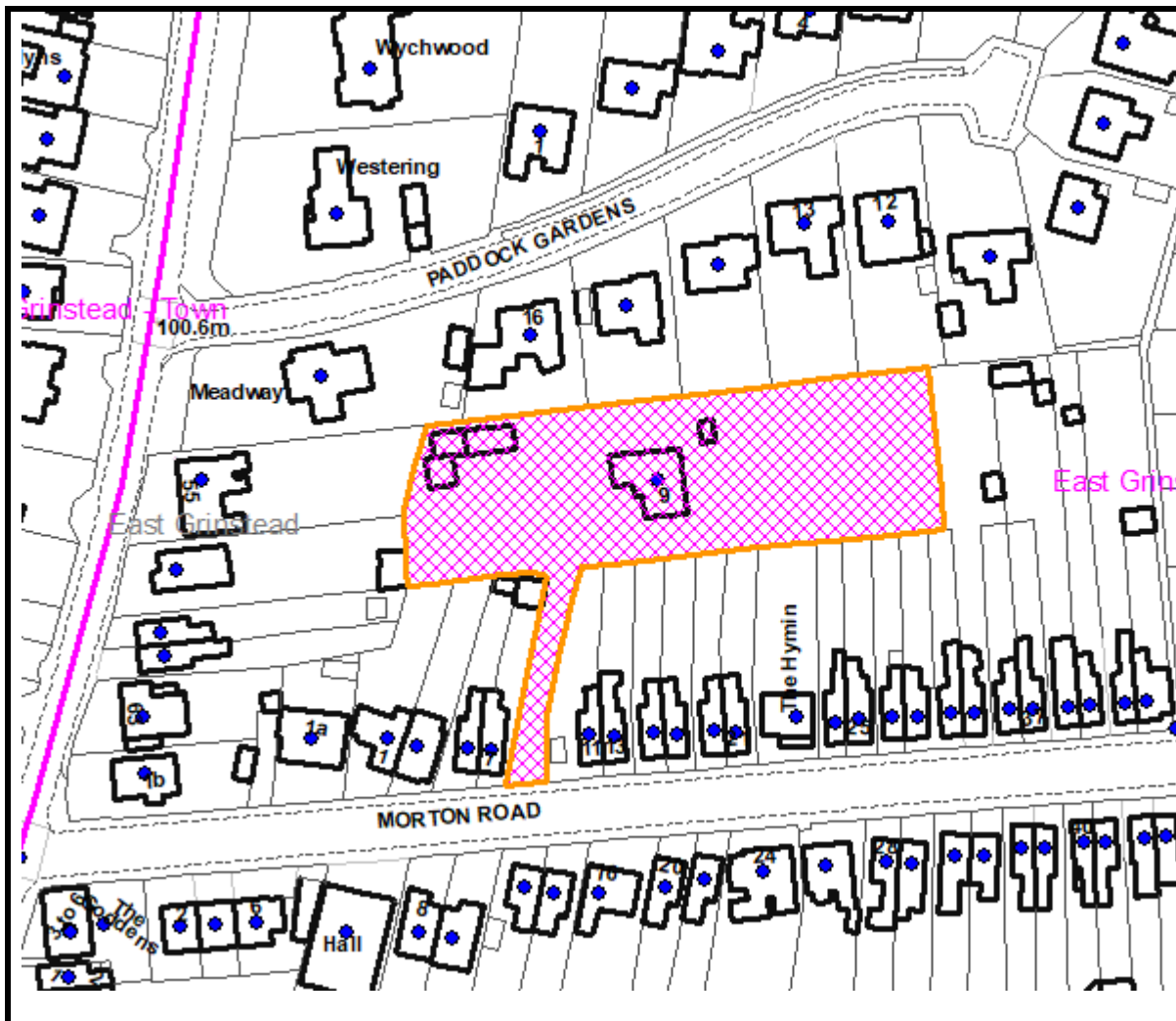


Planning Committee

Recommended for Permission

2nd November 2023

DM/23/0925



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Site:	9 Morton Road East Grinstead West Sussex RH19 4AF
Proposal:	Demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping
Applicant:	Mr Brodie Hill
Category:	Minor Dwellings
Target Date:	3rd November 2023

Parish:	East Grinstead
Ward Members:	Cllr Dick Sweatman /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSL3S9KT07E00>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 This application seeks full planning permission for the demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping at 9 Morton Road, East Grinstead.
- 2.2 It follows the refusal of a similar application and dismissal of the subsequent appeal in 2022 (DM/21/1780). The application is thus seeking to overcome the concerns raised by the Planning Inspectorate with the previous scheme.
- 2.3 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.4 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.
- 2.5 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 2.6 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.
- 2.7 Weighing in favour of the scheme is that the development will provide 7 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight.
- 2.8 It is considered that the design of the scheme is satisfactory and will be appropriate to the locality.

- 2.9 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.
- 2.10 It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology subject to conditions and the impact on the Ashdown Forest are being secured by a legal agreement. Furthermore, the proposal is considered acceptable in relation to highways and access, trees, dwelling space standards, accessibility and sustainable construction.
- 2.11 It is not considered that the proposal would cause significant harm to the amenities of existing and future occupiers in and around the site.
- 2.12 If permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.
- 2.13 The proposal would also result in economic benefits, in terms of additional employment during construction and would result in additional local spending.
- 2.14 It is the Officers view that the current proposal has overcome all the previous concerns raised by the Inspector at appeal.
- 2.15 Weighing against the proposal is the fact that the scheme provides 2 fewer car parking spaces than the West Sussex County Council standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.
- 2.16 Confirmation has not been provided to show that a water connection can be achieved with this site. However, the lack of these details is not on its own sufficient to justify refusing permission.
- 2.17 There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 2.18 However, the lower parking provision, noise and disturbance during construction and the lack of confirmation on water supply are considered to be outweighed by the benefits of the proposal. It is therefore considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG11 and EG16 of the East Grinstead Neighbourhood Plan, The Mid Sussex Design Guide SPD and the requirements of the NPPF.

