

MID SUSSEX DISTRICT COUNCIL

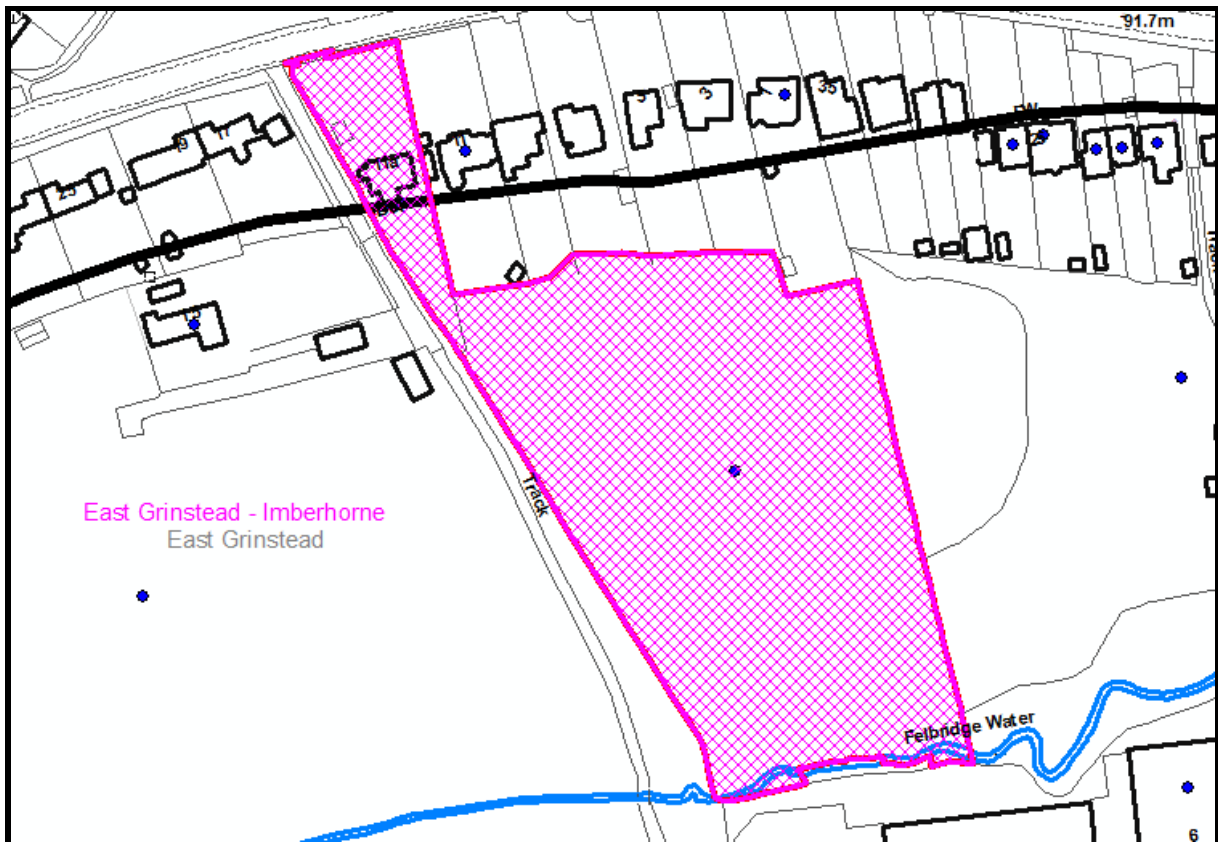
Planning Committee A

17 JAN 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/18/3022



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**11A CRAWLEY DOWN ROAD FELBRIDGE WEST SUSSEX  
DEMOLITION OF 11A CRAWLEY DOWN ROAD AND ERECTION OF 32  
DWELLINGS, WITH ASSOCIATED INFRASTRUCTURE, PARKING AND  
LANDSCAPING. AMENDED PLANS RECEIVED SHOWING UNIT 20 AS AN  
AFFORDABLE UNIT AND DESIGN CHANGES TO A NUMBER OF UNITS  
WITHIN THE SITE.  
PLAXTOL INVESTMENTS LTD**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 18th January 2019

