

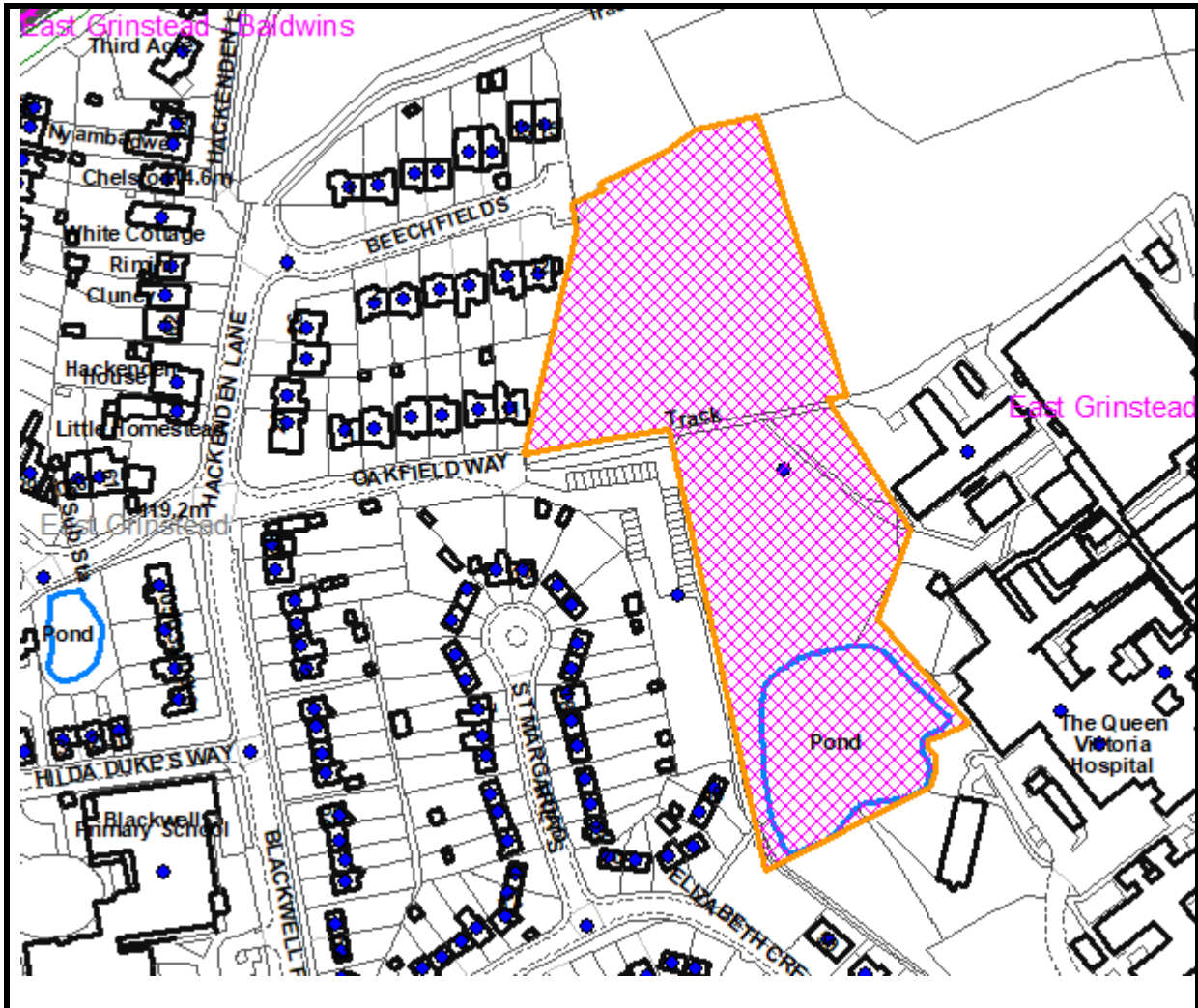
District Planning Committee



Recommended for Permission

18th January 2024

DM/21/1842



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<p>Site:</p>	<p>Land At Queen Victoria Hospital Holtye Road East Grinstead West Sussex RH19 3DZ</p>
<p>Proposal:</p>	<p>Erection of 30 dwellings along with access from Oakfield Way along with parking and landscaping. (Amended plans received 17/12/21 showing amendments to the scheme including design and layout changes and additional units) (Additional highways information received 21/3/22 and amended plans and sustainability statement received 21/4/22). Additional highways/access plans received 16/8/22, Apartment building changes 14/9 and amended landscape plans received 18/11/22). (BNG details submitted)</p>

Applicant:	Mr Julian Walker
Category:	Smallscale Major Dwellings
Target Date:	16th February 2024
Parish:	East Grinstead
Ward Members:	Cllr Margaret Belsey / Cllr Adam Peacock /
Case Officer:	Stuart Malcolm

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QT99A4KT0CP00>

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 erection of 30 dwellings together with access from Oakfield Way along with parking and landscaping.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.
- 2.3 National policy, which is contained in the National Planning Policy Framework (NPPF, December 2023) and National Planning Policy Guidance, does not form part of the development plan, but is an important material consideration.
- 2.4 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.
- 2.5 It is considered that the principle of development is acceptable because the application site forms part of an allocated site for housing. The Mid Sussex District Plan saved Policy EG8 from the Mid Sussex Local Plan 2004, so this policy was adopted by the Council as part of the Development Plan in 2018. The application site, by virtue of Policy EG8, is allocated for approximately 40 dwellings. The site is also within the built up area boundary of East Grinstead where the principle of development is supported.

- 2.6 The detailed design and overall impact on visual amenity are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as well designed and as sympathetic to its surroundings as possible.
- 2.7 Although the proposal will change the appearance of the site when viewed from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 2.8 It is considered that the site will inevitably, as a direct result of its allocation for housing, have a substantial impact on the trees and vegetation within its boundaries. The design of the scheme does, however, help to ensure that a number of prominent species are retained around the site so the development does seek to minimise the impact on the best quality trees within the site. Detailed tree protection measures and appropriate planting will also be secured via condition.
- 2.9 The ecological impacts of the development have been robustly assessed and considered acceptable, whilst biodiversity net gain which includes offsite enhancements on adjoining land, will be secured through a combination planning conditions and the legal agreement.
- 2.10 The legal agreement would also secure the required infrastructure contributions, the on-site affordable housing provision of 40% (12 units) and the requisite Ashdown Forest SAMM and SANG mitigation.
- 2.11 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. Therefore no highway objection is raised.
- 2.12 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate.
- 2.13 In this case, there would be clear social and economic benefits from the development of 30 houses on a site allocated for residential development in the Development Plan that includes 12 affordable homes. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. These factors should be given weight in the planning balance.
- 2.14 The application therefore complies with policies DP4, DP6, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, Policies EG3, EG5, EG7, EG11, EG12, EG16 and SS6 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application is therefore recommended for approval based on the following dual recommendation.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions and the necessary affordable housing contribution.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 16th February 2024 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:
1. The proposal fails to provide the required affordable housing or the infrastructure contributions. The application therefore conflicts with Policies DP20, DP31 and EG8 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

- 4.1 A total of 203 representation documents have been received across the consultation periods. The representations have raised a number of issues, which can be summarised as follows:

- Loss of important trees some of which covered by TPO
- Loss of green spaces in town
- Impact on biodiversity and various species within site
- Highway safety impacts because of local roads being congested
- On street parking in vicinity causes safety issues
- Cars have to park on pavements
- Danger to school children
- Visibility poor at surrounding junctions
- Local infrastructure pressures
- Traffic survey inaccurate due to when it was carried out
- Consideration needs to be given to busy school pick up / drop off times
- Oakfield Way too narrow for larger vehicles
- Surrounding roads essentially form one cul de sac, are highways agreeable?
- Blackwell Farm Road is too busy and dangerous
- Overlooking and loss of privacy to neighbouring houses and gardens
- Will general public benefit from better services at hospital?
- Houses approved at bottom of Blackwell Farm Road need to be considered
- Conflicts with NPPF in terms of access being unsafe
- Previous applications refused in 1990s and 2000s, issues remain valid
- Could more trees be retained to protect
- Woodland should be seen as a public asset
- Applicant did not consult with residents
- Adverse impact on health of residents
- Housing needed but not in this location
- Building work disruption and traffic safety issues
- EGTC object and they should be listened to
- No benefits to local residents
- Emergency vehicles struggle to access Blackwell Farm Road due to congestion
- Site could be contaminated
- Noise from hospital could be nuisance for future residents
- Noise and disturbance to existing residents

- Is Japanese Knotweed more widespread than applicant believes?
- Who will manage the trees and open areas being retained?
- Adverse impact on visual amenity
- Brownfield sites should be developed first
- Adverse impact on hospital operations
- Environmental consequences are negative
- Urbanisation and overdevelopment of the site
- Inaccuracies in applicant's transport submissions
- Impacts on trees may affect nearby houses
- Disagree with conclusions of West Sussex Highways
- Further traffic surveys required
- Road Safety Audit inaccuracies
- Conflicts with key District Plan policies
- Additional information and amended plans do not alter conclusions
- 30 houses too many for this site
- EV charging points being provided?
- Local public transport not good enough
- Traffic surveys for nearby development demonstrate local congestion
- Difficulty getting Doctor appointments
- Is the housing necessary?
- Housebuilding should be put on hold
- Would this set an unwelcome precedent?
- Ecological submissions on BNG are inaccurate
- Ecological mitigation proposal insufficient
- Insufficient consultation

5.0 Summary of Consultees

- 5.1 **MSDC Urban Designer:** No objection subject to conditions securing some detailed elements
- 5.2 **MSDC Tree Officer:** No objections raised and scheme has been improved since first submitted but need to secure more appropriate landscaping details by condition
- 5.3 **MSDC Ecological Consultant:** No objection subject to securing ecological mitigation and enhancements through conditions
- 5.4 **MSDC Housing Officer:** No objection subject to affordable housing provision of 12 onsite units being secured through legal agreement.
- 5.5 **MSDC Drainage Officer:** No objection subject to conditions
- 5.6 **MSDC Leisure Officer:** Financial contributions towards infrastructure requested
- 5.7 **MSDC Contaminated Land Officer:** No objection subject to conditions
- 5.8 **MSDC Environmental Protection:** No objection subject to conditions
- 5.9 **West Sussex Highways:** No objection subject to conditions and legal agreement securing off site highways works.
- 5.10 **West Sussex County Council Infrastructure:** Financial contributions towards infrastructure requested

- 5.11 **West Sussex Minerals and Waste Planning Authority:** No objections
- 5.12 **West Sussex County Council Lead Local Flood Authority:** No objections, refer to MSDC Drainage advice
- 5.13 **West Sussex Fire and Rescue Service:** No objection subject to conditions securing fire hydrants
- 5.14 **West Sussex Rights of Way:** No objection but clarification sought on width of footway where it follows public right of way and the tie in with the footpath where it meets the point it leads south out of application site.
- 5.15 **Southern Water:** No objections, applicant should be aware of any requirements that need to be discussed directly with Southern Water.
- 5.16 **Natural England:** No objections subject to securing appropriate mitigation

6.0 East Grinstead Town Council Observations

- 6.1 Comments (**October 2023**): The committee stands by its existing comments from January and May 2022. In addition there is still insufficient ecological data as referenced by the MSDC Ecological study, whilst there is a response from the developers environmental consultant, we would like to see the responses to this before any decision is reached.

This development will have the most detrimental of effects on the residential area around Blackwell Road. The real and lived experience of the community does not reflect the developers data regarding motion study, car movements and the increased danger to vulnerable public realm users. The lack of a coherent travel plan that would alleviate the already problematic congestion issue means the lived experience of residents will only get worse. The cumulative creep of building development in this area of the town has meant the strain on the public amenity will have a serious adverse effect on residents lives. Recommend Refusal.

- 6.2 Comments (**May 2022**): Committee reiterated the previous concerns which they felt had not been allayed (Feb 22 and June 21). It was noted that the traffic survey had been carried out in September '21. Whilst noting that this site is a saved policy from the 2004 site allocation document, Committee also raised that two further developments have been approved since that time. It is noted the Urban designer remains in objection also. The committee continue to recommend refusal, noting the significant number of resident objections outlining the detriment to the area, these arguments are supported by the committee.

- 6.3 Comments (**February 2022**): The Committee noted the increase in dwellings but referred back to the comments from this committee on 02.06.21. The Committee felt that decision and the concerns therein were still relevant but in addition:

Whilst there has been a new traffic survey, this was again carried out in holiday time and is not therefore fully representative of the busyness of the road. Resolution as to what access will be available to the hospital from the site, is also needed. The Urban designers comments concerning the original design remain valid. Local residents concerns as to privacy and road traffic should be considered. Policies relevant to refusal of this application are:

DP21 Transport - a severe residual impact will be felt from this (the parking survey only covered a small area and was not a big enough area to get a good feel). Further advice and clarification as to when cumulative effect does become severe is needed to understand application of this policy.

DP26 (design of properties aren't supported by the MSDC good design guide)

DP29 (EGTC support the urban designer identified concerns as to air pollution)

DP37/38 concerns as to the effects/loss of trees and woodland.