3.0 Recommendation

3.1 Recommendation A

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

3.2 Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and Ashdown

Forest mitigation payments by the 2nd January 2024, then permission will be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

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

2. *'The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.'*

4.0 Summary of Representations

4.1 56 third party letters of representation have been received in regards to this application that have objected to the proposal for the following reasons:

- Statements out of date and inconsistent with current proposal
- Parking problems/loss of parking
- Impact on wildlife/protected species/green corridor
- Overpopulated/impact on community/local amenities/infrastructure
- Previous reasons for refusal remain
- Overdevelopment
- Overbearing
- Loss of light and outlook
- Highway safety/access/visibility
- Noise and disturbance
- Loss of trees and hedgerows
- Overlooking/loss of privacy
- No net gain in biodiversity
- Drainage/flooding
- Lack of consultation by developers
- Not necessary
- No affordable housing provision
- Lighting
- Not a brownfield site
- Inaccessible for bin lorries, fire engines and ambulances
- Scale of development
- Design
- Mental Health
- No economic benefits
- No solar panels
- Plans not to scale
- Contrary to local and national policy
- Dust
- Light pollution
- Accessibility

5.0 Summary of Consultees

5.1 **Ecology Consultant:** Recommend approval subject to attached conditions.

5.2 **WSCC Highways:** No objection

5.3 **MSDC Tree Officer:** No objection

- 5.4 **MSDC Drainage Officer:** Recommended Condition
- 5.5 **WSCC Water and Access Manager:** Advice – hydrant condition
- 5.6 **WSCC Infrastructure Contributions:**
- Library £3,164
 - Education Primary £35,272
 - Education Secondary £37,963
 - Education 6th Form £8,893
 - TAD £27,168
- 5.7 **Southern Water:** Formal application required to connect to public foul sewer to be made by applicant or developer.
- 5.8 **MSDC Community Facilities Project Officer:** Contribution requirements:
- Childrens playing space £8,313
 - Kickabout £6,983
 - Formal sport £9,520
 - Community buildings £5,460
- 5.9 **MSDC Environmental Protection Officer:** No objections subject to conditions.
- 5.10 **MSDC Contaminated Land Officer:** No specific comments
- 5.11 **MSDC Street Naming and Number Officer:** Informative 29
- 6.0 Town/Parish Council Observations**
- 6.1 Recommend refusal.
- 7.0 Introduction**
- 7.1 This application seeks full planning permission for the demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping at 9 Morton Road, East Grinstead.
- 8.0 Relevant Planning History**
- 8.1 GR/094/74: Outline application - residential development on 1 acre of land.
REFUSED
- 8.2 AP/74/0039: Outline application - residential development on 1 acre of land.
APPEAL DISMISSED
- 8.3 GR/170/74: Outline application, two detached single storey houses with garages.
REFUSED
- 8.4 AP/74/0041: Outline application, two detached single storey houses with garages.
APPEAL DISMISSED
- 8.5 GR/085/75: Two detached single-storey houses with garages - Outline application.
REFUSED

- 8.6 AP/75/0048: Two detached single-storey houses with garages - Outline application. APPEAL DISMISSED
- 8.7 GR/054/78: Outline application for one bungalow or house. PERMISSION
- 8.8 GR/204/78: Detached bungalow and garage. PERMISSION
- 8.9 DM/21/1780: Demolition of existing dwelling and erection of two detached dwellings, and three pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping. (Amended description and Plans 18.08.2021) REFUSED
- 8.10 AP/22/0017: Demolition of existing dwelling and erection of two detached dwellings, and three pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping. (Amended description and Plans 18.08.2021). APPEAL DISMISSED
- 8.11 DM/23/0925: Demolition of existing dwelling; erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping. Refused for the following reasons:

The design of the proposed dwellings is very contrived, the crown pitched roofs and squat roofs are not considered to represent a high quality design, while the proposed pallet of materials is at odds with the more traditional materials used both on Morton Road and Paddock Gardens. The reduction to the spacing between the properties and the limited outdoor space provided to plot 2 does not reflect the more spacious nature of Paddock Gardens and results in an unacceptably built up and squeezed in form of development, the proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031, Policy EG3 of the East Grinstead Neighbourhood Plan, Principles DG38 and DG39 of the Mid Sussex Design Guide and Para 130 of the NPPF.

The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.

9.0 Site and Surroundings

- 9.1 The application site is located to the northern side of Morton Road and comprises of a detached residential bungalow with a number of associated single storey outbuildings. The site is located to the rear of the dwellings along Morton Road, with the majority of dwellings facing directly onto Morton Road itself. Access to the site is gained between No.7 and No.11 Morton Road, with the application site sharing boundaries on all sides with the existing residential dwellings. The site borders the rear gardens of Nos. 1-31 Morton Road to the southern boundary, the rear gardens of Nos. 12 -16 Paddock Gardens and Meadway to the northern boundary, the rear gardens of No. 55 and No. 57 Dunnings Road to the western boundary and the rear garden of 33 Morton Road to the eastern boundary.