WARD MEMBERS: Cllr Heidi Brunsdon / Cllr Rex Whittaker /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks planning permission for the demolition of 11A Crawley Down Road and erection of 32 dwellings, with associated infrastructure, parking and landscaping. The access into the site onto the Crawley Down Road and 11A Crawley Down Road are within Tandridge District Council. As such the proposal produces a net gain of 31 dwellings within the administrative area of Mid Sussex.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) adopted in 2018 and the East Grinstead Neighbourhood Plan (EGNP) which was made in 2016.

The application site lies in the countryside, outside the built up area of East Grinstead and thus would be contrary to policy DP12 of the DP as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the DP as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of East Grinstead.

Policy EG5 in the EGNP conflicts with policy DP6 in the DP because it is a permissive policy that allows for residential development across the parish. As such the weight that can be afforded to policy EG5 is reduced.

As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

It is considered that there are other material considerations, specific to this site that are relevant to this application. These are as follows:

- Mid Sussex District Council (MSDC) has granted planning permission for the erection of 26 dwellings to the east of the site under reference number DM/16/5502
- MSDC has granted planning permission to the west of the site for the erection of 63 dwellings under reference DM/17/2570
- There is an extant planning permission within the administrative boundary of Tandridge District Council for the access into this site
- The site is bounded by the built up area of East Grinstead to the north and south

In addition, the proposal would provide a net gain of 31 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable. A clear aim of National Government Policy is to significantly boost the delivery of housing. It is also felt the design and layout of the scheme is satisfactory. It is therefore considered that there would be compliance with policies DP26, DP30 and DP31 of the DP.

The proposal has a consented vehicular access. Whilst the concerns of third parties are noted, it is not considered that the proposal would result in a severe impact on the highway network, which is the policy test in both the development plan and the NPPF. The Local Highway Authority (LHA) that is responsible for the crossover onto the public highway is Surrey County Council and they do not object to the application. West Sussex County Council (WSSCC) in their role as the LHA responsible for roads within Mid Sussex also does not object to the application.

The development will be visible to the occupiers of the properties to the north of the site. However simply being able to see a development does not equate to harm. It is considered that the layout of the scheme and the distances between the proposed and existing properties will mean that there will not be a significant adverse impact on the amenities of existing occupiers, which is the test in policy DP26 of the DP.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the Council's Drainage Engineer.

There are no ecological objections to the scheme from the Council's Ecological Consultant. The Council's Tree Officer also has no objection to the scheme.

A section 106 legal agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (Education and libraries) and District Council services (leisure and community buildings). The legal agreement would also secure monies to mitigate the impact on the Ashdown Forest. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant DP

polices.

Overall it is considered that the proposal is not in compliance with all of the polices in the development plan. In particular there is a conflict with policies DP6 (Settlement Hierarchy), DP12 (Protection and Enhancement of the Countryside) and DP15 (New Homes in the Countryside) of the DP because the proposal involves a major residential development in the countryside. The conflict with these policies in the development plan weighs against the proposal.

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP20 Securing Infrastructure, DP21 Transport, DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows, DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage), EG2a (Preventing Coalescence), EG3 (Promoting good design), EG5 (Housing), EG7 (Housing mix and density), EG11 (Mitigating highway impact), EG12 (Car parking) and EG16 (Ashdown Forest Special Area of Conservation and Special Protection Area).

At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 1 settlement which would accord with the aim of the NPPF to significantly boost housing delivery

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

### **Recommendation**

#### Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 11 April 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with polices DP20 and DP31 of the District Plan.