In addition the following points were raised which require satisfactory consideration by Mid Sussex District Council:

1. We would like to see the data that corresponds to the evaluation of an additional 16 2-way trips per day and how it fits with the existing traffic movements. In 2004 a survey was carried out that confirmed there were over 3000 vehicle movements in Blackwell Farm Road between 0730 and 0930. There is now c500 dwellings in and around Blackwell Farm Road plus the school now has almost 500 pupils. The 3000 vehicle movements will have increased. The data needs to incorporate the existing traffic and congestion to give the Town Council and MSDC planning committees a clearer picture of the current situation and the real life experience of the residents.
2. As far back as 1994 MSDC said the junction at Oakfield Way and Blackwell Farm Road was below recommended standards and was dangerous especially at school drop off and pick up times. What has changed in 27 years?
3. NPPF para 111 states that a development can be prevented on highways grounds if there is an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe. We believe there would be a severe cumulative impact on the road network in and around Blackwell Farm Road.
4. The transport plan v4 states "the development must give priority to pedestrians and cycle movement". The current real life car parking and car usage situation in the whole area, not just in the new development, means this will be difficult and dangerous for all no vehicle movements. The plan makes no mention on how to alleviate this and enable more residents to use alternative modes including walking and cycling. No reference was made to the LTN1/20 guidelines.
5. The design of the development does nothing to help those with disabilities most notably how the journey is impacted once they leave the development.
6. The design will encourage on road parking in the development and in Oakfield Way. A narrower road system and a more people friendly approach to design would mean residents would have to use the allocated parking and help with the walking and cycling friendly plan.
7. The committee would question the validity of the parking data in the report. We would request the data be collated using the whole length of Blackwell Farm Road and also the adjacent roads that link to Blackwell Farm Road. The current data does not reflect the true blight of vehicle parking on the community. Residents double parking on the road and the use of communal green areas as well.
8. No mitigation has been made for the future development in Blackwell Hollow.
9. Clarification is required as to the plans cycle storage comment. It states that cycle storage will be in a shed or garage and that one secure/coved cycle space for each dwelling will be provided.
10. The Transport plan states the 'site sits within a network of quiet streets suitable cycling and a network of cycling permissible paths connecting to all key distribution uses. This is incorrect and mis-leading. The only cycling permissible paths are

Worth Way and Forest Way and are not in the immediate vicinity of the development. The correct infrastructure is not in place to promote this in the plan. 11. The committee want clarification on what is meant by 'provide a contribution to sustainable transport in the development through EV charging points, whilst we recognise this a positive step, it doesn't solve the severe access issues and promote walking and cycling.

12. The loss of natural habitat and ancient woodland will be significant and detrimental to the biodiversity and the existing habitat. We note the comments from the MSDC Tree Officer that the whole scheme is disparate from its setting, the site is protected by a Woodland Order (GR/8/TPO/93, the site will have an impact on more trees than the developer suggests. There is nothing in the plan to help safeguard the trees that will remain.

7.0 Introduction

7.1 The application seeks full planning permission for the erection of 30 dwellings together with access from Oakfield Way along with parking and landscaping.

8.0 Relevant Planning History

8.1 05/02297/OUT - Outline application for the construction of 80 residential units consisting of 1, 2, 3 and 4 bedrooms together with access roads and clearing of trees/shrubs. Highway improvements to surrounding roads, and creation of new public open space. Amended plans (received 24th July 2006) showing revised site layout and deletion of emergency access. This application was refused in 2006 due to the unacceptable increase in traffic using Blackwell Farm Road to the detriment of highway safety, the loss of some trees with a high amenity value and the lack of infrastructure being secured.

9.0 Site and Surroundings

9.1 The site measures 1.5 hectares in area and is located on the north western side of the Queen Victoria Hospital adjacent to Oakfield Way, from where there is existing access, and Beechfields.

9.2 The site currently consists of woodland and scrubland with a pond located in the southern part of the site.

9.3 The northern part of the site is covered by an area Tree Preservation Order (GR/08/TPO/93) which extends further east beyond the site boundary to cover the adjoining woodland. Part of this woodland is classified as ancient woodland but this is beyond the site boundary to the north east.

9.4 To the western side of the northern part of the site there are properties that are located on Oakfield Way and Beechfields. Both of these are residential cul de sacs.

9.5 To the east of the southern part of the site are a number of buildings that form part of the hospital with the grounds extending round to the south of the site as well. To the west of the southern part of the site are some garages and adjoining land (that also forms part of the EG8 allocation see para 9.6) and here, public footpath (1hEG), runs north/south just to the west of the boundary. Properties on St Margarets Road are located beyond this further west whilst houses on Elizabeth

Crescent are located to the south. Public footpath 1hEG does, however, fall within the site where it follows a small part of the existing access track that runs through the site from Oakfield Way to the back of the hospital.

9.6 The site is allocated for residential development for approximately 40 dwellings in Policy EG8 of the Mid Sussex Local Plan. This policy is referred to in more detail later in the report but it should be made clear that although the 2018 District Plan replaced the 2004 Local Plan, Policy EG8 was one of the policies that was carried over and saved within the District Plan (Appendix C: Saved Local Plan Policies). The policy is, therefore, a development plan policy. The application site takes up much of the allocated land although there is an area of land to the west where the garages are located that is in the allocation itself but does not form part of this planning application.

9.7 In planning policy designation terms, the site is located within the built up area of East Grinstead.

10.0 Application Details

10.1 The application seeks full planning permission for the construction of thirty dwellings on the application site. This will consist of the following mix of units:

- 4 x 1 bed
- 8 x 2 bed
- 12 x 3 bed
- 6 x 4 bed

10.2 40% of these units are to be affordable housing on site which equates to: 12 units (4 x 1 bed units and 8 x 2 bed units)

10.3 Access into the site will be from the eastern end of Oakfield Way. This will be for pedestrians as well as the vehicular access. Pedestrian access is also provided up to the boundary with the land to the north, owned by MSDC.

10.4 A private access route to the rear of the hospital is also retained with the applicant stating this is to enable access to service and IT facilities with there not being a through route.

10.5 The proposal includes apartments, detached and semi-detached dwellings. Upon entering the site from Oakfield Way, three pairs of semi detached homes are located on the northern side of the new access road. A small u-shape of 10 semi and detached homes complete the development in the northern half of the site with these located around a small area of open space.

10.6 The southern half of the site is located to the south of the new internal access road, which also forms the retained access to the rear of the hospital. Here, there is one further pair of semi detached homes and two modest apartment blocks with 6 units located in each block.

10.7 In respect of the design approach, the applicant has stated the following:

“The proposed materials include a traditional mix of local brick and tiles, incorporated in a range of differing forms creating a non-repetitive but cohesive development as a whole. The Northern end of the site focuses generous plots

around a large mature tree at the heart of the green space, in keeping with the wider local context. The Southern end of the site incorporates a range of smaller units and types, with the traditional streetscene leading down to the pond and surrounding trees to the South.”

10.8 Car parking is being provided for each of the units and a number of visitor spaces are also included.

10.9 There is inevitably an impact on the existing vegetation within the site, with the specifics of this being highlighted in the ‘trees’ section of the assessment. A landscape strategy for the development is proposed. The existing pond in the southern part of the site will be enhanced with the area around it being an area of informal open space.

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

11.3 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

11.4 The District Plan was adopted in 2018. Relevant policies specific to this application include:

DP4 – Housing

DP6 – Settlement Hierarchy

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

DP20 – Securing Infrastructure

DP21 – Transport

DP22 - Public Rights of Way

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise and Light Pollution

DP30 – Housing Mix

DP31 – Affordable Housing

DP37 - Trees, Woodland, Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

“Appendix C – Saved Local Plan Policies” is also relevant.

Site Allocations DPD

- 11.5 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

SA10 - Housing
SA38 – Air Quality

The East Grinstead Neighbourhood Plan

- 11.6 The East Grinstead Neighbourhood Plan is made so forms part of the Development Plan. Relevant policies include:

EG3 - Promoting Good Design
EG5 - Housing Proposals
EG7 – Housing Mix and Density
EG11 – Mitigating Highway Impacts
EG12 – Car Parking
EG16 - Ashdown Forest Protection
SS6 – Queen Victoria Hospital

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

- 11.7 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.

In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

As the submission draft District Plan 2021-2039 (Regulation 19) will be published for public consultation on 12th January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

As such, this planning application has been assessed against the policies of the adopted District Plan.

- DPS1 - Climate Change
- DPS2 - Sustainable Design and Construction
- DPS4 - Flood Risk and Sustainable Drainage
- DPS6 - Health and Wellbeing
- DPN1 - Biodiversity, Geodiversity and Nature Recovery
- DPN2 - Biodiversity Net Gain
- DPN4 - Trees, Woodland and Hedgerows
- DPN6 - Pollution
- DPN7 - Noise Impacts
- DPN9 - Air Quality
- DPC6 - Ashdown Forest SPA and SAC
- DPB1 - Character and Design
- DPT1 - Placemaking and Connectivity

- DPT3 - Active and Sustainable Travel
- DPH1 - Housing
- DPH3 - Sustainable Development - Inside the Built-Up Area)
- DPH7 - Housing Mix
- DPH8 - Affordable Housing
- DPH11 - Dwelling Space Standards
- DPH12 – Accessibility
- DPI1 - Infrastructure Provision
- DPI2 - Planning Obligations

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.8 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) (December 2023)

- 11.9 The NPPF is a material consideration. Paragraphs 8 and 11 are considered to be particularly relevant to this application as are Chapters 5, 11 and 15.

National Planning Policy Guidance (NPPG)

National Design Guide

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

West Sussex County Council Guidance on Parking at Developments (May 2019)

12.0 Assessment

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

- Principle of Development
- Design and Visual Impact
- Highways, Access and Parking
- Residential Amenity and Pollution
- Trees
- Ecology
- Ashdown Forest
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Sustainability
- Housing Mix
- Water Supply

- Other Issues

Principle of Development

- 12.2 Policy DP4 of the District Plan refers to Housing supply and sets out what the objectively assessed need (OAN) for the District is and how that is intended to be met:

“The District’s OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.

The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units. The Council will review the District Plan, starting in 2021, with submission to the Secretary of State in 2023.”

- 12.3 The commitment to a Site Allocations DPD is therefore a requirement of Policy DP4. The Site Allocations DPD was then prepared, consulted upon, independently examined and subsequently adopted by the Council as part of the Development Plan in June 2022.
- 12.4 Policy SA10 of the Site Allocations DPD refers to the DP4 housing requirements and updates the spatial distribution of housing requirement in order to meet the identified housing target for the District within the Plan period. It states that additional dwellings (for example windfalls) will be delivered through Neighbourhood Plans or through the Development Management Process.
- 12.5 The application site falls within the built-up area of East Grinstead as designated in the Mid Sussex District Plan and East Grinstead Neighbourhood Plan. Policy DP6 of the District Plan states that:
- “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.”*
- 12.6 As noted at para 11.1, planning legislation requires that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the application site is also specifically allocated for housing development within the Mid Sussex District Plan by virtue of Policy EG8. EG8 is one of the saved policies from the Mid Sussex Local Plan as set out in Appendix C of the District Plan. It is therefore development plan policy, subject to meeting various criteria, that this site be developed for housing.

Policy EG8 states:

“Land at Stonequarry Woods (approximately 1.8ha) is allocated for residential development to provide approximately 40 dwellings, 40% to be affordable housing units. Permission for development will be subject to the general requirements of the Local Plan, particularly policies G3 (Infrastructure), B2 (Design), H2 (Dwellings Mix), H4 (Affordable Housing), T4 (New Development), R3 and R4 (Outdoor Playing Space) and R6 (Informal Open Space).