9.2 The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of East Grinstead, within 7km of the Ashdown Forest and the Trees within the site are subject to a planning condition.

10.0 Application Details

10.1 Planning permission is sought for the demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping at 9 Morton Road, East Grinstead.

10.2 The proposal is seeking 4 pairs of identical semi-detached dwellings, each semi-detached pair would measure 14.7 metres in width, by 9.8 metres in depth, with an eaves height of some 4.2 metres with an overall height of 6.5 metres. Each dwelling would be a 3 bedroom 5 person unit providing a gross internal floor area of some 99.5 square metres. Each house would have a minimum garden size of 96.6 square metres (plot 3) with a maximum garden size of 151 square metres (Plot 8).

10.3 Plots 1 and 2 are located on the western side of the site with the principle (front) elevation facing eastwards into the application site. While plots, 3 and 4, 5 and 6 and 7 and 8 will have the principle (front) elevation facing south.

10.4 All the dwellings have been shown to be constructed of:

1. Ibstock- Northern Buff- Flemish Brickwork walls to the ground floor;
2. Redland Heathland plain tile – Rustic Red roof tiles and hanging tiles to the first floor;
3. White vertical sash windows;
4. Timber style stable front doors;
5. White facia/barge board;
6. Black uPVC guttering and
7. Oak framed porch.

10.5 The proposal also shows 21 parking spaces, with each house having its own bin and cycle storage.

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, Sites Allocation DPD and 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 was adopted at Full Council on 28th March 2018. Relevant policies:
- DP6 - Settlement Hierarchy
 - DP17 - Ashdown Forest SPA and SAC
 - DP20 - Securing Infrastructure
 - DP21 - Transport
 - DP26 - Character and Design
 - DP27 - Dwelling Space Standards
 - DP28 - Accessibility
 - DP30 - Housing Mix
 - DP37 - Trees, Woodlands and Hedgerows
 - DP38 - Biodiversity
 - DP39 - Sustainable Design and Construction
 - DP41 - Flood Risk and Drainage
 - DP42 – Water Infrastructure and the water environment

Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. However, there are no policies relevant to this application.

Neighbourhood Plan

- 11.10 The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight. Relevant policy for consideration:

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

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.11 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) (September 2023)

- 11.12 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraphs 8, 11, 12, 38, 47, 111, 124, 126, 130 and 194 to 202 are considered to be relevant to this application.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

- 11.13 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.

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

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Mid Sussex District Plan 2021-2039 Consultation Draft

11.14 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.

12.0 Assessment

12.1 The main issues for consideration are:

- Principle of development;
- Design and impact of the on the character of the area
- Impact upon residential amenity;
- Highways, access and parking;
- Sustainability;
- Trees
- Ecological Implications
- Drainage;
- Infrastructure
- Dwelling Space Standards
- Accessibility
- Impact on the Ashdown Forest; and
- Planning balance and conclusion.

Principle

12.2 The District Plan is up to date, and the Council can demonstrate a 5 year supply of deliverable housing land.

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

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

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

12.5 It is acknowledged that whilst Policy EG5 is in conflict with the DP6 District Plan in respect of development proposed outside the built up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the

Neighbourhood Plan area, as such this policy attracts less weight. However, the site is within the built up area of East Grinstead and therefore this conflict is not considered to be an issue.

12.6 In addition to the above, East Grinstead is classed as category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

12.7 The proposal is thus considered to be acceptable in principle.

Design and Character

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

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;

- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;

- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;

- protects open spaces, trees and gardens that contribute to the character of the area;

- protects valued townscapes and the separate identity and character of towns and villages;

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;

- positively addresses sustainability considerations in the layout and the building design;

- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;

- optimises the potential of the site to accommodate development.'

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

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

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

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

12.10 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.'*

12.11 The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds

appropriately to its context and is inclusive and sustainable. Design Principle DG31 seeks to focus development in sustainable locations. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

- 12.12 Within the dismissed appeal for the previously refused scheme, the Inspector has made the following comments in relation to the character and design:

‘The proposal would include two 2 storey dwellings, two part 2 storey part 3 storey dwellings, and four 3 storey dwellings, but the hipped roofed 2 storey dwellings would be as tall as the 3 storey dwellings. Whilst the upper floors of most dwellings would be partly within their tall roofs, due to their height, bulk and atypical features including their ‘raised eaves line’, the proposal would be harmfully at odds with the scale and character of the surrounding dwellings.

The layout would include 2 detached dwellings in the west part of the site facing roughly east onto the short spur in the shared route from Morton Road, and 3 pairs of semidetached dwellings facing roughly south onto the shared route. As the semidetached pairs would be sited close to the shared route, they would harmonise with the siting of most nearby semidetached dwellings in Morton Road, and as the pairs would be well separated from one another, they would reflect the more spacious layout in Paddock Gardens. However, because the 2 detached dwellings would be sited close to one another and the site’s boundaries, and because there would be little useable outdoor space for the dwelling on Plot 2, they would be unacceptably built-up and squeezed-in.

Due to the height, scale, bulk and detailed design of the dwellings, and the siting of the dwellings on Plots 1 and 2, the proposal would be harmfully dominant from the backs of most surrounding dwellings and their gardens, especially those in Paddock Gardens. Due to the good-sized gaps between many of the nearby dwellings in Paddock Gardens, Dunning’s Road and in part of Morton Road, the proposal would look incongruous from the surrounding streets. Thus, the proposal would harmfully intrude into the important openness beyond the backs of the existing dwellings that contributes positively to the largely suburban character of the locality, and to the sense of place.’

