11, DG22, DG25, DG27, DG37, DG38, DG39, DG41, DG45, DG46, DG47 and Mid Sussex District Plan DP28.

MSDC Drainage

No objection subject to conditions.

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

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.

The proposed development incorporates a basement level. We would advise the applicant to consider the potential flood risk posed to this level, especially from surface water.

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. Both foul and surface water sewers are located on Dexter Drive, adjacent to the development 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.

Detailed drainage design calculations should utilise a CV = 1.0.

APPLICATION SPECIFIC COMMENT

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

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

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.

The proposed development incorporates a basement level. We would advise the applicant to consider the potential flood risk posed to this level, especially from surface water.

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. Both foul and surface water sewers are located on Dexter Drive, adjacent to the development 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.

Detailed drainage design calculations should utilise a CV = 1.0.

APPLICATION SPECIFIC COMMENT

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

The outline planning application is supported by an outline drainage strategy (16230-Drainage Statement East Grinstead - MD – 01 Rev A, Nov 2022). The report states that the area has a low infiltration potential, and the topography of the site limits the use of infiltration drainage. We would encourage the applicant to review this as part of further drainage design works to ensure infiltration is fully considered.

The applicant proposes to attenuate then discharge surface water drainage at a controlled into a combined public sewer located on West Hill (highway). We would advise the applicant that discharge to a combined sewer would not usually be considered acceptable where other, more sustainable, options were possible.

The outline drainage strategy states the system shall be designed to cater for the 1:100-year plus 40% allowance for climate change event. We would advise the applicant that climate

change guidance has been updated and detailed drainage design will need to utilise the updated, regional, climate change allowances (available to view at <https://environment.data.gov.uk/hydrology/climate-change-allowances/rainfall>).

The drainage strategy appears to propose a discharge rate of 2l/s for all rainfall events. We would advise that discharge off site should be restricted to the Greenfield QBar runoff rate for the area being drained (not the entire site), unless otherwise agreed with Southern Water.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage into the combined sewer located on West Hill (highway).

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

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

CONDITION RECOMMENDATIONS

FOUL AND SURFACE WATER DRAINAGE

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.

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,

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.

GENERAL DETAILED DRAINAGE DESIGN 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 Policies and Guidance](#).

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.

Drainage calculations should utilise a CV value of 1.

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 **surface water** drainage design requirement summary sheet

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 **foul water** drainage design requirement summary sheet

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		

MSDC Tree Officer

I have reviewed the Arboricultural Impact Assessment and Tree Management Plan submitted with this application.

I note a number of trees are to be removed along the NW boundary of the site to accommodate the proposed main access to the site from West Hill. These trees are subject to an Area Preservation Order dating back to 1984 and consequently many of them are low quality or potentially dangerous trees. All the trees that are being removed are classified (as per BS5387) as either category U or category C. There is to be no removal of any category A or B trees. The loss of trees is to be mitigated with the replacement of native trees on a 1:1 basis, along with native whips for understory.

Based on this I would not object to the proposal on arboricultural grounds provided the above reports are fully adhered to, however these comments do not address the initial impact of the loss of these trees on the character of the area or the street scene. This I would defer to yourself as case officer.

⁶ Formal approval via S106 etc is not required.

MSDC Housing

Having checked over the submitted plans, I am happy that this developments is being brought forward as a C2 development and therefore is not required to provide affordable housing or an affordable housing contribution by way of a commuted sum.

Should any additional plans be submitted which alter the design of the units, please advise Housing Enabling.

MSDC Leisure

As the proposal is for a Class C2 residential care facility there is no requirement for financial contributions toward play provision, formal sports or community buildings.

MSDC Environmental Protection

The proposed development is surrounded by residential dwellings and close to a main road. I therefore recommend conditions to protect existing nearby residents from noise and dust during the construction phase and to protect future residents from traffic noise. In addition, conditions are recommended to protect existing residents from plant noise, cooking odours and artificial light when the care home is operational.

Given the area of the proposed development site, a condition is recommended requiring suitable mitigation measures to preserve the amenity of local residents in terms of air quality.

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

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Reason: to protect the amenity of local residents.

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

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

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

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

Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & 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 future residents

Air Quality: Prior to the commencement of any part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme 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.

Odour: The development hereby permitted shall not operate catering activities until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: to protect the amenity of local residents

Commercial Noise: The use hereby permitted shall not come into operation until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build 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 assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: to protect the amenity of local residents

Hours for deliveries: No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 08:00 - 18:00 hours Monday - Friday, 09:00 - 13:00 hours, Saturday, none permitted on Sundays or Bank/Public Holidays.