Additionally permission will be subject to the following requirements:

- (a) the provision of vehicular access from Oakfield Way, including the provision of a lay-by along Oakfield Way and a mini-roundabout at the junction with Blackwell Farm Road/Hackenden Lane;*
- (b) the provision of a comprehensive landscaping scheme, including the retention of tree screens to minimise the impact on neighbouring residents and, where practicable, the retention and protection of all mature trees;*
- (c) the provision of an area of public open space to the east of the development site;*
- (d) financial contributions towards management of the public open space, the provision of off-site play space, and contributions to primary school, civic amenity and library facilities; and*
- (e) the provision of a wildlife survey.”*

12.7 In terms of the East Grinstead Neighbourhood Plan, this document also offers support in principle for the proposal subject to various criteria being met. Policy EG5 states:

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

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

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

- 12.8 At national level, the NPPF also makes clear the importance of significantly boosting the supply of homes. Para 60 of the NPPF states in part that:
- “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- Developing on a site allocated for housing will undoubtedly help achieve this objective.
- 12.9 As noted this application does not include all of the land that is subject to the EG8 allocation. Whilst it may be advantageous in securing a more cohesive scheme if there was one application on all of the allocated site, the determination of this current planning application does not prejudice the development of the remainder of the allocated site which is located to the west.
- 12.10 It should also be noted that the proposal does not prejudice the desire to protect the hospital, whilst also supporting new hospital facilities, as set out in Policy SS6 of the East Grinstead Neighbourhood Plan. This is because the application site falls outside of the hospital boundary that is defined by Policy SS6.
- 12.11 As noted above, EG8 (c) requires the provision of an area of public open space to the east of the development site and the accompanying text to the policy states this is to be transferred to the Council. Whilst this may have been the desire at the time this policy was drafted, it was first adopted in 2004, following an approach to the Council’s estates department, it appears that there is no longer a planning need for this open space or the land to be transferred to the Council. The land to the east of the application site is now intended to be used to offset the biodiversity impacts of the development within the application site itself (see biodiversity assessment section). It is considered that this would be a good use of the land. Furthermore the applicant has confirmed the following:
- “...it is not clear what land the policy is referring to. The supporting text also refers to the protection of land in ‘common ownership’ to the east and the transfer of remaining woodland to the District Council. It is understood that land to the north is in common ownership (or at least was at one point), however the applicants have no control over that land and therefore it is not within their gift to provide via legal agreement. The Queen Victoria Hospital Trust do own further woodland to the east as shown on the attached land registry plan, however, this is outside the scope of this planning application. Furthermore, it is woodland bound by Ancient Woodland, it is not considered to provide any recreational benefits and would be unsuitable for public open space, having no natural surveillance, I am also assuming that the Council would not wish to take on responsibility for this wooded land or the recreational use of it.”*
- 12.12 The principle of the proposal is established policy and can therefore be supported.
- Design and Visual Impact**
- 12.13 In general design and visual amenity terms, Policy DP26 of the District Plan 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.”*

12.14 At Neighbourhood Plan level, Policy EG3 (Promoting Good Design) sets out the design criteria that apply to all new developments:

“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) 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.”*

12.15 The Mid Sussex Design Guide also contains a number of relevant principles with the following being particularly relevant to the application:

- Principle DG13 (Provide positive frontage to streets)
- Principle DG18 (Integrate parking to support attractive streets and spaces)
- Principle DG20 (Integrate on-street parking)
- Principle DG25 (Enhance the environment and sense of place through open spaces)
- Principle DG27 (Integrate tree planting and soft landscape)
- Principle DG37 (Deliver high quality buildings that minimise their environmental impact)
- Principle DG38 (Design buildings with architectural integrity and a sense of place)
- Principle DG40 (Design buildings that respond to and animate the street space)
- Principle DG42 (Consider the location and design of services and external pipes)

- 12.16 The detailed design and visual impacts of the proposal have been subject to comments from the Urban Designer and their comments are set out in full within Appendix B. The Urban Designer held some initial concerns with this scheme when it was first submitted. The applicant responded to these concerns and made a number of design changes to the scheme as a result.
- 12.17 The Urban Designer has acknowledged that a number of trees are to be lost but confirmed that the revised scheme layout now incorporates more smaller dwellings (apartments and semi-detached houses) and less detached houses. This has enabled a better organised scheme with more soft landscaping that crucially frees up space around the retained trees that should help ensure they are safeguarded in the future to provide an attractive backdrop to the site and surrounds.
- 12.18 In the northern part of the site the houses back on to the tree lined boundaries. This enables the houses to front the retained oak tree which gives this part of the site a strong focus which is also revealed from the southern approach. On the southern part of site the proposed buildings are now located on the eastern side of the which allows the substantial trees on the west to be revealed and opens up the attractive woodland around the pond.
- 12.19 In terms of the parking, the Urban Designer has confirmed that this is now more discreetly accommodated and no longer dominates the public realm and front thresholds. This has been achieved by the use of a rear parking court in the southern parcel and locating it at the side of houses rather than at the front elsewhere where this is has been possible.
- 12.20 Regarding the elevations, the Urban Designer has commended the improvements made to the elevations:
- “instead of oddly juxtaposed building and roof types, the opportunity has been taken to achieve underlying rhythm with the replication of standard semi-detached houses featuring hipped roofs that model the roofline and help to visually separate the buildings. Furthermore, the revised drawings show fenestrated flank elevations on plots 6, 16, 17 that appropriately address the road frontages.”*
- 12.21 On the apartment blocks, it has been stated that the blocks benefit from more ordered frontages that result from the symmetrical double gabled configuration (and the symmetry has been further reinforced with a centrally positioned front entrance) and the incorporation of clay hung tiling; the double windows now benefit from opening lights on both sides and fake glazing bars have been omitted. The

opportunity has also been taken to use windows on the southern frontage that will provide natural surveillance to the open space.

12.22 In order to secure the quality of the design, the Urban Designer has requested further details on a number of matters which include:

- *Hard and soft landscaping details including boundary treatments and measures to screen the parking adjacent to plots 16 and 17*
- *Facing materials*
- *Section drawings showing solar panels within roof*

12.23 The scheme therefore receives support from the Urban Designer who has confirmed that the scheme addresses the principle set out in the Design Guide and the requested conditions are secured within Appendix A. These views are supported by your planning officers.

12.24 As such it is considered that the application complies with Policy DP26 of the District Plan, Policy EG3 of the Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

Highways, Access and Parking

12.25 Policy DP21 in the District Plan states that:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

12.26 Policy DP22 of the District Plan states that:

“Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users.”*

12.27 At site allocation level, Policy EG8 (a) requires:

the provision of vehicular access from Oakfield Way, including the provision of a lay-by along Oakfield Way and a mini-roundabout at the junction with Blackwell Farm Road/Hackenden Lane;

12.28 At Neighbourhood Plan level, Policy EG11 (Mitigating Highway Impact) states that:

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

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

2. Include access arrangements that are appropriately designed and include adequate visibility splays.”

- 12.29 Policy EG12 of the Neighbourhood Plan makes clear that new development should be in accordance with West Sussex County Council adopted parking standards and does not dominate the street scene.
- 12.30 It is clear from the representations received, as summarised at para 4.1, that local highways issues are a significant concern for residents.
- 12.31 To inform the assessment of these highways issues, West Sussex County Council as the Highways Authority has been consulted on the merits of the application. Their comments are set out in full within Appendix B.
- 12.32 In terms of trip generation, WSCC has confirmed that the development is likely to attract 17 additional trips in and AM and PM peak hours and this level is not expected to have a significant impact on the operation of the highway network, nor does it meet the requirements for any junction capacity modelling to be carried out by the developer.
- 12.33 Regarding the access, WSCC Highways has confirmed that the proposed access arrangements are acceptable and these have also been through the Road Safety Audit process that has been signed off by the local highways authority.
- 12.34 Regarding the specific EG8(a) requirements, access is being provided from Oakfield Way as per the policy. West Sussex Highways has however confirmed that there is no requirement for the provision of a layby on Oakfield Way or a roundabout at the junction with Blackwell Farm Road/Hackenden Lane as per the following comments:
- “In the 2004 Local Plan the policy was for the site to deliver a lay-by along Oakfield Way and a mini roundabout at the junction of Oakfield Way/Blackwell Farm Road, this requirement under today’s policy and guidance in terms of making the site acceptable in planning terms is not required, although the site would be expected to make some local pedestrian access improvements at the junction of Oakfield Way and Blackwell Farm Road/Hackenden Lane, to improve pedestrian safety to aid in the accessibility strategy for the site. This would generally be in the form of dropped kerbs and tactile paving crossing points at this crossroad style junction.”
- These additional measures are being secured through the legal agreement.
- 12.35 The site occupies a relatively sustainable location with good access to schools and services and is in close proximity to the town centre meaning a wide range of services are within walking distance.
- 12.36 The level of parking proposed is 63 off street spaces, and 12 visitor spaces, to serve the 30 units. WSCC has confirmed that their standards are met and that they are satisfied that the development will provide enough parking for its residents and visitors to avoid any potential overspill parking onto the surrounding roads
- 12.37 There is therefore no highway safety reason to resist this level of car parking and planning officers are content with the level of provision in this sustainable location. Whilst the provision exceeds the standards (57 spaces required) there will also be cycle spaces to help promote more sustainable travel methods with a condition being used to secure a level of provision that complies with the standards.
- 12.38 It is clear from the representations that there is much local opposition to this planning application because of the perceived impacts of 30 additional residential

units on the surrounding highway network in the immediate vicinity of the application site. It is also acknowledged by the local highways authority that there is an issue with on street parking and verge/footway parking that takes place at busy times. However, it is also recognised by the highways authority that this is an existing issue and it is important to recognise that an assessment must be made of the impacts of this specific application. A new development cannot be required to resolve existing issues. This development meets current standards and will have sufficient parking to meet its own requirements.

12.39 On this issue, WSCC has described the surrounding highways as follows:

“The roadway (on Oakfield Way) has single yellow lines in place to prevent parking along the southern side of the carriageway at certain times of the day and at the end of the roadway to prevent parking occurring in front of the access points and to keep the road space clear for turning. Oakfield Way where it joins Blackwell Farm Road/Hackenden Lane is a protected junction, double yellow lines are in place for some distance to prevent parking in unsafe locations and obstruction of visibility. This junction forms a crossroads within the residential area.

To gain vehicle access to the wider highway network the only means of access is via Blackwell Farm Road to the A264. Blackwell Farm Road serves a number of residential dwellings, a Primary school and nursery/Children’s Centre. From previous site visits, the LHA are aware of the level of on street parking (especially at school collection times) and of parking taking place on the verge/footways. Given the proximity to the Hospital and other places of work, there is the potential for some of the on-street parking to be generated by local workers. Whilst these matters are noted, they are existing issues.”

12.40 In their comments WSCC then make clear the scope of their assessment:

“In terms of assessing the current planning application, the LHA can only consider the impact of the proposed development against requirements within paragraph 109 of the NPPF. This includes assessing impacts on the local junctions and if the site will contribute to parking on these roadways to a level that would raise a highway safety concern. It is recognised that Blackwell Farm Road has parking restrictions in place at locations already to protect the highway from unsafe and obstructive parking.”

Within this context, no objections have been raised by the highways authority on the impact of this development on local junctions or parking on the nearby roadway

12.41 West Sussex has also commented specifically on a traffic speed survey conducted on behalf of local residents but has confirmed that there is no requirement for any further work from the applicant for this proposal:

“Whilst the survey attached to the email captures traffic levels, speeds and vehicle sizes, this is not the type of survey that is required to test if a road/junction is operating over capacity, to an extent that the LHA or a Planning Inspector could support an objection to an application under the NPPF. An ARCADY/PICADY traffic flow assessment would be required, there would also be various loops that need to be placed on all arms of the roundabout at Blackwell Farm Road and then a final report would be produced to give the full flows, distribution and capacity levels of the junction, showing how it operates now, how it would operate with the development and how it would operate in an agreed future year scenario with all

committed development included in the modelling too.....Basically the small sites that have come forward don't generate the level of traffic movements required to trigger the developer to have to carry out this modelling work, unfortunately we can't ask them to carry this work out because the sites don't meet the thresholds for traffic modelling to be done."

12.42 West Sussex highways has concluded their comments by confirming that:

"The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111 at time of writing but now paragraph 115), and that there are no transport grounds to resist the proposal."

12.43 There are therefore no technical objections to the access or parking arrangements from the local highways authority. Conditions are recommended, and are included in Appendix A, to secure the following matters:

- the new Oakfield Way access provision
- vehicle parking and turning areas
- cycle parking
- construction management plan

In addition, and as noted elsewhere in this report, the legal agreement secures the local pedestrian access improvements as well as the sustainable travel/TAD contribution (see Infrastructure section). Sufficient EV charging points to serve the development will be a requirement of building regulations.

12.44 In terms of pedestrian impacts and public rights of way, the 1hEG public footpath is partly within the site where it follows the existing access track off Oakfield Way. The plans do not appear to show any proposals that would obstruct or restrict access to this right of way. The applicant will be made aware of their responsibilities on the rights of way issue through informatives as other legislation applies. The West Sussex Rights of Way Officer has though requested clarification on the width of the proposed new footway and details on how the path will tie in with the public footpath where it turns south before it then extends on beyond the application site boundary. A condition will therefore be appropriate to secure these specific further details.

12.45 The proposal does however also seek to improve pedestrian links. This is to be done through the potential footpath connection up to the boundary with the land to the north. This will be secured through the planning permission and provides the potential for a future link to footpath 14EG which is further north and runs west/east. The land in between is however third party land, owned by Mid Sussex, so a complete link between the new footpath connection on the site and the existing footpath further north, would be dependent on whether the Council provided a link on its land. It is important to note that this is not a question for this application. This application simply secures the opportunity to establish a further link that would benefit pedestrian connectivity with the local footpath network.

12.46 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policies DP21, DP22 and EG8(a) of the District Plan, Policies EG11 and EG12 of the Neighbourhood Plan and the NPPF. The objections of local residents are understood, but there are no sustainable planning reasons to object to this application on highways grounds.

Residential Amenity and Pollution

12.47 As noted in para 4.1, a number of concerns have been raised by local residents about the impacts on their amenity.

12.48 District Plan Policy DP26 is applicable and this states, where relevant, that:

'All applicants will be required to demonstrate that development.....does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'

12.49 In the Neighbourhood Plan however, Policy EG3 refers to ensuring new development “does not harm adjoining amenity.”