- 12.13 The proposed dwellings have been reduced in height from three storey dwellings to the now two storey, furthermore, plots 1 and 2 are no longer detached dwellings and instead are a pair of semi-detached dwellings, allowing a degree of set back from the site boundaries while also providing larger gardens, exceeding the plot sizes of some of the 3 pairs of semi detached dwellings to the east. All the dwellings are now three bed units, as such this has also allowed for a reduction in overall parking spaces, which has added to the now more spacious nature of the proposed development, the resulting development is therefore considered to be in-keeping with the existing pattern of development within the locality.
- 12.14 The semi detached pairs are all identical and have been shown to be constructed of a mixture of facing brick work to the ground floor, with tile hanging and pitched tiled roofs. The submitted schedule of materials is considered appropriate to the wider

context and as such details of the materials can be secured by a suitably worded condition.

- 12.15 The existing bungalow and outbuilding to be demolished are not of any particular merit and as such the demolition of these would not be resisted. The proposed dwellings are of a traditional design and materials, which is considered to be acceptable and in-keeping with the existing character of the area. Furthermore, due to the reduction in height and the change in levels across the site the proposal would result in a more visually subordinate rearward development. It is therefore considered that the proposal is of a design size and scale that is in-keeping with the character of the locality.
- 12.16 The proposal is thereby considered to comply with policy DP26 of the District Plan, policy EG3 of the Neighbourhood Plan, Principles DG38 and DG39 of the adopted Mid Sussex Design and para 130 of the NPPF.

Residential Amenity

- 12.17 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'*.
- 12.18 The test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.
- 12.19 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.
- 12.20 A number of third party letters of representation have been received in regards to neighbouring amenity issues. Within the built up area boundaries a degree of overlooking is considered acceptable and typically a back to back distance of 21 metres is considered acceptable. The proposal shows that Plot 3 would have a back to back distance at of 20.6 metres. Furthermore, it is worth noting that the Planning Inspector made the following comments:
- 12.21 *'Thus, I consider that, subject to the imposition of suitable conditions if the proposal were to be otherwise acceptable, the proposal would not harm the living conditions of the occupiers of 15 and 16 Paddock Gardens and Plots 2 and 3 regarding outlook and privacy. It would satisfy LP Policy DM26 and NP Policy EG3 which aim for development to not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings.'*
- 12.22 Owing to these relationships being similar to the refused scheme where the Planning Inspectorate considered it acceptable together with the dwellings being reduced to two storey from three storey it is considered that the proposal would not cause significant harm in regards to overlooking, loss of privacy and overbearing impact on both the existing and future occupiers of these dwellings, the application thereby complies with Policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

12.23 Furthermore, a number of representation letters have raised objections regarding loss of sunlight and daylight. Nonetheless, with the development being beyond the rear gardens of the neighbouring dwellings, being only two storey in height and the changes in levels across the site it is not considered that the resulting relationships would cause significant harm in regards to reduction in sunlight and daylight. In addition within the previous appeal the Planning Inspectorate did not find any issues with daylight and sunlight for the three storey dwellings.

12.24 In addition to the above, third party representation has been received on noise and disturbance and light pollution. Policy DP29 states:

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

Noise pollution:

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

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

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

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

12.25 Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

12.26 The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

12.27 It is accepted that during construction there is likely to be some noise and disturbance, however this is only for a limited period and will be controlled by The Environmental Protection Act 1990. In addition, once the dwellings have been constructed the site will remain residential within the built up area as such it is not

considered that the development is likely to give rise to any additional noise or disturbance over and above the existing residential use.

- 12.28 Concerns have been raised in regards to the use and intensification of the access, going from 1 dwelling to 8 dwellings, this was not a previous reason for refusal, the application has been supported by a Noise Assessment and The Councils Environmental Protection Officers have been consulted and as per the comments within appendix b they have raised no objections to the proposal subject to the recommended conditions on demolition and construction hours, deliveries and a Construction and Environmental Management Plan.
- 12.29 On this basis, there is no conflict with policy DP29 of the DP in respect of noise and light.

Highways and Parking

- 12.30 Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.
- 12.31 Policy EG11 of the Neighbourhood Plan requires proposals to be supported by an appropriate assessment of the impact of the proposal on the highway network and include access arrangements that are appropriately designed and include adequate visibility splays. In addition, policy EG12 requires sufficient on site car parking.
- 12.32 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.'*
- 12.33 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.'*
- 12.34 Previous applications have not been refused on highway grounds, and in accordance with WSCC Highways comments it is not considered to result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, subject to the recommended conditions on access, construction management plan, cycle parking and turning and visibility WSCC Highways have set out that there are no transport grounds to resist the proposal. It is however noted that the proposed scheme has a shortfall of 2 parking spaces in relation to the WSCC parking standards.
- 12.35 The WSCC Highways comments also refer back to the previous comments for DM/22/2087 which requires a legal agreement to secure the Transport Regulation Order (TRO), this is being progressed as part of the legal agreement. However, it is

advised that the TRO process is separate to the planning process and the Local Planning Authority cannot guarantee the outcome of an application for a TRO as it is the Highway Authority who are decision making body. It is considered that in light of these points, this is a matter that would need to be addressed directly between the applicants and the Highway Authority. The applicants will need to obtain the consent of the Highway Authority in a S278 agreement to carry out any works on the public highway.