## SUMMARY OF REPRESENTATIONS

### Original plans

8 letters of objection:

- proposal conflicts with policy EG2 and EG2a in the East Grinstead Neighbourhood Plan and policy DP12 in the District Plan;
- proposal would result in severe congestion on the A264 and A22 and extant permission for access must be viewed in the light of new traffic evidence;
- every additional house will result in a cumulative and detrimental impact on the local traffic network;
- the changes to the kerb alignment at the junction between the Crawley Down Road and A264 are of extreme concern. The extension of the kerb into the junction will simply exacerbate the problem by narrowing the access and increasing the regularity with which vehicles mount the kerb;
- this and the neighbouring applications on the Copthorne and Crawley Down Roads all fall within Mid Sussex whilst the majority of infrastructure needs will have to be met by Felbridge Parish, Tandridge District and Surrey County Councils without the benefit of either S106 arrangements or council tax receipts;
- enabling this development would be in breach of the duty of neighbouring councils to co-operate under the Localism Act 2011;
- the local primary school only has a few spare places each year. This will therefore mean that families moving into the area will have to travel out of the area each morning for their children to attend the East Grinstead schools. This of course will add to the already unacceptable congestions;
- the area behind us has flooded on many occasions since 2001 and the wildlife has been severely affected;
- houses will overlook properties to the north;
- access should be obtained from the Birches to the south onto Imberhorne Lane;

East Grinstead Society: When 13/04364 was considered for this site we objected on traffic grounds as the site access is near a major junction between Crawley Down Road and A264. The site is also adjacent to Felbridge Primary School and will add to the traffic congestion at start/lunch/finish of the school day. The site will generate many journeys for secondary school children, shopping, health and other facilities. We see no reason to change our view that this application should be refused

### Amended plans

2 letters of objection:

- proposal conflicts with policy EG2 of the East Grinstead Neighbourhood Plan and would harm the character of the countryside;
- two applications are the subject of appeals with Tandridge District Council and an informed decision on this application cannot be made until the outcome of these appeals is known;
- removal of pinch point on access road would allow for faster traffic;
- will be intrusive on our pool and hot tub;

- no mention of what the boundary treatments will be

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **County Planning Officer**

Requires contributions towards education provision, libraries and TAD.

### **West Sussex County Council Lead Local Flood Authority**

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority.

### **West Sussex County Council Highway Authority**

No highway objection would be raised to the revised scheme.

### **Surrey County Council Highway Authority**

The CHA notes that this is a cross-border application with Mid-Sussex District Council; an appeal (APP/M3645/W/3153733) has been allowed upon the site in relation to a previous application (TA/14/0025), to which the CHA had recommended conditions but which the Local Planning Committee had issued a refusal. The conditions below mirror those found within the planning appeal.

The CHA notes that the application is for a similar level of development and that within the appeal statement the Planning Inspector noted that the highway impacts associated with the development would not be 'severe or of a significance that would indicate that as a reason to refuse permission' (Para 36, Appeal Decision). The CHA, in the two years since the appeal decision has been made (2016), noted that while the Felbridge Junction does continue to operate over capacity in the AM/PM peak, however the proposed development is indicated to add 8 vehicle movements in the AM period and 9 movements in the PM period, against an existing larger movement. The CHA acknowledges that the Felbridge Junction is operating over capacity, however this in itself is not a reason to refuse planning permission.

Recommends conditions be imposed on any permission granted.

### **Archaeological Consultant**

No objection subject to condition.

### **Sussex Police**

Would recommend changes to some of the rear garden footpaths to remove unobserved access paths.

### **Aerodrome Safeguarding Officer**

No objection.

### **Southern Water**

Requests a condition is imposed on any consent.

### **Tandridge District Council**

This Council wishes to OBJECT to the above referenced planning application.

This Council has commissioned recent traffic queue survey work which indicates that the Felbridge Junction is operating over capacity and the impacts of the proposed development in conjunction with other committed development in the area would cause severe residual cumulative impacts, contrary to the provisions of the National Planning Policy Framework.

### **Environmental Health Officer**

Recommends conditions to control noise for prospective occupiers and controls during the construction period.