12.50 In residential amenity terms, the test of development here is whether or not it causes ‘significant harm’ to neighbouring amenity as per Policy DP26. 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. The ‘significant harm’ test of the District Plan adopted in 2018 is therefore the correct test to apply in this case rather than the Neighbourhood Plan test from 2016.

12.51 The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm. It is accepted that a number of existing neighbours will clearly be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute significant harm.

12.52 In addition, Policy DP29 applies in respect of noise and light pollution. This states that development will only be permitted 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;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;”*

12.53 The previous air pollution element of DP29 has been superseded by Policy SA38 from the site allocations DPD. This policy states in part that:

“The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts,

including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.”

12.54 In respect of future amenity, Policy DP27 of the District Plan states:

“Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- Open market dwellings and affordable housing;*
- The full range of dwelling types; and*
- Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.”

12.55 Chapter 8 of the Mid Sussex Design Guide is also relevant with Principles DG45, DG46, DG47 and DG48 all seeking to protect neighbouring and future amenity.

12.56 The neighbouring properties most likely to be affected by the proposals are those at Oakfield Way, Beechfields and Elizabeth Crescent that immediately adjoin the site as well as St Margarets Road.

12.57 21 metres is the widely accepted minimum separation distance in a back to back distance between properties to ensure that unacceptable harm through overlooking does not occur.

12.58 In the southern part of the site, the apartment blocks would be sited some 58 metres and some 70 metres from the nearest dwellings on Elizabeth Crescent and St Margarets Road respectively. At these distances it is not considered that the buildings would result in a significantly adverse loss of privacy to the amenities of these neighbouring occupiers.

12.59 In the northern part of the site, the nearest dwellings to the St Margarets Road properties are approximately 45 metres away. Again, this distance, coupled with the intervening new access road, is more than sufficient to ensure significant harm will not occur to neighbouring amenity.

12.60 Plots 1 and 2 sit on the northern side of the new access road close to the entrance of the site with Oakfield Way, and adjacent to no. 11 Oakfield Way with a separation between the buildings of approximately 12.5 metres. There are no first floor windows in the side facing façade of Plot 1 meaning there will be no significant overlooking. The distance from Plot 1 to the rear of 12 Beechfields is approximately 31 metres. The relationship between Plots 1 and the nearest neighbours to this part of the site will ensure that significant harm to neighbouring amenity will not occur.

12.61 Just to the north of plots 1 and 2, Plot 7 is orientated to front east towards the open space in the central part of the northern half of the site. It therefore backs on to 12 Beechfields where the separation between the two houses is some 17 metres. The orientation of these properties means that the relationship between the rear elevations of the two houses is quite oblique meaning that there is no direct

overlooking. Additional and retained landscaping along the rear boundary of Plot 7 will help to ensure that significant harm through overlooking will not occur.

- 12.62 The back to back distances proposed by this development are therefore in excess of the 21 m figure. Whilst there will be some degree of overlooking to the gardens of some neighbouring properties, this will not result in significant harm and is not an unusual feature of neighbouring relationships in built up areas.
- 12.63 The new vehicular access to serve the 30 units is unlikely to cause unacceptable harm through noise or disturbance. New access roads being located next to existing houses like this to serve new housing developments is not an uncommon feature of new residential development, and often of a much greater scale than 30 units. It is also important to highlight that the site is allocated for 'approximately 40' dwellings and utilising the existing access point onto Oakfield Way is the only way of connecting directly with the highway and is a requirement of the development plan policy for the allocation.
- 12.64 The Council's Environmental Protection Officer has also been consulted to help inform the assessment in respect of the impact on neighbouring amenity and their comments are set out in full within Appendix B.
- 12.65 It is acknowledged by planning officers that there would be some degree of disruption during construction work but this would not merit a refusal of the application as they would be temporary in nature and are necessary to facilitate the development. The Environmental Protection Officer has suggested a Construction Management Plan condition that will be aimed at minimising construction impacts by securing details on matters such as site set up, contractor parking and other mitigation measures. Both a working hours and a construction delivery times condition will also be used.
- 12.66 In addition, given that this development proposes the provision of 30 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. This will ensure compliance with Policy SA38 of the Site Allocations DPD.
- 12.67 In respect of future amenity, the applicant has confirmed that all of the dwellings meet or exceed the minimum nationally described space standards referenced by Policy DP27. In addition, all of the proposed dwellings have good sized gardens and all of the apartments have convenient access to the outdoor amenity/open space that is located adjacent to these two blocks in the southern part of the site.
- 12.68 The Environmental Protection Officer has also recommended the use of a soundproofing condition to protect the amenity of future residents.
- 12.69 To summarise, neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the site, but significant harm as per DP26 of the District Plan is a high bar and planning officers do not consider that threshold has been reached.
- 12.70 The proposal therefore complies with the Development Plan in respect of the effects on neighbouring residential amenity issues as significant harm cannot be demonstrated.

Trees

12.71 Policy DP37 of the District Plan states:

“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. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme, and*
- prevents damage to root systems and takes account of expected future growth, and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management, and*
- has appropriate protection measures throughout the development process, and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change, and*
- does not sever ecological corridors created by these assets.”*

12.72 Site allocation Policy EG8 (b) requires the provision of a comprehensive landscaping scheme, including the retention of tree screens to minimise the impact on neighbouring residents and, where practicable, the retention and protection of all mature trees.

12.73 At Neighbourhood Plan level, and as noted previously, Policy EG3 b) requires that the layout of the proposed development respects the topography and character of the site and protects important landscape features.

12.74 Design Guide Principle DG27 (Integrate tree planting and soft landscape) requires that there should be a clear landscape strategy that is an integral part of the design of new development.

12.75 Given the amount of trees and vegetation on the site at present, coupled with the fact that the northern half of the site is covered by GR/08/TPO/93, the impact of the allocation of this site for housing means there will inevitably be a substantial impact on the trees. To inform the assessment of the impact of the development, the views of the Council’s Tree Officer have been sought and their comments are set out in full within Appendix B.

12.76 The information submitted with the application shows that 25 individual trees need to be removed along with part/all of 8 tree/hedge groups. Of these 25 individual trees, 13 fall within the Category B classification of trees, 9 fall within the Category C classification and there are 2 unclassified. There is 1 Category A tree to be removed but this needs to come out because of Japanese Knotweed and the

applicant has stated that a TPO consent already exists for this. 5 of the tree/hedge groups fall in the Category B classification of trees and 3 fall within the Category C classification.

- 12.77 The applicant's arboricultural submissions suggest that the applicant has sought to minimise tree removals where possible and the arboricultural consultant has worked with the design team to achieve this. Planning officers consider that it is reasonable to conclude that the design of the scheme does help to ensure that the majority of larger trees around the site perimeter can be retained as a result of the proposed layout. This is reflected in the fact that the layout does result in 16 out of 17 Category A trees identified within the site being retained.
- 12.78 Similar to some concerns expressed by the Urban Designer, the Tree Officer expressed some concerns about the development as originally submitted. As noted previously in this report, the applicant has sought to address the concerns raised by planning officers. Nevertheless, the tree officer still holds some concerns about the scheme and the impact on trees within the site. Planning officers note however that the allocation of this site will inevitably impact existing trees.
- 12.79 Where the tree officer still has some concerns which can be addressed by the applicant, namely the proposed landscaping, planning officers are satisfied that any outstanding issues can be satisfactorily addressed through the use of planning conditions to secure the requisite information.
- 12.80 An appropriate condition is therefore set out in Appendix A that will address all the matters that the tree officer still wishes to have detail on. The details will need to demonstrate appropriate planting species in suitable locations. The condition will also require full details of protection measures for the trees and vegetation that are to remain with full details of incursions within RPAs.
- 12.81 Given the number of trees being lost, it cannot be concluded that the proposal strictly complies with the requirements of Policy DP37 of the District Plan or EG3 of the Neighbourhood Plan. However, the site is largely woodland and the allocation, which forms part of development plan policy, means that the impact of the development on trees within the site is inevitable. Officers consider that the design of the scheme helps to ensure that a number of prominent species are retained around the site. It is considered that the scheme does seek to minimise the impact on the best quality trees within the site. In this respect it is concluded that the development complies with EG8 of the District Plan which requires development of this site to ensure, where practicable, the retention and protection of all mature trees.

Biodiversity

- 12.82 Policy DP38 of the District Plan 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.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.”

12.83 Site allocation Policy EG8 of the District Plan simply requires that a planning application is accompanied by a wildlife survey.

12.84 At national level, the NPPF states in part at paragraph 186 that:

“When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”

12.85 The application is supported by a number of ecological reports, assessments and surveys, with the full ecological supporting submissions are available in full on the planning file. The applicant’s initial submissions did not adequately address the issue of Biodiversity Net Gain, as required by Policy DP38 which requires that development “*protects existing biodiversity, so that there is no net loss of biodiversity.*”

This application does not fall under either the mandatory BNG requirement or the BNG requirements of SA GEN of the Site Allocations DPD). Further work was therefore required on BNG, to ensure there was no net loss within the development. The applicant subsequently provided details on the BNG impact of the development within the site. Given the existing vegetation, and the resultant loss caused by the development of this allocated site, it was a somewhat inevitable conclusion of the submissions that the impact of the development would result in a net loss of biodiversity within the application site. To address this the applicant has identified

land immediately to the east of the application site, and within their ownership/control, to use as an offsetting site for biodiversity net gain. Details of this net gain are found within the applicant's Habitats and Biodiversity Net Gain submissions.

- 12.86 The Council's Ecological Consultant has reviewed all the submissions, including those updated submissions that were submitted directly in response to previous requests, and the more recently submitted BNG reports. The Consultant's full comments are set out in Appendix B, with these addressing all the relevant ecological issues on the site, including the matter of biodiversity net gain to ensure there is no net loss as a result of this development.
- 12.87 Regarding protected species, no objections have been raised within any of the Ecological Consultant's comments throughout the lifetime of the application. The information submitted with the application is deemed to be sufficient to establish the likely impact and no further survey work is required as a result. Precautionary measures and the mitigation and enhancement measures identified will be secured through condition. The applicant will also need to ensure that they have the appropriate licenses in place for any works that may affect protected species.
- 12.88 The application includes the provision of an adequate buffer zone, at least 15 metres, to the ancient woodland to the north east of the application site.
- 12.89 In respect of the biodiversity net gain proposals, the applicant's submissions state that:
- "Although the on-site post intervention result is a -2.39-unit net loss, the on-site and off-site measures in combination, would deliver a net gain of 2.95 habitat units, equivalent to a 27.35% net gain. Although the proposed enhancements are achievable, a detailed management plan with ecological management prescriptions to achieve condition uplift, with long-term measures, should be produced as a condition of planning."
- 12.90 The Council's Ecological Consultant has robustly assessed the submitted information and sought clarification on a number of technical points. They have concluded that they are satisfied with the submissions subject to securing a number of details through the planning consent and have concluded:

"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 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

We welcome the indicated biodiversity net gain of 27.35% in the UK Habs and BNG Assessment (ACD Environmental, October 2023), Condition Sheet POND Habitat Type, Condition Sheet WOODLAND Habitat Type and Biodiversity Defra Metric 4.0. The proposed compensation and enhancement measures for on site habitats (including woodland and the pond) and the on- and off-site creation of woodland, hedgerow and meadow grassland, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. The management of off-site woodland, including ancient woodland, is within the blue line boundary and so within the control of the applicant. The specifications and locations of the bat and

bird boxes and the holes in fencing for hedgehogs should also be identified in the LEMP. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.”

- 12.91 In terms of securing the offsite Biodiversity Net Gain, this will be done through the use of conditions, as set out in Appendix A, and the Section 106 Legal Agreement. The Agreement has not yet been completed, see Recommendation A, but the broad principles of the obligation contained within the 106 Agreement on the net gain issue will likely be restricted to the monitoring details and the requisite fee as the conditions will secure the other relevant matters.
- 12.92 The Ecological consultant has concluded their comments by confirming the ecological impacts will be minimised such that the proposal is acceptable and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim. A number of conditions are recommended, with these all found listed in Appendix A and summarised as follows:
- All identified mitigation and enhancement measures
 - Construction environmental management plan for biodiversity
 - Biodiversity Enhancement Layout
 - Landscape and ecological management plan
 - Wildlife sensitive lighting design scheme
- 12.93 Given the comments from the Council's Ecological consultant, and because the mitigation and enhancement measures can be secured via conditions, which include the biodiversity net gain requirements, it can be concluded the application complies with Policies DP38 and EG8 of the District Plan, and the NPPF.

Ashdown Forest

- 12.94 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).
- 12.95 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.96 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.97 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.
- 12.98 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation

measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. Policy EG16 of the Neighbourhood Plan also requires protection of the Ashdown Forest.

- 12.99 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.
- 12.100 This planning application is within the 7km zone of influence and generates a net increase of 30 dwellings, and as such, mitigation is required.
- 12.101 An appropriate scale of SAMM mitigation for the proposed development is £35,100, and as the approved scheme provides for a strategic SANG contribution, this would be £46,234.
- 12.102 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.
- 12.103 The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The necessary capacity required for this development is available at this SANG. 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.
- 12.104 The financial contributions for SAMM and SANG mitigation will be secured through the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.105 Once the Planning Obligation securing the SAMM and SANG contributions has been completed, it is considered that the mitigation of the recreational impact to the Ashdown Forest will have been secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan and EG16 of the Neighbourhood Plan.
- 12.106 Natural England has been consulted on the appropriate assessment of this proposed development and confirmed their agreement to the mitigation proposed.