- 12.36 This is a sustainably located site where there is a choice of modes of transport. There are parking controls in place on the streets around the site so on street car parking is prohibited in areas where such parking could result in a highway safety hazard or obstruction.
- 12.37 Taking all these points into account it is not felt that the level of car parking provision would be so deficient that it would result in a highway safety issue that would justify a refusal of planning permission on this ground. Consequently, the application is deemed to comply with policy DP21 of the District Plan, policies EG11 and EG12 of the Neighbourhood Plan and para 110 of the NPPF.

Sustainability

- 12.38 Policy DP39 of the District Plan relates to sustainable design and construction and states that:

'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'.*

- 12.39 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.'

12.40 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.'

12.41 A detailed Sustainability and energy Statement has been included which sets out the proposal will include the following:

- Possible to exceed Building Regulations requirements (Part L- 2013)
- Passive solar gain
- Natural daylighting
- Efficient building fabric
- Building envelope Meet Building Regulations Part L1A Standards
- Air leakage – 50 percent improvement over building regulations
- Thermal bridging
- Ventilation
- Potential for PV panels
- Efficient lighting controls
- Water efficient taps and toilets
- Low output showers
- Flow restrictors
- water meters
- Preference to local materials and suppliers
- Timber PEFC or equivalent approved body
- All insulation material will have zero ozone depleting potential

12.42 The statement indicates that consideration has been given to maximising energy efficiency and water conservation in accordance with policy DP39 of the District Plan and the relevant paragraphs of the NPPF. Although it has set out that there is potential for PV panels the applicant has agreed to a condition requiring details to be submitted and approved.

Trees

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

12.44 An Arboricultural Method Statement and Tree Survey has been submitted with the application. This sets out that a number of trees and hedges will need to be removed in order to accommodate the proposal. This has not changed from the

previous application and The Councils Tree Officer provided the following comments:

'It appears the tree reports submitted with this application have not been updated to reflect the current scheme. However as per the previous application I would not object on arboricultural grounds. However should permission be granted I would ask for an up to date AMS to be submitted and agreed, along with a detailed planting and maintenance plan.'

- 12.45 In light of these comments and subject to conditions requiring an updated Arboricultural Method Statement (AMS) and a planting and maintenance plan the proposal is considered to comply with Policy DP37 of the District Plan.

Ecological Implications

- 12.46 Policy DP38 in part states:

'Biodiversity will be protected and enhanced by ensuring development:

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

- 12.47 Following a number of concerns raised by residents, the applicants have provided an Ecological Report, this report was then independently assessed by the Council Ecology Consult which as per the comments set out within appendix B have raised no objections to the proposal subject to the recommended conditions of being carried out in accordance with the ecological appraisal recommendations, biodiversity enhancement and a sensitive lighting design. In light of the professional advice from the Councils Ecology Consultant officers have no reason to disagree with this assessment and as such the proposal is deemed to comply with the above mentioned policy.

Drainage

- 12.48 Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires *'For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.'*
- 12.49 The proposed development has been supported by a Flood Risk Assessment (FRA) which identifies a low risk of flooding to the two dwellings on the western edge of the development, together with the required mitigation to address this. The Council's Drainage Engineer has been consulted on the scheme and has no objection to the application subject to a condition. Subject to the recommended condition the proposal is thereby considered to comply with policy DP41 of the District Plan.

Infrastructure provision

- 12.50 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured using planning obligations.
- 12.51 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
- 12.52 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:
- '55 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*
- and:
- '57 Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.'*
- 12.53 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.54 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below would need to be secured via a planning obligation.

- 12.55 West Sussex County Council Contributions:
-Library £3,164
-Education Primary £35,272
-Education Secondary £37,963
-Education 6th Form £8,893
-TAD £27,168
- TRO £7,418
- 12.56 District Council Infrastructure Requirements:

-Childrens playing space £8,313
-Kickabout £6,983
-Formal sport £9,520
-Community buildings £5,460
- LCI £6,195
- 12.57 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 the development that is proposed.
- 12.58 A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.
- 12.59 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

Dwelling Space Standards

- 12.60 The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.
- 12.61 Plans and the schedule of accommodation submitted as part of the application indicate that the dwellings will meet or exceed the national dwelling space standards requirements. As such the proposal would therefore provide a satisfactory standard of accommodation for future occupiers of each of the units proposed.

Accessibility

- 12.62 MSDP policy DP28: Accessibility states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that

the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20 % of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use,*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings,*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means,*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4 %, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

- 12.63 A condition in relation to 20 % of the units to be part M4(2) (Adaptable and Accessible) compliant is proposed in Appendix A.

Impact on the Ashdown Forest

- 12.64 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).
- 12.65 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.66 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.67 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.

- 12.68 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.69 This planning application is within the 7km zone of influence and generates a net increase of 7 dwelling, and as such, **mitigation is required**.
- 12.70 An appropriate scale of SAMM mitigation for the proposed development is £8,190, and if the approved scheme provides for a strategic SANG contribution, this would be £36,771.
- 12.71 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.72 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.73 The financial contributions for SAMM and SANG mitigation are being secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

Atmospheric pollution

- 12.74 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.
- 12.75 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. 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

- 12.76 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.