### **Contaminated Land Officer**

No objection subject to condition.

### **Drainage Officer**

No objection subject to conditions.

### **Urban Designer**

I have no objections to this scheme. I would recommend conditions covering the articulation of plots 18, 20/21.

### **Housing Enabling & Development Officer**

The applicant is proposing a development of 32 dwellings which gives rise to an onsite affordable housing requirement of 30%. Due to the proximity to the District boundary, only 31 dwellings will be located within Mid Sussex which results in an affordable housing contribution of 10 units onsite. The application meets this requirement and the mix proposed comprises of 4 x 1 bed flats, 3 x 2 bed houses and 1 x 3 bed house for rent with 1 x 2 bed house and 1 x 3 bed house for shared ownership. This reflects our tenure split requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The applicant has located the affordable dwellings away from the boundary with the neighbouring site so as to avoid a concentration of tenure type in that location and to assist with the creation of an integrated community. A tenure blind approach to materials will also aid social integration.

## **Community Leisure Officer**

Requires contributions towards off site leisure provision.

## **Tree Officer**

No objection subject to conditions.

## **Felbridge Parish Council**

Very strongly object to this proposal. This proposal is contrary to policies EG2 and EG2a as well as DP12. This proposal offers no mitigation for the impact that it will have upon the Felbridge junction. Congestion at the A22/A264 junction at Felbridge 'is now severe'.

## **EAST GRINSTEAD TOWN COUNCIL COMMENTS**

### Original plans

Recommend Refusal: this development will add significant cumulative effect to the traffic on A264 and A22, EG5 of the EGNP will not support this application as the not making a severe impact has not been demonstrated. The development also appears to be overdevelopment as the properties look crowded in, poor design and not therefore compliant with EG3.

The Committee felt that there was no significant change to the application following their decision on 8th October. Recommend refusal: the development will add significant cumulative effect to the traffic on A264 and A22, EG5 of the EGNP will not support this application as not making a severe impact has not been demonstrated. The development also appears to be overdevelopment as the properties look crowded in, poor design and not therefore compliant with EG3.

### Amended plans

The Committee felt that there was no significant change to the application following their decision on 8th October. Recommend refusal: the development will add significant cumulative effect to the traffic on A264 and A22, EG5 of the EGNP will not support this application as not making a severe impact has not been demonstrated. The development also appears to be overdevelopment as the properties look crowded in, poor design and not therefore compliant with EG3.

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## **INTRODUCTION**

This application seeks planning permission for the demolition of 11A Crawley Down Road and erection of 32 dwellings, with associated infrastructure, parking and landscaping. The access into the site onto the Crawley Down Road and 11A Crawley Down Road are within Tandridge District Council. As such the proposal produces a net gain of 31 dwellings within the administrative area of Mid Sussex.



## RELEVANT PLANNING HISTORY

An application for the demolition of 11A Crawley Down Road and erection of 32 new dwellings and associated infrastructure (reference 13/04364/FUL) was reported to the planning committee on 26 June 2014. Members resolved to approve the application subject to the completion of a satisfactory planning obligation to secure the necessary affordable housing and infrastructure provision. The legal agreement was never completed and the application was withdrawn on 15 March 2017.

Planning permission has been granted on appeal for the demolition of 11a Crawley Down Road, the erection of 32 new dwellings and associated infrastructure at 11a Crawley Down Road. This extant permission relates to the development that is within the administrative boundary of Tandridge District Council. This appeal was allowed on 28 December 2016 and the planning permission remains extant. The Inspector who allowed the appeal noted that *'The application as described in the heading above was for 32 new dwellings, following demolition of the dwelling at 11A Crawley Down Road. In fact, the same application had been made to both Tandridge District Council and Mid Sussex District Council as the complete site falls across both Councils' jurisdictions. The front of the site including number 11A and a single replacement dwelling, together with the access onto Crawley Down Road falls within the Tandridge District Council area, whereas the remaining 31 dwellings are sited to the rear within the Mid Sussex District Council area.'*

It is also relevant that planning permission has been granted for development to the east and west of the application site. The full details of these permissions will be set out later in this report. In summary planning permission has been granted by MSDC for 26 dwellings to the east of the site under reference DM/16/5502 and planning permission has also been granted by MSDC for 63 dwellings to the west of the site under reference DM/17/2570.