Atmospheric pollution

- 12.107 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.
- 12.108 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the District Plan such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. 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

- 12.109 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.
- 12.110 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.
- 12.111 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.112 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. The application complies with Policy DP17 of the District Plan and EG16 of the Neighbourhood Plan.

Infrastructure

- 12.113 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 DP31 of the District Plan (see affordable housing sub section). Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. EG8 (d) of the District Plan requires financial contributions towards management of the public open space, the provision of off-site play space, and contributions to primary school, civic amenity and library facilities. Policy EG5 of the Neighbourhood Plan requires housing development to meet its own infrastructure needs.
- 12.114 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
- 12.115 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.*
- 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.”

- 12.116 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.117 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.
- 12.118 In this case, in addition to the SAMM and SANG figures outlined in the previous sub-section, the following contributions are sought:

West Sussex County Council Contributions

- Library provision: £12,367 (Additional facilities at East Grinstead Library)
- Education Primary: £104,078 (Additional facilities at Blackwell Primary)
- Education Secondary: £112,013 (Additional facilities at Sackville School)
- Education Sixth Form: £26,240 (Additional facilities at Sackville School)
- TAD: £112,937 (improvements for Blackwell Farm Road to include pedestrian and school access and/or A22 Corridor improvements, to include junction improvements and a new bus lane on London Road)

Mid Sussex District Council Contributions

- Play Space: £27,352 (Hollands Way LEAP)
- Kickabout: £22,976 (East Court, Hollands Way LEAP, Mount Noddy Recreation Ground and / or King Georges Field)
- Formal Sport: £31,326 (East Court, King Georges Field, Kings Centre and / or Mount Noddy)
- Community Buildings: £19,053 (St Lukes Community Room and / or the Former Stone Quarry Post Office)
- Local Community: £21,594 (as per EGTC request - extension at Mount Noddy cemetery or re-provision and / or cycle routes/ footpaths in accordance with the LCWIP (local walking and cycling infrastructure plan) and / or traffic calming.

- 12.119 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. A section 106 legal agreement would need to be completed to secure these contributions (and the necessary BNG monitoring and monitoring fee as highlighted in para 12.91) and as such the application accords with Policies DP20 and EG8 of the District Plan, Policy EG5 of the Neighbourhood Plan and the Development Infrastructure and Contributions SPD.

Affordable housing

- 12.120 Policy DP31 of the District Plan makes clear that:

“The Council will seek:

- 1. The provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*

2. For residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;
3. On sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;
4. A mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and
5. Free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including “optional requirements” set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.”

- 12.121 As noted previously in this report it is an explicit requirement of the allocation policy, EG8, that 40% affordable housing is provided on this site.
- 12.122 In this case the applicant is seeking to accord with Policy EG8 and is therefore proposing 40% affordable housing on site which equates to:

12 units (4 x 1 bed units and 8 x 2 bed units)

- 12.123 The Housing Enabling Team Leader supports the scheme due to this provision and has commented that:

“The applicant is proposing a development of 30 units which gives rise to a requirement for 12 affordable Housing Units (40%). This is in line with Policy EG8 of the Mid Sussex Local Plan which allocates the site for residential development. The plans submitted show the 12 affordable housing units in the form of 2 blocks of 6 flats. 4 x 1B/2P and 5 x 2B/4P units are to be provided for affordable rent (75%) and 3 x 2B/4P units (25%) are to be provided for intermediate use (First Homes). These units all meet our occupancy and floor area requirements and the standards for built in storage provision are acceptable, although access will be required to the cupboards in unit 28! In this instance the cluster of 12 affordable housing units is also acceptable. The plans show individual accesses for each ground floor flat which is welcomed and since the ground floor units are all 2B/4P units, it is proposed that 3 of them (including the 2 larger units) are the intermediate units.”

- 12.124 This level of affordable housing, including the mix and tenure, will be secured through the legal agreement. As such the application accords with Policy DP31 of the District Plan and EG5 € of the Neighbourhood Plan.

Housing Mix

- 12.125 Policy DP30 (Housing Mix) states in part that housing development will:

“provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;”

- 12.126 The mix proposed here for the 30 residential units is:

- 4 x 1 bed
- 8 x 2 bed
- 12 x 3 bed
- 6 x 4 bed

12.127 The proposed mix is considered adequate to comply with Policy DP30 of the District Plan.

Flood Risk and Drainage

12.128 Policy DP41 of the District Plan states in part:

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

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates. Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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

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

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

12.129 The Council's Drainage Officer has been consulted on the merits of this application and assessed the supporting submissions. The drainage officer has no significant concerns on flood risk and has confirmed that foul and surface water details can be secured via planning condition. Regarding the surface water drainage, the officer has stated that this will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will therefore need to consider climate change, the allowances for which should be based on the latest climate change guidance from the Environment Agency.

12.130 With the relevant conditions in place as recommended by the Council's Drainage Officer, it can be concluded that the application therefore accords with Policy DP41 of the District Plan.

Sustainability

12.131 Policy DP39 (Sustainable Design and Construction) 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.'*

12.132 The applicant has provided a Sustainability and Energy Statement with the application. This document and submitted plans identify the following matters:

- The fabric insulation standards and the construction specification of the apartments and houses will exceed the minimum required by the Building Regulations.
- It is proposed to install air source heat pumps into each of the 18 houses.
- It is proposed to install air source heat pump hot water cylinders into each of the 12 flats.
- Photovoltaic panels will be installed on the flat roof areas of the two apartment blocks with the array comprising of 12 x 300W photovoltaic panels.
- Water efficiency measures incorporated within the apartments and houses will ensure the water use is less than 110 litres per person per day and achieves the enhanced standard required by the Building Regulations.

12.133 The proposal will also have to meet Building Regulations and this will include energy reduction measures and the provision of electric vehicle charging points. It is therefore reasonable to use a condition that will ensure the development proceeds in accordance with the details outlined in the Sustainability and Energy Statement although details will be sought on the photovoltaic array and air source heat pumps. With this condition in place, the application complies with Policy DP39 of the District Plan.

Water Supply

12.134 Policy DP42 of the District Plan states in part that:

“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.”

- 12.135 In response to meeting this policy requirement the applicant has provided a response that confirms correspondence has taken place with South East Water who provide potable water to the area around the application site. No issues have been raised regarding achieving a viable water connection.
- 12.136 This response, which confirms that no objections have been made to the principle of a connection by the potable water supplier, ensure that the application complies with Policy DP42 of the District Plan.

Other Issues

- 12.137 All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.
- 12.138 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions to deal with the risks associated with contamination of the site. This ensures compliance with the NPPF.
- 12.139 A condition will be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28 of the District Plan.
- 12.140 The previous decisions made in the 1990s and 2000s have little bearing on the determination of this application. The development plan is different and the most recent scheme, as referred to at para 8.1, sought consent for 80 dwellings.

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. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.
- 13.2 National policy, which is contained in the National Planning Policy Framework (NPPF, December 2023) and National Planning Policy Guidance, does not form part of the development plan, but is an important material consideration.
- 13.3 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.
- 13.4 It is considered that the principle of development is acceptable because the application site forms part of an allocated site for housing. The Mid Sussex District Plan saved Policy EG8 from the Mid Sussex Local Plan 2004, so this policy was adopted by the Council as part of the Development Plan in 2018. The application site, by virtue of Policy EG8, is allocated for approximately 40 dwellings. The site is also within the built up area boundary of East Grinstead where the principle of development is supported.

- 13.5 The detailed design and overall impact on visual amenity are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as well designed and as sympathetic to its surroundings as possible.
- 13.6 Although the proposal will change the appearance of the site when viewed from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 13.7 It is considered that the site will inevitably, as a direct result of its allocation for housing, have a substantial impact on the trees and vegetation within its boundaries. The design of the scheme does however help to ensure that a number of prominent species are retained around the site so the development does at least seek to minimise the impact on the best quality trees within the site. Detailed tree protection measures and appropriate planting will also be secured via condition.
- 13.8 The ecological impacts of the development have been robustly assessed and considered acceptable, whilst biodiversity net gain which includes offsite enhancements on adjoining land, will be secured through a combination planning conditions and the legal agreement.
- 13.9 The legal agreement would also secure the required infrastructure contributions, the on-site affordable housing provision of 40% (12 units) and the requisite Ashdown Forest SAMP and SANG mitigation.
- 13.10 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. Therefore no highway objection is raised.
- 13.11 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate.
- 13.12 In this case, there would be clear social and economic benefits from the development of 30 houses on a site allocated for residential development in the Development Plan that includes 12 affordable homes. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. These factors should be given weight in the planning balance.
- 13.13 The application therefore complies with policies DP4, DP6, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, Policies EG3, EG5, EG7, EG11, EG12, EG16 and SS6 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application is therefore recommended for approval based on the recommendation within Section 3.

APPENDIX A – RECOMMENDED CONDITIONS

1. Time limit

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

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

2. Pre- development

No development shall be carried out above slab/ground floor level until a schedule and/or samples of materials and finishes to be used for the external walls, roofs and fenestration of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details 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. Prior to the commencement of any development above ground/slab level, a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include all hard surfacing materials, car parking layouts and means of enclosures and other boundary treatments including the screening of the parking adjacent to plots 16 and 17.

The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To achieve a development of visual quality and to accord with Policies DP26 of the Mid Sussex District Plan and Policy EG3 of the Neighbourhood Plan.

4. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out both as approved and 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: To achieve a development of visual quality and to accord with Policies DP26 of the Mid Sussex District Plan and Policy EG3 of the Neighbourhood Plan.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No residential unit 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.

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

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent or future residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. No development shall take place unless and until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the 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 comply with Policies DP21 and DP26 of the Mid Sussex District Plan and Policy EG11 of the East Grinstead Neighbourhood Plan.

9. No development shall commence until a Construction Environmental Management Plan (CEMP) has been 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 and vibration affecting nearby residents;
- artificial illumination;
- wheel cleaning/chassis cleaning facilities;
- dust control measures;
- pollution incident control and;
- site contact details in case of complaints;

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

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

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

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

11. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP will set out measures to secure the necessary BNG, in accordance with the details secured by conditions 19 and 20, and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. This LEMP shall apply to and cover a period of 30 years to deliver the required condition of habitats created.

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 comply with Policy DP38 of the District Plan.

12. No development shall be carried out above slab/ground floor level until there has been submitted to the local planning authority for its approval in writing, a scheme for protecting the residential units from noise generated by road traffic or other external sources. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB L_{Aeq} 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: In the interests of future occupiers amenity and to comply with Policy DP26 of the District Plan.

13. Prior to the commencement of any development above ground/slab level details, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value

derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the District Plan and Policy SA38 of the Site Allocations DPD.

14. Prior to the commencement of any development above ground/slab level, details showing the proposed location of the required fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Service Act 2004.

15. Notwithstanding any information submitted to the contrary, prior to the commencement of any development above ground/slab level, details showing the following elements shall be submitted to and approved in writing by the local planning authority:

- footway construction specification where it follows the line of the public footpath (1hEG)
- a detailed drawing at the appropriate small scale showing how the public footpath (1hEG) is going to tie in with the Definitive Line where it turns south along the southern boundary of the application site and the footpath then extends beyond the application site.

Reason: To provide safe and convenient routes for rights of way users and to comply with Policy DP22 of the Mid Sussex District Plan.

16. Construction phase

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

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

17. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
 - Monday to Friday: 08:00 - 18:00 hrs

- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the UK Habs and BNG Assessment (ACD Environmental, October 2023), Biodiversity Defra Metric 4.0, Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Reptile Precautionary Method Statement in Sections 4.5.4 - 4.5.8 of the Ecological Survey Report (PJC Consultancy Ltd., November 2019) which avoid impacts on protected species.

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

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

20. Pre-occupation conditions

Prior to the occupation of any dwelling hereby permitted, a Biodiversity Enhancement Layout, providing the finalised details and locations of the

enhancement measures contained within the Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) 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) and to comply with Policy DP38 of the District Plan.

21. Prior to the occupation of any dwelling hereby permitted, a lighting design scheme for biodiversity based on GN: 08/23 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 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 comply with Policy DP38 of the District Plan.

22. Prior to the first occupation of any dwelling/residential 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.

Reason: In the interests of amenity and in accordance with The Fire & Rescue Service Act 2004.

23. No part of the new development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing no: BWH-QVH-SKETCH-003 Rev: P3.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan and Policy EG11 of the East Grinstead Neighbourhood Plan.

24. 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 parking and turning spaces shall thereafter be retained for their designated use.

Reason: To provide car parking and turning space and to comply with Policy DP21 of the Mid Sussex District Plan.

25. 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 in writing 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 comply with Policy DP21 of the Mid Sussex District Plan.

26. Before the development hereby permitted is occupied, the refuse and recycling areas shall be provided as part of the development in accordance with details, including elevational drawings of any enclosures where relevant, to first be submitted to and approved in writing by the Local Planning Authority.