Reason: to protect the amenity of local residents

Lighting: Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: to protect the amenity of local residents

MSDC Contaminated Land Officer

As part of the application a phase 1 geo-environmental assessment report has been undertaken by Brownfield Solutions Ltd, dated December 2022, ref: NA/C5238/11569 Rev A.

The report has identified the site to be a low to moderate risk, primarily due to potential for made ground on site. As such, the report recommends that an intrusive investigation should be undertaken as part of the development of the site.

The intrusive investigation will be part of a phased approach, whereby if contamination is found above the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, then the entire phased condition can be discharged at that stage.

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.

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 site investigation, based on the phase 1 geo-environmental assessment report undertaken by Brownfield Solutions Ltd, dated December 2022, ref: NA/C5238/11569 Rev A, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan

by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

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

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

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

MSDC Ecology Consultant

We have reviewed the email comments (Kosy Living, March 2023), Preliminary Tree Roost Assessment (Phlorum Limited, December 2022), Preliminary Ecological Appraisal (Phlorum Limited, December 2022) and the Badger Survey Report (Phlorum Limited, December 2022) supplied by the applicant, relating to the likely impacts of development on protected species & Priority species and habitats, with identification of proportionate mitigation.

We understand that trees T1813 and T1841 are being removed for health and safety reasons, but the trees still need to be subject to further bat surveys as identified in the Preliminary Tree Roost Assessment (Phlorum Limited, December 2022). We therefore support the recommendation in the Preliminary Tree Roost Assessment (Phlorum Limited, December 2022) that further bat surveys, comprising two emergence/re-entry surveys, should be undertaken on trees T1813 and T1841 at Reserved Matters stage and secured as a condition of any consent, as these two trees have moderate potential to support roosting bats.

As there is a small amount of habitat on site suitable for supporting Hazel Dormouse, but the habitat will not be impacted by the proposed development, we support the precautionary measures to clearance of the site under the guidance of a suitably qualified ecologist as described in the Preliminary Ecological Appraisal (Phlorum Limited, December 2022). These measures should be secured by a condition of any consent and implemented in full.

We also agree that further surveys for Great Crested Newt (GCN) are not required given the absence of ponds on site or within 250m of the site and the absence of terrestrial habitat to support GCN (Preliminary Ecological Appraisal (Phlorum Limited, December 2022)).

We support the implementation of the non-licensed method statement for Badger (Badger Survey Report (Phlorum, 2022)). This should be secured by a condition of any consent and implemented in full.

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 Preliminary Tree Roost Assessment (Phlorum Limited, December 2022), Preliminary Ecological Appraisal (Phlorum Limited, December 2022) and the Badger Survey Report (Phlorum Limited, December 2022) 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 Layout and should be secured by a condition of any consent for discharge prior to slab level.

The proposed enhancement measures, including additional shrub and tree planting using native species, the creation of wildlife friendly corridors of hedgerows, scrub and rough grassland and hedgehog holes in fences should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife. The specifications and locations of the bat and bird boxes and bricks should also be identified in the LEMP. The LEMP should be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Tree Roost Assessment (Phlorum Limited, December 2022)). 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 Preliminary Tree Roost Assessment (Phlorum Limited, December 2022), Preliminary Ecological Appraisal (Phlorum Limited, December 2022) and the Badger Survey Report (Phlorum Limited, December 2022) 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS: FURTHER SURVEYS OF TREES FOR BATS

Further supplementary ecological surveys of trees for bats shall be undertaken to inform the preparation and implementation of mitigation measures required. The supplementary surveys shall be of an appropriate type for bats in all trees to be removed and survey methods shall follow national good practice guidelines.”

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

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT:BADGER METHOD STATEMENT

“A Badger Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Badger during the construction phase.

The measures and/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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS 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).
- 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Phlorum Limited, December 2022), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

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

6. CONCURRENT WITH RESERVED MATTERS 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

7. CONCURRENT WITH RESERVED MATTERS 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

MSDC Street Name and Numbering Officer

Informative (Info29)

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

Southern Water

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

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

It may be possible for part of the development to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining development. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

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

Southern Water hence requests the following condition to be applied: Occupation of the development is to be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Our investigations indicate that Southern Water can facilitate surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public surface water 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 supporting documents make reference to drainage using Sustainable 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 Design and Construction Guidance (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 design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

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 the Design and Construction Guidance 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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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