## SITE AND SURROUNDINGS

The site is a broadly rectangular parcel of land located to the rear of numbers 1 to 11 Crawley Down Road in Felbridge. It is some 135m in depth and some 100m in width. It is laid to grass and has been cleared of trees. There is a slight fall in levels from north to south. The site includes 11A Crawley Down Road which is a bungalow.

To the north of the site are the residential properties numbers 1 to 11A on Crawley Down Road. These properties are of a variety of styles. There is some boundary screening along the northern boundary comprising trees and hedging. To the south there are trees and hedges along the boundary. It is possible to see through this planting to the Birches Industrial Estate beyond. To the east of the site there is a line of trees on the boundary and beyond this is the grassed area that has the benefit of the planning permission referred to above that was granted under reference DM/16/5502. To the west of the site there is a line of trees along the access track and a field laid to grass beyond this.

There are dwellings along the southern side of Crawley Down Road on either side of the site. There is a primary school to the northwest accessed from Crawley Down Road.

In terms of planning policy the site is within the countryside as defined in the DP.

## **APPLICATION DETAILS**

The plans show that 11A Crawley Down Road would be demolished and replaced with a new dwelling. The access into the site would be provided to the west of this replacement dwelling. This part of the scheme is not within Mid Sussex and is therefore not part of the application to be determined by Mid Sussex District Council.

The plans show that within the site the access road would go through the centre of the site and the proposed dwellings would be located to the east and west of this spine road. The proposal would contain the following mix of units:

### Market housing

2 x 1 bed flats  
1 x 2 bed house  
12 x 3 bed houses  
7 x 4 bed houses

### Affordable housing

4 x 1 bed flats  
4 x 2 bed houses  
2 x 3 bed house

The plots on 28 to 31 would be houses. The houses on plots 28 and 29 would turn the corner as the access road turns into the site. Plots 1 to 3 would be houses with dormers on their front (west) elevations.

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On the western side of the site there would be a parking court to the rear of units 26 and 27. This would provide car parking for the pair of semidetached houses (units 22 to 25) that are located in the south-western side of the site. Also in the south-western corner of the site there would be a further car parking area to serve the terrace of houses on plots 17 to 19.

At the southern end of the site there would be a landscaped area.

Units 13 and 14 at the southern end of the site would comprise flats above garages (FOGS). Units 15 and 16 and 11 and 12 would be semidetached houses on the eastern end of the site. There would a car parking court on the eastern side of the site serving units 11 and 12 and the houses on plots 8 to 10. In the north-eastern part of the site units 4 and 5 would be a FOG.

The external materials of the proposed dwellings would feature a mixture of brick (red multi and yellow), render, half render, tile hanging, slate roof tiles and red plain

roof tiles. The access roads and parking areas within the site would be a mixture of tarmac and block paving.

The affordable housing units on the site would be located at the southern end of the site and would comprise units 11 to 21.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP12 Protection and Enhancement of the Countryside
- DP13 Preventing Coalescence
- DP21 Transport
- DP26 Character and Design
- DP29 Noise, Air and Light Pollution
- DP30 Housing Mix
- DP31 Affordable Housing
- DP37 Trees, Woodlands and hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage

### **Neighbourhood Plan**

East Grinstead Neighbourhood Plan (EGNP). This plan was made in November 2016 and forms part of the development plan.