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

27. The development shall be constructed in accordance with the applicant's Sustainability and Energy Assessment (BlueSky Unlimited, April 2022). No part of the development shall be first occupied unless or until the details of the PV arrays (siting, design and roof section) and air source heat pumps (siting and design) have been submitted to and approved in writing by the local planning authority with the development proceeding only in accordance with these approved details.

Reason: In the interests of sustainability and to accord with Policy DP39 of the District Plan.

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

for contingency action shall be identified within the report, and thereafter maintained

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

29. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These 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. Unless an exception is otherwise agreed in writing 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.

30. Post-occupation monitoring / management conditions

Upon the first occupation, the applicant shall then provide each new and occupier with a sustainable travel pack to promote sustainable travel to the new residents. This could include such measures as vouchers for money off bicycles, money off bus/train travel and details relating to local car share schemes and local options to travel sustainably.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan.

31. Approved Plans

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

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

INFORMATIVES

1. 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.
2. No burning of demolition/construction waste materials shall take place on site.

3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from:
<https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. 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.
5. Works within the Highway - Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. It should be clear that public rights take precedent over private rights of vehicular access therefore any vehicular use should give way to public pedestrian users. It is also important to note that any damage done to the footpath surface as part of the exercise of private vehicular rights is the responsibility of those exercising those rights to make good and any works must have a specification and method statement approved by WSCC as Highway Authority.

Any proposals that may impact the public footpath these will require WSCC's PROW teams approval before works start.

A temporary closure permit must be applied for and approved before any work can commence.

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Drainage Details	6275-MJA-SW-XX-DR-C-080	P6	25.04.2022
Levels	6275-MJA-SW-XX-DR-C-081	P4	25.04.2022
Lighting Layout/Light Pollution	6275-MJA-SW-XX-DR-C-082	P2	25.04.2022
General	6275-MJA-SW-XX-DR-C-500	P4	25.04.2022
General	6275-MJA-SW-XX-DR-C-501	P4	25.04.2022
General	6275-MJA-SW-XX-DR-C-502	P3	25.04.2022
General	6275-MJA-SW-XX-DR-C-800	P3	25.04.2022
Access Plan	6275-MJA-SW-XX-DR-C-801-	P5	25.04.2022
Other	5694/21-02	3	17.12.2021
Other	5694/21-03	2	17.12.2021
Other	6275-MJA-SW-XX-DR-C-	P5	17.12.2021
Other	AS/0945	4	17.12.2021
Other	CP/2/0149/6275	C	17.12.2021
Other	211130 Acc Schedule		17.12.2021
Sections	2281-CAL-XX-XX-DR-A-0103-S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0173_S3	P1	17.12.2021
Location Plan	0100	P4	11.05.2021
General	0100	P1	11.05.2021
Landscaping	BRO23130 10	D	18.11.2022
Landscaping Details	BRO23130 11 1	G	18.11.2022
Landscaping Details	BRO23130 11 2	G	18.11.2022
Landscaping Details	BRO23130 11 3	G	18.11.2022
Landscaping Details	BRO23130 12	1	17.12.2021
Landscaping Details	BRO23130 12	2	17.12.2021
Landscaping Details	BRO23130 12	3	17.12.2021
Proposed Floor Plans	2281-CAL-XX-XX-DR-A-0174_S3	P10	14.09.2022
Proposed Elevations	2281-CAL-XX-XX-DR-A-0175_S3	P9	14.09.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0176_S3	P9	14.09.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0177_S3	P8	14.09.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0101_S3	P13	17.12.2021
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0150_S3	P3	25.04.2022

Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0152_S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0154_S3	P5	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0156_S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0158_S3	P2	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0160_S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0162_S3	P2	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0164_S3	P2	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-166_S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0170_S3	P3	25.04.2022
Proposed Floor and Elevations Plan	2281-CAL-XX-XX-DR-A-0171_S3	P4	25.04.2022
Landscaping Details	BRO23130 11	F	18.11.2022
Access Plan	BWH-QVH-SKETCH-004	P1	16.08.2022
Access Plan	BWH-QVH-SKETCH-003	P3	16.08.2022
Site Plan	2281-CAL-XX-XX-DR-A-0101_S3-P15	P17	14.09.2022

APPENDIX B – CONSULTATIONS

MSDC Urban Designer

Layout

The layout now incorporates more smaller dwellings (apartments and semi-detached houses) and less detached houses; this has enabled a better organised scheme with more soft landscaping that crucially frees up space around the retained trees that should help ensure they are safeguarded in the future to provide an attractive backdrop to the site and surrounds.

Nevertheless, the constrained nature of the site still requires many trees to be lost to facilitate the development. In the northern part of the site, the proposed layout results in plots backing onto existing tree-lined boundaries. While this is not an ideal arrangement, this allows the houses to face a retained oak tree on a small pocket of space that provides this part of the scheme with a strong central focus. Furthermore, the revised drawings now reveal this space more from the southern approach and allow for slightly larger rear gardens on the north west side providing greater separation distance between the trees and the proposed houses. The former has been achieved by the reorganisation of plots 1-6, 15-16, and the latter by replacing double garages with single garages on plots 7 and 8. On the northern boundary, the pedestrian link has been widened to enable a more legible link with the open space.

The revised drawings also involve the reorganisation of the southern parcel with all the proposed buildings now located on the east side of the proposed access road. This not only

allows the substantial trees on the west side to be fully revealed but also opens-up the attractive woodland area around the existing pond adjacent to the southern boundary.

The parking is now more discreetly accommodated and no longer dominates the public realm and front thresholds. In the southern parcel, this has been achieved by creating a rear court parking area on the eastern boundary behind the apartment blocks which has enabled space at the front for soft landscaping (in place of parking that) that provides the dwellings with defensible space and a more attractive outlook.

Elsewhere, front threshold parking has generally been avoided by tucking it away at the side of houses. The parking serving plots 6, 16 and 17 will unfortunately be quite prominent because they are end houses; this is mitigated by a proposed hedge on plot 6, and consideration could also be given to a similar approach for plots 16 and 17.

It is disappointing that the shared surface roads do not appear to provide an alternative to tarmac that would help identify the road as a pedestrian space. I would like this reviewed in respect of a landscaping condition that also covers boundary treatment.

Elevations

The building design has been improved in the revised drawings; instead of oddly juxtaposed building and roof types, the opportunity has been taken to achieve underlying rhythm with the replication of standard semi-detached houses featuring hipped roofs that model the roofline and help to visually separate the buildings. Furthermore, the revised drawings show fenestrated flank elevations on plots 6, 16, 17 that appropriately address the road frontages.

The apartment blocks benefit from more ordered frontages that result from the symmetrical double gabled configuration (and the symmetry has been further reinforced with a centrally positioned front entrance) and the incorporation of clay hung tiling; the double windows now benefit from opening lights on both sides and fake glazing bars have been omitted. The southern flank of the apartment block 25-30 has taken the opportunity to incorporate windows on the return southern frontage that allows the open space to the south to be properly overlooked.

Sustainability

The Sustainability Statement now states that air source heat pumps will be incorporated into each of the 18 houses with air source heat pump hot water cylinders featuring in each of the 12 flats. In addition, photovoltaic panels will be installed on the flat roof areas of the two apartment blocks.

Overall Assessment

The scheme now sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- Plan and section drawing showing the solar panels on the flat roof of the apartment building.
- Hard and soft landscaping details including boundary treatments (and measures to screen the parking adjacent to plots 16 and 17).
- Details of the facing materials.

Overall consideration should also be given to securing the renewable measures (ASHP as well as solar PV's) set out in the Sustainability Statement as the drawings do not show them.

MSDC Tree Officer

This scheme is better than the proposal I originally commented on, albeit with many of the same issues that I raised in my comments of 13/7/21.

The landscaping proposals should include some oaks in appropriate positions.

The shrubs are a juxtaposition of hedgerow plants such as *Cornus sanguinea*, and *Viburnum opulus* with ornamentals such as lavender and *Skimmia*, none of which favour the same soil or conditions

Hazels appear to be specimen shrubs but are unsuitable in the locations shown, as are *Cornus sanguinea*.

Lavenders and ferns are unsuitable companions, again, both requiring different soil and conditions.

More effort needs to be made to integrate some of these plants into suitable areas.

MSDC Ecological Consultant

Summary

We have reviewed the Letter regarding BNG (ACD Environmental, October 2023), UK Habs and BNG Assessment (ACD Environmental, October 2023), Condition Sheet POND Habitat Type, Condition Sheet WOODLAND Habitat Type, Biodiversity Defra Metric 4.0, Biodiversity Net Gain Feasibility Report (PJC Consultancy Ltd., March 2023), Preliminary Ecological Appraisal Update (PJC Consultancy Ltd., December 2022), Landscape Masterplan Drawing No. BRO23130 10D (November 2022), Soft Landscape Proposals Drawing No. BRO23130 11 (G) Sheets 1-3 (November 2022), Agent Comments email (DHL Stallard, November 2022), Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, with identification of proportionate mitigation.

We accept the confirmation by the Preliminary Ecological Appraisal Update (PJC Consultancy Ltd., December 2022) that the findings of the Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) remain valid.

We note that, although all of the mature oak and ash trees have moderate to high bat roost potential, all of these trees will be retained on site (Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021)). We therefore agree that no further surveys for bats are required. However, we highlight that if the plans change and any trees are to be affected by the proposed works in the future, then these trees must be subject to preliminary roost assessment for bats prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice.

We have checked the distance of the boundary of the ancient woodland (irreplaceable habitat) to the east of the red line boundary of the development on MAGIC

(<https://magic.defra.gov.uk/MagicMap.aspx>) and confirm that it is approximately 44m, which meets Government standing advice on ancient woodland.

We note that, although there are Hazel Dormouse records nearby and the site provides suitable habitat for this species, no evidence of this species was found and Hazel Dormouse is therefore likely absent from the site (Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021)). We therefore agree that no further surveys for Hazel Dormouse are required.

We also note that there are low populations of Slow Worm and Grass Snake on site (Ecological Survey Report (PJC Consultancy Ltd., November 2019)). We therefore support the implementation of the reptile precautionary method statement in Sections 4.5.4 – 4.5.8 of the Ecological Survey Report (PJC Consultancy Ltd., November 2019).

We are now satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

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

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

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

We welcome the indicated biodiversity net gain of 27.35% in the UK Habs and BNG Assessment (ACD Environmental, October 2023), Condition Sheet POND Habitat Type, Condition Sheet WOODLAND Habitat Type and Biodiversity Defra Metric 4.0. The proposed compensation and enhancement measures for on site habitats (including woodland and the pond) and the on- and off-site creation of woodland, hedgerow and meadow grassland, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. The management of off-site woodland, including ancient woodland, is within the blue line boundary and so within the control of the applicant. The specifications and locations of the bat and bird boxes and the holes in fencing for hedgehogs should also be identified in the LEMP. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) to avoid impacts from light disturbance. This should be secured by a condition of any consent

and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- 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.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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 UK Habs and BNG Assessment (ACD Environmental, October 2023), Biodiversity Defra Metric 4.0, Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Reptile Precautionary Method Statement in Sections 4.5.4 – 4.5.8 of the Ecological Survey Report (PJC Consultancy Ltd., November 2019) which avoid impacts on protected species. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

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

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

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

3. PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (PJC Consultancy Ltd., January 2021) and the Ecological Survey Report (PJC Consultancy Ltd., November 2019) 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).

4. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

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

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

development still delivers the fully functioning biodiversity objectives of the originally approved scheme. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.

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).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity based on GN: 08/23 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 and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

MSDC Housing

The applicant is proposing a development of 30 units which gives rise to a requirement for 12 affordable Housing Units (40%). This is in line with Policy EG8 of the Mid Sussex Local Plan which allocates the site for residential development. The plans submitted show the 12 affordable housing units in the form of 2 blocks of 6 flats. 4 x 1B/2P and 5 x 2B/4P units are to be provided for affordable rent (75%) and 3 x 2B/4P units (25%) are to be provided for intermediate use (First Homes). These units all meet our occupancy and floor area requirements and the standards for built in storage provision are acceptable, although access will be required to the cupboards in unit 28! In this instance the cluster of 12 affordable housing units is also acceptable. The plans show individual accesses for each ground floor flat which is welcomed and since the ground floor units are all 2B/4P units, it is proposed that 3 of them (including the 2 larger units) are the intermediate units.

MSDC Drainage

FLOOD RISK

The application is supported by a Flood Risk Assessment and Development Drainage Strategy (CP/21/0149/6275, Rev C, Dec 2021). This report identifies the site as being within Flood Zone 1, at low fluvial flood risk and at very low risk of flooding from surface water (comparable to Flood Zone 1).

Intrusive ground investigations found no groundwater up to 5m below ground level.

There are no historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

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

SEWERS ON SITE

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

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

SURFACE WATER DRAINAGE INFORMATION

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

APPLICATION SPECIFIC COMMENT

The BGS infiltration potential map shows the site to be in an area with largely low infiltration potential. However, areas surrounding the site are shown to have high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible in some areas of the site. To ensure the drainage hierarchy is followed infiltration rates across the development site will need to be investigated and confirmed as part of detailed drainage design. Wherever possible infiltration should be utilised to manage surface water drainage.