- 12.77 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.78 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.79 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Other Matters

- 12.80 Issues raised in regards to affordable housing and community involvement cannot be taken into account as the proposal does not meet the threshold for these.
- 12.81 Concerns have been received in relation to impact on mental health, while this is a serious issue, personal circumstances are not a material planning consideration and the factors to which the concerns relate (noise and disturbance, loss of outlook, privacy and parking) have all been addressed within the report.
- 12.82 Policy DP42 of the Mid Sussex District Plan in part states:
- 'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*
- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.'*
- 12.83 No details have been provided to confirm that there is adequate water supply to serve the development. However, this is considered in the planning balance.
- 12.84 Concerns have been raised in relation to emergency vehicle access, para 112 d) of the current NPPF which states in part: *'Within this context, applications for development should:*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and ...'* While Principle DG21 of the Design Guide also requires layouts to be designed to facilitate service vehicles and refuse collections.

12.85 WSCC Fire and Rescue have raised no objections subject to a hydrant condition. Furthermore, the application has been supported by a service vehicle tracking plan showing how it can come in, turn and leave.

12.86 While it is noted that some of the supporting documentation relates to previous schemes, it is still considered relevant and if anything only identifies a greater impact than the reduced scheme would result in.

13.0 Planning Balance and Conclusion

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

13.2 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.

13.3 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

13.4 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

13.5 Weighing in favour of the scheme is that the development will provide 7 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight.

13.6 It is considered that the design of the scheme is satisfactory and will be appropriate to the locality.

13.7 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.

13.8 It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology subject to conditions, the impact on the Ashdown Forest are being secured by a legal agreement. Furthermore, the proposal is considered acceptable in relation to highways and access, trees, dwelling space standards, accessibility and sustainable construction.

13.9 It is not considered that the proposal would cause significant harm to the amenities of existing and future occupiers in and around the site.

13.10 If permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

13.11 The proposal would also result in economic benefits, in terms of additional employment during construction and would result in additional local spending.

- 13.12 It is the Officers view that the current proposal has overcome all the previous concerns raised by the Inspector at appeal.
- 13.13 Weighing against the proposal is the fact that the scheme provides 2 fewer car parking spaces than the West Sussex County Council standards, the Local Highway Authority do not object to the scheme and it is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.
- 13.14 Confirmation has not been provided to show that a water connection can be achieved with this site. However, the lack of these details is not on its own sufficient to justify refusing permission.
- 13.15 There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 13.16 However, the lower parking provision, noise and disturbance during construction and the lack of confirmation on water supply are considered to be outweighed by the benefits of the proposal. It is therefore considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG11 and EG16 of the East Grinstead Neighbourhood Plan, The Mid Sussex Design Guide SPD and the requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No external materials shall be used other than those shown on the approved plans, application form and within the submitted material pallet (drawing No.208) unless otherwise agreed in writing with the Local Planning Authority.

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

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

or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Report (AA Environmental Ltd., August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may 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) and to comply with DP38 of the Mid Sussex District Plan.

5. No development above slab shall take place unless and until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Report (AA Environmental Ltd, August 2023) has been 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to comply with DP38 of the Mid Sussex District Plan.

6. Prior to occupation 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) and to accord with DP38 of the Mid Sussex District Plan.

7. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

8. 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 and to accord with Policy DP21 of the Mid Sussex District Plan.

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

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

10. 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.

11. No part of the development shall be first occupied until visibility splays of 2.4m x 17m to the west and 2.4m x 15m to the east have been provided at the proposed site vehicular access onto Morton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

12. The development hereby permitted shall be occupied until the refuse/recycling storage facilities have been provided in accordance with the approved plans and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policies EG3 of the East Grinstead Neighbourhood Plan.

13. No development shall commence unless and until an updated Arboricultural Method Statement has been submitted and approved. The works shall be carried out in accordance with these details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies EG3 of the East Grinstead Neighbourhood Plan.

14. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a detailed planting and maintenance plan. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies EG3 of the East Grinstead Neighbourhood Plan.

15. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed. These works shall be carried out prior to occupation at the applicants own expense 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.

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.

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

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

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

17. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition and 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 comply with Policy DP26 of the Mid Sussex District Plan.

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

Reason: To safeguard the amenity of nearby occupiers and to comply with Policy DP26 and DP29 of the Mid Sussex District Plan.

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

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

20. 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.

21. No development above slab level shall take place until details of the proposed PV panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that this is a sustainable development and to achieve a well designed building and to comply with policies DP26 and DP39 in the Mid Sussex District Plan 2014-2031.

22. The development shall not be occupied until the sustainability measures set out in the accompanying Sustainability and Energy Statement have been implemented in full.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. 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:
 - o No burning of demolition/construction waste materials shall take place on site.
4. Please be advised that a formal Sewer Connection (S106) application is required to be completed and approved by Southern Water Services.
5. Works within the Highway - Area Office 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 Area Highway Manager (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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
General	208	Material Pallet	04.04.2023
Location Plan	001		04.04.2023
Site Plan	011	layout	04.04.2023
Block Plan	002	ex	04.04.2023
Block Plan	003	pr	04.04.2023
Site Plan	004		04.04.2023
Site Plan	005	with roof plans	04.04.2023
Site Plan	006	with dimensions	04.04.2023
Site Plan	007	with vehicle tracking	04.04.2023