- EG2 Areas of Development Constraint
- EG2a Preventing Coalescence
- EG3 Promoting Good Design
- EG5 Housing Proposals
- EG7 Housing Mix and Density
- EG11 Mitigating Highway Impacts
- EG12 Car Parking
- EG16 Ashdown Forest Protection

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (July 2018)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an

environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

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

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

### *National Planning Policy Guidance*

### *Development Infrastructure and Contributions Supplementary Planning Document (SPD)*

### *Affordable Housing SPD*

## **ASSESSMENT**

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

- The principle of development;
- Coalescence
- Design and impact on character of area
- Noise
- Neighbour amenity
- Highways
- Ecology
- Flood risk
- Affordable Housing
- Infrastructure provision
- Ashdown Forest
- Archaeology
- Planning balance and conclusion

## Principle of Development

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

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

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

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

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

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The "in accordance" determination is one in accordance with the development plan when read as a whole.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the DP (2018) and the East Grinstead Neighbourhood Plan (EGNP) (2016).

Policy DP6 in the DP relates to the settlement hierarchy in the District. It states

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

*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

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

*The developer will need to satisfy the Council that:*

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

Whilst the northern and southern boundaries of site are contiguous with the built up area boundary of East Grinstead the proposal is for more than 10 dwellings. As such the proposal would be contrary to policy DP6.

Policy DP12 of the DP seeks to protect the character of the countryside. It states:

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

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

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

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

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

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

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

Policy DP15 in the DP allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are permitted under policy DP15.

Policy EG2 of the Neighbourhood Plan applies a presumption in favour of certain types of development in the areas of development constraint, namely: the sympathetic conversion of redundant rural buildings, limited small scale new development (agriculture and sports/recreation) and extensions to existing buildings. The policy does not obviously apply to proposals not falling within those specified types of development. At best, it might be said that Policy EG2 provides no support for the proposal; but equally, it does not weigh against the proposal.

The most relevant and overarching policy in respect of housing is EG5 of the Neighbourhood Plan. This policy states that:

*'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.'*

Policy EG5 is permissive in nature and the principle of housing development is not constrained by the location of development (i.e. whether it is within or outside the built up area boundary). Policy DP12 of the DP has a more restrictive approach and there is therefore conflict with the adopted spatial strategy of the DP. It is important to take account of the law and Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that 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 - in this case the DP. Therefore only limited weight can thus be given to policy EG5 in support of the application.

In light of the above, it is considered that the proposal would be contrary to the policies DP6, DP12 and DP15 in the DP because the proposal is for a large scale major development of residential development outside the built up area of East Grinstead and the site has not been allocated for development. As such it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning history of both the site itself and the adjoining sites to the east and west are relevant to an assessment about the principle of this proposal.

An application for the demolition of 11A Crawley Down Road and erection of 32 new dwellings and associated infrastructure (reference 13/04364/FUL) was reported to the planning committee of MSDC on 26 June 2014. Members resolved to approve the application subject to the completion of a satisfactory planning obligation to secure the necessary affordable housing and infrastructure provision. The legal agreement was never completed and the application was withdrawn on 15 March 2017. This application was assessed against a different planning policy background and different national guidance. As such the previous resolution of MSDC to approve this application can be afforded limited weight in the determination of this application.

Of more relevance and greater weight in determining this application is the fact that there is a planning permission for the access into the site, which was granted by the Planning Inspectorate. This appeal was allowed on 28 December 2016 and the planning permission remains extant. As such it is established that if MSDC were to grant planning permission for this development there is an approved access to the site in place so it would be possible to implement the planning permission.

It is also a material planning consideration that MSDC has granted planning permission for 26 dwellings to the east of the site (reference DM/16/5502) and 63 dwellings to the west of the site (reference DM/17/2570). As such MSDC has accepted the principle of both of these sites being redeveloped for residential purposes and the resulting change in the character of the area. It is however unclear as to whether these consents can be implemented because the access to both sites is within Tandridge District Council (TDC) and TDC have refused applications for the access into the sites on highways grounds. Appeals have been lodged against both of these decisions and TDC are awaiting confirmation from the Planning Inspectorate about the method by which the appeals will be determined.