The application is supported by the Flood Risk Assessment and Development Drainage Strategy report (CP/21/0149/6275, Rev C, Dec 2021). The report states that surface water drainage shall be attenuate on-site and discharged into the existing surface water sewer in The Weald at a rate of 4l/s for all events up to the 1 in 100-year plus 40% rainfall event. The system would require a surface water pump.

The Greenfield QBar runoff rate for the developed area (0.557ha) is 3.3l/s. However, the proposed 4l/s is the minimum usually required for the effective operation of a surface water pump.

Southern Water provided comments on this application in June 2021 which stated in principle the development could connect surface water drainage to the main sewer. These comments were based on an earlier drainage strategy plan. However, the flood risk and drainage team have reviewed the earlier plan and the principle of the drainage strategy remains unchanged.

A pumped surface water drainage system would not usually be acceptable and alternative means of drainage should be investigated and considered as part of the detailed drainage design. However, the flood risk and drainage team acknowledge that surface water drainage has been shown, in principle, to be achievable on this site.

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

We would advise the applicant that since the Flood Risk Assessment and Development Drainage Strategy report was written there have been alterations to the Environment Agency's climate change allowance guidance. The detailed drainage design will need to consider the latest climate change allowances, policies and guidance at the time of design.

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

FOUL WATER DRAINAGE

It is proposed that the development will manage foul water drainage via a new gravity fed foul sewer located within the development road network. This new system is proposed to connect to an existing public foul sewer and be offered for adoption.

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

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

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

MSDC Leisure

Thank you for the opportunity to comment on the plans for the erection of 30 dwellings on Land At Queen Victoria Hospital, Holtye Road, East Grinstead RH19 3DZ on behalf of the Head of Corporate Resources. 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

Children's Playing Space will face increased demand from the new development and a contribution of £50,328 is required toward locally equipped play provision (£27,352) and kickabout provision for older children (£22,976). With regard to the Play contributions, Hollands Way LEAP is the nearest play area to the development. The Kickabout

contribution could be used on improvement projects at East Court, Hollands Way LEAP, Mount Noddy Recreation Ground or King Georges Field which are all within the 1km distance threshold for the provision of equipment for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £31,326 is required toward formal sport facilities at East Court and / or King Georges Field and / or the Kings Centre and / or Mount Noddy.

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 £19,053 is required to make improvements to St Lukes Community Room and / or the Former Stone Quarry Post Office.

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 Contaminated Land

The site has had historical use as hospital and therefore is considered to be potentially contaminated land.

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

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

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

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

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

MSDC Environmental Protection

The proposed development is close to a hospital and existing residential dwellings. Should planning permission be granted, given the potential for noise and dust to negatively impact the amenity of existing residents and users of the hospital, Environmental Protection recommends conditions to control noise and dust during the construction phase of this development.

In addition, given that 30 dwellings are proposed, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development.

Given the proximity of the hospital, I am concerned that future occupants of this development may be affected by noise generated by activity on the hospital site. I have therefore recommended a sound proofing condition to protect the amenity of future residents

Conditions:

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

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Reason: to protect the amenity of local residents.

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

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

Saturday: 09:00 - 13:00 hours

Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

Construction Environmental Management Plan: Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents and users of the hospital

Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB L_{Aeq} 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: to protect the amenity of future residents

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

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

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

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.

West Sussex Highways

Final Comments – January 2023

Report Introduction/ Background

The LHA has been re-consulted by the LPA to provide comments on the above application, using the newly submitted planning documents on the planning portal by the development team. The LHA have previously provided comments on this application which can be viewed on the planning portal.

The outstanding matters in highway terms were the Road Safety Audit problem 8.7 of the original RSA, this related to the visibility splays of the garage access road with the development and Oakfield Way.

New Information provided

A new Transport Consultant has been instructed. A new drawing and technical note have been provided, along with a new RSA.

In line with drawing no: BWH-QVH-SKETCH-003 Rev: P3, the LHA would now raise no concerns in relation to the access proposals.

The LHA have added our comments to the RSA Response Report and signed this off. This can be viewed on the planning portal.

Summary and Conditions

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. The following conditions and informative should be added to any grant of planning consent.

The previously advised highway infrastructure works to link the site and improve pedestrian safety in the vicinity of the site should be secured via the s106 agreement. These are enhanced pedestrian access improvements at the junction of Oakfield Way/Blackwell Farm Road and Hackenden Lane crossroads. These will aid sustainable travel and promote walking for new residents and existing residents, enhancing safety at the local footway crossing points for all.

Conditions

1. Access/ Visibility (Access to be provided prior to first occupation) - No part of the new development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing no: BWH-QVH-SKETCH-003 Rev: P3

Reason: In the interests of road safety.

2. 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 an 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.

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

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

4. Construction Management Plan (CMP) 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.

Informative

Works within the Highway – Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Previous Comments – June 2022

Report Introduction/ Background

The Local Highway Authority (LHA) has been consulted on the above application with regards to any highway safety or capacity concerns.

The LHA have previously provided comments on this site/application in June 2021 and February 2022. Both our responses can be found on the MSDC Planning Portal under the reference DM/21/1842.

Further information has been submitted on the 21st March 2022 in relation to the outstanding highway points, as listed below.

- Site access/tie in drawings with Oakfield Way,
- Visibility splays at the site access and those of the adjacent access road to the garages,
- Outstanding Road Safety Audit (RSA) problems (specifically points 2, 4, 5, 6 and 11),
- No GG 119 complaint RSA Response Report supplied.

Site access/tie details

It's still unclear exactly how the site access road will tie in with Oakfield Way, although it is assumed this will take the form of a continuation of Oakfield Way into the site. Detailed drawings can be submitted with the s278 agreement for the access works at detailed design stage.

Visibility splays at the site access with the adjacent garage access point

The RSA highlights under problem 8.7 that visibility splays need to be cleared and kept clear. However, on inspection of the plans and our mapping there is a section of third party land at the start of the splay (to the east of the garage access point) that isn't in the red line site boundary under the applicants control, nor is this land in the control of the LHA as adopted highway; therefore this splay can not be secured via condition as no visibility splay is allowed to cross third party land.

The LHA would still raise concern to the interaction between vehicles at the site access and the garage access. The site access road will form a continuation of Oakfield Way. The garage access joins Oakfield Way at an angle, joining Oakfield Way with no junction stop/give way markings. It is also obvious that visibility can't be achieved due to it crossing third party land. The concern is that vehicles exiting the garages are doing so at an awkward angle and have no visibility, and that they will continue out of the garage access onto Oakfield Way without stopping given the current road layout.

As advised previously it is suggested that the interaction/design between the site access and the garage access is re-visited and redesigned. This will also then need to be run past the Safety Audit team for assessment and comments.

Outstanding Road Safety Audit (RSA) problems and complaint GG 119 RSA Response Report

A revised RSA has been carried out. A number of problems have been raised, but only problem 8.2 and 8.7 relate to the access and Oakfield Way (adopted highway network). Please see the RSA Response Report for details. At present the LHA have not signed off the RSA Response Report as there is an outstanding query with problem 8.7.

Summary & Conditions

Please re-consult once problem 8.7 of the RSA has been addressed.

Previous Comments – February 2022

Site/ Application Background

The LHA has previously provided comprehensive comments on this application, these are on the planning portal saved as 'WSCC Highways' dated 17th June 2021. Several outstanding queries were raised in our previous response, along with the request for further supporting documentation. These mainly related too,

1. Site access/tie in drawings with Oakfield Way,
2. Visibility splays at the site access and those of the adjacent access road to the garages,
3. Road width/length queries relating to the narrowing on first entering the site from Oakfield Way,
4. Outstanding Road Safety Audit (RSA) problems (specifically points 2, 4, 5, 6 and 11),
5. No GG 119 complaint RSA Response Report supplied.

Re-consultation & Revised Documents

It is noted that a revised Transport Statement (TS) has been submitted, uploaded onto the planning portal on the 17th of December 2021. Also revised site plans showing amendments to the scheme including design, layout and an additional 2 units.

The LHA can find no new documents on the planning portal to address the above points that are outstanding, except for point 3.

Comments relating to the revised Transport Statement (TS)

- Section 4.2 (Layout & Access) – this section indicates that the initial narrowing will be to a road width of 4.8m, this is acceptable as detailed in Manual for Streets (MfS) section 7 figure 7.1 to allow for a car and lorry to pass. With a 6m road width for the internal estate roads thereafter.

- Section 4.2 also indicates 2.4m x 43m visibility being shown on the plans in Appendix 3, but this can't be seen. A plan detailing the forward visibility for vehicles leaving the site onto Oakfield Way & detailing the visibility for the garage access road adjoining Oakfield Way is not on the planning portal and needs to be submitted. Intervisibility between these two access points was raised by the Safety Audit team in the original RSA.

- Section 4.2 confirms the development, and the roads will remain private and not form part of the adopted highway network. Therefore, any concerns raised about on-site parking not related to residents or visitors will need to be managed by the site management company to ensure safe and suitable access is always maintained.

- Section 4.3 relates to parking; 63 off street parking spaces are proposed and 12 visitor spaces. WSCC Guidance on Parking at New Developments (Sept 2020) indicates that the following is required for this development in Parking Behaviour Zone 4 (PBZ4).

Number of Bedrooms	Number of Habitable Rooms	PBZ1	PBZ2	PBZ3	PBZ4	PBZ5
1	1 to 3	1.5	1.4	0.9	0.9	0.6
2	4	1.7	1.7	1.3	1.1	1.1
3	5 to 6	2.2	2.1	1.8	1.7	1.6
4+	7 or more	2.7	2.7	2.5	2.2	2.2

The following housing mix is proposed,

- 4 x 1 bed units ($4 \times 0.9 = 3.6$) 4 spaces rounded
- 8 x 2 bed units ($8 \times 1.1 = 8.8$) 9 spaces rounded
- 12 x 3 bed units ($12 \times 1.7 = 20.4$) 21 spaces rounded
- 6 x 4 bed units ($6 \times 2.2 = 13.2$) 14 spaces rounded
- TOTALING 48 RESIDENTIAL PARKING SPACES
- Visitor parking should be 0.2 spaces per dwelling ($0.2 \times 30 = 6$)
- Disabled parking should be provided at a 5% minimum of the total number of parking spaces ($48 + 6 / 100 * 5 = 2.7$) 3 spaces

The parking standards require 57 spaces in total. The parking space requirements are met. The LHA are satisfied that the development will provide enough parking for its residents and visitors to avoid any potential overspill parking onto the surrounding roads; however excessive parking (63 residential spaces and 12 visitor spaces) also may discourage sustainable travel by future residents and visitors.

- Section 4.4 cycle parking, this indicates one cycle space per dwelling to be provided; these levels do not meet the standards under section 4.14, table 1 of the WSCC Guidance on Parking at New Developments (Sept 2020) document.

- Section 4.5 states the level of parking offered will encourage sustainable travel. As stated above the level of parking proposed is above the standards and may discourage sustainable travel. The site is too small to require a Travel Plan Statement however, a new residents welcome back should be secured to promote sustainable travel, this could include such measures as vouchers for money off bicycles, money off bus/train travel and details relating to local car share schemes and local options to travel sustainably.

- Section 4.6 mentions a s106 agreement to secure sustainable travel measures like a contribution from the developer for electric vehicle charging points (EVCP), which can be provided within the site. EVCP are required on site anyway in line with the WSCC Guidance on Parking at New Developments (Sept 2020) section 4.7; 20% active charging spaces as a minimum of all parking spaces, with ducting provided at all remaining spaces to provide passive provision is required. A contribution to sustainable travel infrastructure is detailed in the s106 response from our s106 officer (dated 30th June 2021). A TAD contribution from the development of £94,174 is required towards 'improvements on Blackwell Farm Road to include pedestrian and school access and/or the A22 corridor improvements, to include junction improvements and a new bus lane on London Road.

- Section 4.9 relates to construction traffic. The LHA will require a condition for a Construction Management Plan (CMP) to be applied to any grant of planning consent.

- Section 4.16 refers to the previous highway's response detailing enhanced pedestrian access improvements at the junction of Oakfield Way/Blackwell Farm Road and Hackenden Lane crossroads. Just to clarify the LHA would be looking for the developer to fund and deliver these works.

- Section 4.17 relates to a parking survey that was carried out after the last application was submitted, in relation to local concerns raised about parking at busy times and possible obstruction of visibility when leaving Oakfield Way onto Blackwell Farm Road, also parking levels in Oakfield Way. The survey was carried out on 14th September 2021 after schools had returned from the summer break. The area surveyed was in relation to the site-specific access matters, it was not in relation to assess the existing traffic/parking concerns raised by residents on Blackwell Farm Road.

- Section 5 trip generation - The development is likely to attract 17 additional trips in and AM and PM peak hours. As previously stated in our response this level is not expected to have a

significant impact on the operation of the highway network, nor meets the requirements for any junction capacity modelling to be carried out by the developer.

The LHA have had some correspondence with the Development team since the original application over what information and documents are required, but as stated above these have not been submitted to MSDC for us to review.

Please re-consult once all of the above points 1-5 have been addressed and the documentation provided.