Site Plan	008	ex knollys fig grd diag	04.04.2023
Site Plan	009	pr knollys fig grd diag	04.04.2023
Block Plan	010	proposed	04.04.2023
Proposed Floor Plans	100		04.04.2023
General	101	schedule of accomodati on	04.04.2023
Sections	100		04.04.2023
Proposed Elevations	200	front	04.04.2023
Proposed Floor and Elevations Plan	201	side	04.04.2023
Proposed Elevations	202	rear	04.04.2023
Proposed Elevations	203	side	04.04.2023
Proposed Elevations	204	coloured front	04.04.2023
Proposed Elevations	205	coloured side	04.04.2023
Proposed Elevations	206	coloured rear	04.04.2023
Proposed Elevations	207	coloured side	04.04.2023
Street Scene	400		04.04.2023
Street Scene	401		04.04.2023
Street Scene	402		04.04.2023
Street Scene	403		04.04.2023
Street Scene	404		04.04.2023
Street Scene	405		04.04.2023
Street Scene	406		04.04.2023
Street Scene	407		04.04.2023
Street Scene	408		04.04.2023
Street Scene	409		04.04.2023
Street Scene	410		04.04.2023
Sections	411		04.04.2023
Proposed and Existing Plan incl Site	500		04.04.2023

APPENDIX B – CONSULTATIONS

Ecology Consultant:

Application: DM/23/0925 Location: 9 Morton Road East Grinstead West Sussex RH19 4AF
Proposal: Demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping

Thank you for consulting Place Services on the above application.

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

Summary

We have reviewed the Ecological Report (AA Environmental Ltd., August 2023), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We note that no evidence of bats was found in the dwelling, and the outbuildings and trees on site all provide negligible bat roosting potential (Ecological Report (AA Environmental Ltd., August 2023)). We therefore agree that no further surveys for bats are required.

We are 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 Ecological Report (AA Environmental Ltd., August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species.

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 beneficial use.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Report (AA Environmental Ltd., August 2023)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures in line with Guidance Note 08/23 on bats and artificial lighting 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.

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 Ecological Report (AA Environmental Ltd., August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Report (AA Environmental Ltd., August 2023) 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. 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).

Please contact us with any queries.

WSCC Highways:

Summary and Context

This application is for the demolition of existing dwelling and erection of four pairs of semi-detached dwellings with car parking and modifications to existing access. The site is located on Morton Road, an unclassified road subject to a speed restriction of 30 mph.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application DM/22/2087, raising no objections. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Access and Visibility

The proposed vehicular access arrangements are the same to that of the DM/22/2087, details of which were previously accepted by the LHA. The submitted application documents are the same and as such are considered acceptable for the current application also. The LPA are advised to refer to the LHAs consultation response for application DM/22/2087 for these comments.

The proposed access works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer. As per previous comments, a maximum permitted dropped kerb with of 6.4m is allowed by the Area Office, so further dialogue may be required to determine the suitability of the proposed access arrangement. The demonstrated visibility splays accepted by the LHA can be secured by condition.

Parking and Turning

The applicant proposes 19 car parking spaces to serve the development. The WSCC Car Parking Demand Calculator indicates that a development of this size and location, with an allocation of two parking spaces per dwelling, should provide at least 21 car parking spaces. Consequently, any overspill parking would have to be accommodated on-street.

The LHA does not anticipate that the shortfall of two parking spaces would lead to a highway safety concern or parking capacity issue in this location, but the LPA may wish to consider the potential amenity implications.

From inspection of the plans, the proposed parking spaces are suitably sized and positioned. On-site turning has been demonstrated via swept path tracking for both cars and a refuse vehicle to the satisfaction of the LHA.

Regarding cycles, each plot will be provided with garden sheds that can be utilised to store two cycles each in accordance with WSCC Parking Standards.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Conditions

Access (details required, access provided prior to first occupation)

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

Reason: In the interests of road safety

Construction Management Plan

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

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

Cycle parking

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

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

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.

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4m x 17m to the west and 2.4m x 15m to the east have been provided at the proposed site vehicular access onto Morton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative

Works within the Highway – Area Office 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 Area Highway Manager (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.

MSDC Tree Officer:

It appears the tree reports submitted with this application have not been updated to reflect the current scheme. However as per the previous application I would not object on arboricultural grounds. However should permission be granted I would ask for an up to date AMS to be submitted and agreed, along with a detailed planting and maintenance plan.

MSDC Drainage Officer:

26/06/2023

Following submission of the updated flood risk assessment and drainage strategy report the team have reviewed the application and can provide the following comment.

Flood Risk

- The application is supported by a flood risk assessment which meets current guidance and policy.
- The report identifies a low risk of flooding to the two properties located to the western end of the development. To mitigate flood risk the report recommends a minimum 150mm threshold for these properties. **This recommendation should be followed.**

Surface Water Drainage

- The applicant proposes to discharge surface water drainage into the public surface water sewer. Flows are proposed to be restricted to a maximum 9l/s for the 1:100+45% event.
- Southern Water consultation response states surface water can be discharged into the public surface water sewer at no greater than the existing discharge rate.
- The flood risk and drainage team would advise that discharge rates should be reduced to as close as practical to the Greenfield runoff rate for the drained area to provide the greatest betterment possible.
- **The proposed surface water drainage strategy is considered acceptable in principle, and subject to detailed design.** As part of the detailed design the applicant will need to provide evidence of the existing surface water drainage connection, show discharge rates are no greater than the existing discharge rate and provide evidence that Southern Water accept, in principle, the discharge rate (this does not need to be a S106 consent).

Foul Water Drainage

- Foul water drainage is proposed to discharge into the public foul sewer. **This is considered acceptable in principle and subject to detailed design.**

The flood risk and drainage team recommend the below condition is placed on this application and the attached passed onto the applicant for their information.