It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. In this particular case the site is already bounded by the built up area of East Grinstead on two sides (north and south). Therefore even without the two consents either side of the site being implemented, it is felt that impact of the proposed development on the open countryside would be limited. If the two planning permissions either side of the site are implemented, then the application site would be bounded by development on all four sides.

Taking all of the above into account, it is considered that whilst there is a conflict with policy DP12 as the site is within the countryside as defined by the DP, the weight to



be afforded to this conflict is reduced in this particular case because of the site specific circumstances outlined above, namely that the site is an enclave of countryside bounded by development on two sides and planning permission has been granted by MSDC for development either side of the site.

## **Coalescence**

Policy DP13 in the DP seeks to prevent coalescence between settlements. It states:

*'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'*

*'Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.'*

*'Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.'*

The District Plan does not define strategic gaps on any policy maps. It is the role of Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in policy DP13. Policy EG2A in the EGNP states:

*'Planning permission will not normally be granted for development which:*

- 1) Results in the coalescence of East Grinstead with Crawley Down or Ashurst Wood;*
- 2) Results in the perception of openness being unacceptably eroded within this area; or*
- 3) Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.'*

It is not considered that the proposal conflicts with the above policies. With regards to policy EG2A in the EGNP, if permitted there would be a distance of 1.3km between the built up area boundary of Crawley Down and East Grinstead. It is also relevant to note that the built up area boundary of East Grinstead extends some 820m westwards of the application site. In addition, the site is behind an established line of houses on the Crawley Down Road. As such part 1 of the above policy would not be infringed.

It is not considered that the perception of openness would be unacceptably eroded in the area. The site is behind the houses on the Crawley Down Road and therefore there are limited public views of the site.

The proposal is not isolated and is not a linear form of development as it is located behind an established line of houses on the Crawley Down Road. As such part 3 of the above policy would not be infringed.

### **Design and impact on character of area**

Policy DP26 in the DP 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.'*

Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Paragraph 117 of the NPPF states in part *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Paragraph 122 of the NPPF states '*Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

It is considered that the overall design approach that has been adopted in the proposal is sound. The layout of the dwellings is organised around a defined street and the larger areas of car parking are arranged so that the development is not dominated by car parking. It is considered that the treatment of the elevations is satisfactory and there is no conflict with either local or national policy on this point. The open spaces within the site are well over looked and the layout of the buildings arranged around the street helps to enclose the space. The houses would meet the national dwelling space standards. The Councils' Urban Designer has no objection to the scheme. The minor points of detail regarding the first floor window on the front elevation of plot 18 and the replication of plots 15 and 16 can be addressed by a planning condition. The aim of this would be to secure a larger first floor window on plot 18 and to have plots 15 and 16 as a mirror image of one another.

The density of the development within Mid Sussex is some 30 dph. This complies with the requirements of policy EG7 in the EGNP.

In light of all the above it is considered the application complies with policies DP26 and DP27 of the DP and policy EG3 of the EGNP.

## **Crime Prevention**

Section 17 of The Crime & Disorder Act 1998 places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. In the main, the development has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked,

In their consultation comments Sussex Police were satisfied with the overall layout of the site but did make some detailed comments in relation to some of the rear garden footpaths. The applicants have responded to these comments and have made a number of amendments to the proposed layout. Specifically the following changes have been made:

- the pathway behind plot 19 has been removed
- the rear gate to plot 12 has been relocated to the front of the unit;
- the rear gate for plot 7 has been replaced with a front gate so the rear access for plots 8 and 9 are now no longer unobserved

- the access gate for plot 5 has been moved to the front of the dwelling (to accommodate this change it will be necessary for the car parking space for plot 6 to be moved slightly northwards and this can be secured by a planning condition)

With these changes it is considered the layout is satisfactory from a crime prevention perspective.