Original Comments June 2021

The Local Highway Authority (LHA) has been consulted as a consultee to Mid Sussex District Council (MSDC) on the above application, with regards to any highway safety or capacity concerns. In line with the National Planning Policy Framework (NPPF) paragraphs 108 & 109.

The application in terms of highway matters is supported with a Transport Statement (TS), Road Safety Audit (RSA) and a Designers Response (DR). At present the LHA have several queries relating to the access strategy for the site and parking strategy as proposed. The DR document is not in line with the latest requirements of GG 119 of the Road Safety Audit standards for highways, a new document titled Road Safety Audit Response Report will need to be submitted in the format as shown under GG 119 appendix f. The Overseeing Organisation in this document will be West Sussex County Council (WSCC) and we will need a word version of this document to add our comments. WSCC cannot sign off this document until all problems have been agreed upon, once signed this will need to be submitted to the MSDC in PDF format for the planning files. The following report details a review of the submitted documents and highlights where further information or modification is required.

Proposal

It is proposed to build 28 dwellings on land at the Queen Victoria Hospital that will be accessed via Oakfield Way. It is understood that access will still be required via this route for some service and maintenance vehicles in relation to the hospital. 54 off street parking spaces are proposed and 9 visitor parking spaces. The site plan also looks to include some garages which don't seem to be included in the parking allocations. As long as these meet size standards then the LHA will consider these as 0.5 of a space per garage.

Site Context/Background

The site is an allocated housing site, allocated for up to 40 dwellings by MSDC in the 2004 Local Plan, it has since been carried over as a saved policy in the District Plan 2014-2031, where it retains its status as an allocated site for housing. In the 2004 Local Plan the policy was for the site to deliver a lay-by along Oakfield Way and a mini roundabout at the junction of Oakfield Way/Blackwell Farm Road, this requirement under today's policy and guidance in terms of making the site acceptable in planning terms is not required, although the site would be expected to make some local pedestrian access improvements at the junction of Oakfield Way and Blackwell Farm Road/Hackenden Lane, to improve pedestrian safety to aid in the accessibility strategy for the site. This would generally be in the form of dropped kerbs and tactile paving crossing points at this crossroad style junction.

Oakfield Way serves around 6 dwellings, it also serves as access to garages behind the dwellings on St Margaret's Road, as well as a gated access for service/maintenance access to the Queen Victoria Hospital. The roadway has single yellow lines in place to prevent

parking along the southern side of the carriageway at certain times of the day and at the end of the roadway to prevent parking occurring in front of the access points and to keep the road space clear for turning. Oakfield Way where it joins Blackwell Farm Road/Hackenden Lane is a protected junction, double yellow lines are in place for some distance to prevent parking in unsafe locations and obstruction of visibility. This junction forms a crossroads within the residential area.

To gain vehicle access to the wider highway network the only means of access is via Blackwell Farm Road to the A264. Blackwell Farm Road serves a number of residential dwellings, a Primary school and nursery/Children's Centre. From previous site visits, the LHA are aware of the level of on street parking (especially at school collection times) and of parking taking place on the verge/footways. Given the proximity to the Hospital and other places of work, there is the potential for some of the on-street parking to be generated by local workers. Whilst these matters are noted, they are existing issues.

In terms of assessing the current planning application, the LHA can only consider the impact of the proposed development against requirements within paragraph 109 of the NPPF. This includes assessing impacts on the local junctions and if the site will contribute to parking on these roadways to a level that would raise a highway safety concern. It is recognised that Blackwell Farm Road has parking restrictions in place at locations already to protect the highway from unsafe and obstructive parking.

Trip Generation

Trip rate information has been provided using TRICS. TRICS is recognised as the industry tool (including reliance by the Planning Inspectorate and the Secretary of State) to inform trip generation forecasts in planning decisions. However, the data and site selection method has not been submitted in the appendix section of the TS like the LHA would expect, this needs to be submitted for review.

Section 5.3 of the TS states that the site for 28 dwellings is predicted to generate around 11 two-way AM peak hour trips and 16 two-way PM peak hour trips.

In terms of trip generation and in line with WSCC Policy – Transport Assessment Methodology any site that is predicted to contribute 30 or more two way movements in any one hour throughout the day will trigger the need for further junction capacity assessments to be carried out. The predicted level of 11 AM peak trips and 16 PM peak trips will not trigger the need for junction/roundabout capacity assessments for this application. The effect of these extra trips is not expected to trigger a significant delay at a junction or cause an issue in cumulative capacity impact terms in line with the NPPF, However, the LHA will need to check the method to see how these figures have been arrived at and determine if the site selection criteria matches that of the proposed site.

Access/Visibility

The Proposed Site Plan drawing no:2281 0101 S3 Rev P5 shows the intended site layout. There is no access drawing to show how access from Oakfield Way is to be provided and how the sites access (vehicle & pedestrian) will tie in with Oakfield Way.

It is also noted that a narrowing of the site access road right at the start from Oakfield Way is shown, although no measurements of width or length is provided. A short section of narrowing is normally considered acceptable, but not right at the access point. Given the adjacent access to the garages directly next to this access it would not be ideal for vehicles to wait on Oakfield Way while a vehicle exited the site. Road width/length should be

confirmed in this location and tracking to demonstrate that two vehicles can pass will need to be provided.

It is assumed that Oakfield Way footway provision will be extended into the site to offer continuous walking routes. Footway widths should also be confirmed on the plan.

In terms of visibility there is concern that the site access is directly adjacent to the garages access. No inter visibility splays or any visibility splays have been provided to demonstrate how these two access points will work directly adjacent to each other. This has been highlighted as a problem identified by the Road Safety Audit Team.

Road Safety Audit/ Road Safety Audit Response Report

An RSA has been carried out by an independent Safety Audit Team, this was done on 14th April 2021 around 3pm. Whilst there are no set times that these have to be done it is worth noting that this was during the Easter Half Term, so the site visit observations would not have involved the team observing the area during a school day. The RSA has commented on in detail the internal site access layout, this is not something we normally see unless the sites internal access roads are going to be offered up for Adoption. The LHA are assuming that the internal site roads/footways will remain under private management, clarification on this is sought?

The RSA has highlighted 12 problems as listed below,

1. No hardstanding in front of visitor parking bay (in front of plot 7)
2. On carriageway parking in Oakfield Way.
3. Vehicle crossovers (plots 5 & 16) in line with pedestrian crossing points across junction between footways.
4. No access road widths detailed on plans.
5. Long narrowing single width access will cause access problems.
6. Reduced visibility at junction (end of Oakfield Way/site entrance).
7. Parking space located on junction kerb radi with no clearance from kerb line (plot 17).
8. Hump ramp inline with end of footways where there will be dropped kerbs (near plot 2).
9. No pedestrian crossing points detailed between footways at junctions or at end of footways onto shared surfaces.
10. Footway does not continue along road to link up with footpath from hospital.
11. Unclear arrangement at end of road and access to footpath (to hospital).
12. Reduced width paths between parking spaces (plots 17 – 23).

The RSA team has made recommendations based on the above points raised, whilst all points are valid the LHA will focus on the points in bold which relate to the main site access.

A document containing an email with this list is on the planning portal which lists each point and has been commented on by the Design Team. As detailed above a Road Safety Audit Response Report is required in the format as detailed under GG 119 appendix F and West Sussex County Council should be listed as the Over Seeing Organisation. The problems as identified do relate to the same queries the LHA have over the access strategy. We have particular concern over the response to problem 2 and 6 where it's stated 'Noted - Outside of site boundary', this is a significant factor in demonstrating safe and suitable access for all to and from the site in line with the NPPF and such matters need addressing or mitigating to an acceptable level. With reference to problem 2 the LHA do not support the Safety Auditors recommendation to 'introduce measures to manage parking to maintain access to the new development' this would involve a Traffic Regulation Order (TRO) which is a completely separate process to planning permission, which involves consultation with external bodies including Sussex Police and local residents.

Parking

The proposed parking levels (54 allocated spaces off street and 9 visitor spaces) seem reasonable for the site, to ensure no over spill parking occurs in Oakfield Way or Blackwell Farm Road. From a safety perspective parking appears to be reasonably catered for on the site for each plot given a low speed shared surface design.

Section 4.3 of the TS states that 'the level of visitor parking may encourage potential illegitimate parking by hospital staff and visitors, and this is a matter for the highway authority to advise upon'. This may well be the case as well as the development internal access roads. Assuming the site remains private then this will need to be managed by the development management company and measures would need to be put in place to prevent this so safe and suitable access for all can still be achieved.

Hospital Service/Maintenance access

It is understood that the hospital will still require access through the site and to the rear. This should be gated to prevent cut through vehicle trips, measures should also be put in place to prevent any parking from occurring in the vicinity of this access, so there is always clear access for the Hospital.

Site Accessibility

In terms of site accessibility the TS covers matter such as local bus services and the location of the nearest bus stops, they are within a reasonable walking distance and have a range of frequent services available to enable an alternative way to travel, without having to use a private motor vehicle. East Grinstead railway station is also within a walking distance of 1.4km and reasonable cycling distance. The LHA are satisfied that the site offers a range of other transport modes to the private motor vehicle.

Refuse truck tracking diagrams

Refuse collection will take place from on site. Two turning heads are provided, these must always be kept clear for their designated use. The turning head opposite plot 20/21 appears to show the rear of the refuse truck overhanging onto the verge/vegetation, but the wheelbase is on the road.

West Sussex County Council Infrastructure

Education			
School Planning Area	East Grinstead		
Population Adjustment	68.4		
	Primary	Secondary	6th Form
Child Product	0.7229	0.7229	0.3904
Total Places Required	5.0604	3.6146	0.7808
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£12,367		
Population Adjustment	68.4		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	30		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	68.4		
Net Parking Spaces	75		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£104,078		
Education - Secondary	£112,013		
Education - 6 th Form	£26,240		
Libraries	£12,367		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	secured under Condition		
TAD	£112,937		
Total Contribution	£367,635		

The contributions generated by this proposal shall be spent on additional facilities at Blackwell 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 improvements for Blackwell Farm Road to include pedestrian and school access and/or A22 Corridor improvements, to include junction improvements and a new bus lane on London Road

West Sussex Minerals and Waste Planning Authority

Please be advised that the Minerals and Waste Planning Authority would offer no comment on the proposed development to the land to the north east of Queen Victoria Hospital as the application site is not within a Mineral Safeguarding Area, nor would the proposal prevent or prejudice the operation of any known safeguarded Waste Infrastructure.

West Sussex County Council Lead Local Flood Authority

West Sussex County Council (WSSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events: Low Risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’

Modelled groundwater flood hazard classification: Low Risk

Comments:

The area of the proposed development is shown to be at Low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Watercourses nearby? No

Comments:

Current Ordnance Survey mapping shows no watercourses running near to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

Comments:

We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment and Development Drainage Strategy included with this application states that permeable paving, below ground attenuation, pumping station with a restricted discharge to the main sewer, would be used to control the surface water runoff from the site.

In line with SuDS Policy 3 within the West Sussex LLFA Policy for the Management of Surface Water 'Drainage schemes should be designed to match greenfield discharge rates and follow natural drainage routes as far as possible; pumps should therefore not form part of drainage schemes' Surface water pumping stations are not considered sustainable and should only be used where there is no other practicable method of surface water drainage.

The District Council Drainage Engineer may want to review this application to identify if there are any local site-specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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

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

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

West Sussex Fire and Rescue Service

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available 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.

West Sussex Rights of Way

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

As stated in the NPPF, para 100, Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Defra Rights of Way Circular (1/09) states The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way. Bearing the above in mind, my comments are as follows:

It's pleasing to note the developer is looking to link up the existing public footpath network.

FP1hEG (east-west along Oakfield Way) is also a D Class road. It extends into the woodland as only a Public Right of Way Footpath however (FP1hEG). This will form the main access road. I note the extension of Oakfield Way is not to be offered for adoption but will remain under private management. Unadopted, the Footpath will remain under the jurisdiction of West Sussex County Council's (WSCC) Public Rights of Way (PRoW) team and our surfacing and width requirements will apply.

The width shown on the Site Access Plan dated 21st March 2023 for the hospital access road is 4.8m (initial narrowing) before widening to 6m– does this include the footway? We would require a minimum 1.5m footway, ideally 2m to provide for PRoW users.

Please submit the planned footway construction specification for approval.

Consideration also needs to be given to how the path is going to tie in with the Definitive Line where it turns south. Please submit a detailed drawing or design illustrating this.

Please note a temporary closure permit must be applied for and approved before any work can commence.

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public 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 the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this will have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Please note that non-compliance with the Sewerage Sector Guidance standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. Applications for adoption of sewers by Southern Water can be made via the online service, Get Connected: developerservices.southernwater.co.uk

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.

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.

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

Natural England

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], Ashdown Forest Special Area of Conservation (SAC). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other Advice

Ancient Woodland, Ancient and Veteran Trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when

determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

You can also use the following inventories in your decision-making:

- the Woodland Trust's ancient tree inventory (ATI)
- Natural England's wood pasture and parkland inventory (includes ancient sites) on the Magic map system.

Priority Habitats and Species

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.