C18F - Multiple Dwellings/units

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

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

MSDC Drainage Officer:

02/05/2023

The team have reviewed the information submitted in support of this application and can provide the following comments.

The application is supported by a drainage strategy dated 2021. This 2021 report utilises a different proposed development on site, with alternative layout and number of dwellings. Since the 2021 report was produced the proposed development has altered and national drainage and climate change policies and guidance have altered. The team do not consider the 2021 drainage strategy sufficient to address the drainage requirements at this stage of planning. **An updated report, based on current policy and guidance and the current development layout will be required.**

We would also advise that current flood risk policy and guidance states that all sources of flood risk should be considered inline with the method utilised for fluvial or tidal flood risk (flood zones). This means that areas of low surface water flood risk should be assessed and considered in line with areas of flood zone 2 (both 1:1,000 flood extents). **Based on current flood risk policy this application should be supported by a flood risk assessment which looks at the potential impact of flood risk to the development, and the impact the development could have on flood risk elsewhere.**

Following receipt of the updated flood risk assessment and drainage strategy the team will be able to provide a more formal consultation response.

WSCC Water and Access Manager:

Planning Ref:	DM/23/0925
Address:	9 Morton Road East Grinstead West Sussex RH19 4AF
Description:	Demolition of existing dwelling, erection of a development of four pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping.
Date of visit:	N/A

RECOMMENDATION

Advice:	<input checked="" type="checkbox"/>	Modification:	<input type="checkbox"/>	More Information:	<input type="checkbox"/>
Objection:	<input type="checkbox"/>	No Objection:	<input type="checkbox"/>	Refusal:	<input type="checkbox"/>

Total number of hydrants required

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.

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 the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

Ian Stocks

Water and Access Manager

WSCC Infrastructure Contributions:

Summary of Contributions

Education			
School Planning Area	East Grinstead		
Population Adjustment	17.5		
	Primary	Secondary	6th Form
Child Product	0.2450	0.2450	0.1323
Total Places Required	1.7150	1.2250	0.2646
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,164		
Population Adjustment	17.5		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	7		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	17.5		
Net Parking Spaces	17		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£35,272
Education - Secondary	£37,962
Education - 6th Form	£8,893
Libraries	£3,164
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£27,168
Total Contribution	£112,459

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

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

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

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

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

The calculations have been derived on the basis of an increase in 7 net dwellings, and an additional 17 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.

- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2024. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**

- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

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

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

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

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

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2023/2024, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,567 per child**
- Secondary Schools- **£30,989 per child**
- Sixth Form Schools- **£33,608 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular

locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

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

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£6,027** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2023/2024 period.

3. TAD- Total Access Demand

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

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

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSSC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2023/2024 is £1,575 per parking space.

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

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£786).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 786$$

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

Southern Water:

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

If this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

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](http://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.

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

MSDC Community Facilities Project Officer:

Thank you for the opportunity to comment on the plans for the development of 8 residential dwellings at 9 Morton Road, East Grinstead RH19 4AF. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE £15,295

Sunnyside owned and managed by the Council, is the nearest locally equipped play area and this facility will face increased demand from the new development so a contribution of £15,296 is required to make improvements to play equipment (£8,313) and kickabout provision (£6,983) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £9,520 is required toward formal sport facilities at East Grinstead Sports Club and / or the Kings Centre.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,460 is required to make improvements to the Meridian Hall and / or St Swithuns Church Hall.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Environmental Protection Officer:

The applicant is seeking permission to demolish a detached dwelling, and to erect a new development comprising of 4 pairs of semi-detached dwellings.

Given the location of this proposed development, I recommend conditions to reduce the impact of noise and dust on the amenity of existing residents during the construction phase should permission be granted.

Conditions:

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

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: no work permitted.

Reason: to protect the amenity of local residents.

Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition and 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 demolition/construction works shall thereafter be carried out at all times in accordance with the approved Construction

Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents

Informative:

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

Accordingly, you are requested that:

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

MSDC Contaminated Land Officer:

I have reviewed the data we hold in relation to this site, and have not found any evidence or information that suggests the land may be contaminated.

As such, I have no specific comments regarding the potential for contaminated land based on the available mapping data.

However, it is important to note that the absence of evidence is not necessarily evidence of absence, and the developer should be aware there may still be potential risks or hazards associated with the land that is not apparent from the available data.

MSDC Street Naming and Numbering:

Weekly list date: 03/04/2023 and 06/04/2023

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

Linda Symes

Street Naming 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.

Planning applications requiring SNN informative

DM/23/0548
DM/23/0876
DM/23/0884
DM/23/0926
DM/23/0925
DM/23/0890

East Grinstead Town Council:

The committee of 17th April noted that the notification letters were sent very late from Mid Sussex.

The Committee continue to recommend refusal. The reduction in height from the previous application is minimal. This site has previously been determined as suitable for bungalow height only.

This site is not included in the District Council site document list nor was it in the previous plan therefore this is not supported nor needed.

The views of the Committee when this came forth previously have not been allayed. The application should be refused as it remains divergent from policy dp26 of the district plan, Eg3 of the East Grinstead Neighbourhood Plan and policies DG39 delivering appropriately scaled buildings, DG41 addressing sloping sites and DG45 privacy of existing and future residents of the Mid Sussex Design Guide. Committee would ask that the previous comments relating to 21/1780/FUL remain valid as they have not been mitigated. There are significant issues for car parking, traffic and un-neighbourliness. It is an unwanted development and should be refused.