## **Sustainable Design**

Policies DP39 and DP42 in the DP seek to promote sustainable design and limit water usage. The applicants have provided a Sustainability Statement with their application. In summary the applicants have stated that the design of the buildings would achieve a high level of fabric efficiency, a site waste management plan would be employed to reduce site waste and the proposal would reduce water consumption to less than 110 litres per day. It is considered that the application would comply with policies DP39 and DP42 of the DP.

## **Noise**

In relation to noise, policy DP29 states *'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

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

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

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

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

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

In this case the main sources of noise would be the roads to the north and the industrial estate to the south of the site. The northern boundary of the site is some

65m from the Crawley Down Road and Copthorne Road. To the south the house on plot 16 would be some 30m away from the industrial unit at 5 The Felbridge Centre.

The Council's Environmental Health Officer (EHO) has recommended that a planning condition should be imposed to ensure that prospective occupiers of the proposed dwellings are properly protected from noise. It is considered that there is no reason why it should not be possible to satisfactorily address this issue. At the northern end of the site the new dwellings would be located behind a line of existing houses that front onto the roads to the north. There are existing residential properties in the vicinity of the site that are closer to the industrial units at The Felbridge Centre than is proposed on this application (for example 6 Standen Close is some 26m from Unit 11 The Felbridge Centre to the west).

It is therefore considered that with a noise condition in place the application would comply with policy DP29 of the DP.

### **Neighbour amenity**

Policy DP26 seeks to ensure that new 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.

The houses on plots 29 to 31 would have their front elevations facing northwards towards the properties on Crawley Down Road. The distance between these properties would be some 43m at their closest point. The house on plot 1 would have its side elevation some 38m from the nearest property on Crawley Down Road. It is considered that at these distances the proposal would not cause a significant loss of amenity to the occupiers of the existing properties on Crawley Down Road.

11 Crawley Down Road has a swimming pool on their rear boundary. The front elevation of the houses on plots 30 to 31 would be some 19m from the rear boundary with 11 Crawley Down Road. At this distance it is not considered that there would be a significant loss of amenity to 11 Crawley Down Road in terms of the proposed houses being over bearing or causing significant overlooking.

Concerns have been raised regarding the proposed boundary treatment around the site. The details of this can be controlled by a planning condition. It is anticipated that the boundaries on the site would be timber fencing and/or brick walls. Such boundary treatment would be appropriate to both secure the site and in relation to the impact on the character of the area.

The replacement dwelling on plot 32 is within Tandridge District Council. As such it is a matter for Tandridge DC to assess the impact of the proposed access road on the amenities of this replacement property.

### **Access and Highways**

Policy DP21 in the DP states

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

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

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

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

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

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

The site is within a 500m walk from the centre of Felbridge. The nearest bus stops are some 250m away on the Crawley Down Road. The town centre of East Grinstead is some 2.5km away. East Grinstead is defined as a category 1 settlement in the DP, providing a comprehensive range of employment, retail, health, education and leisure services. It is therefore considered that the site is in a sustainable location with good access to local services and facilities.

The proposed access point on Crawley Down Road would be positioned to the west of the replacement dwelling at 11a Crawley Down Road. The plans show a T junction onto the highway. The crossover to the site is within Tandridge District Council and these works have the benefit of an extant planning permission.

The application is accompanied by an Access Statement. The access to the public highway is within Tandridge District Council. This has been approved on appeal by the Planning Inspector. In light of these points, it is not considered that it would be appropriate for this authority to make an assessment of the merits of this access in terms of its layout since it is not within Mid Sussex and it has the benefit of an extant consent. It is however appropriate to make an assessment in relation to the impact of the proposal on the wider highway network and also to assess the sites sustainability in relation to transport matters.

The applicants have provided trip generation figures for the development that indicate 5 arrivals and 13 departures in the AM peak and 12 arrivals and 7 departures in the PM peak. Objections to this application have been raised on highway grounds by individuals around the site, the Town Council, Felbridge Parish Council and Tandridge District Council. The concern relates to the cumulative impact that this proposal would have on the road network, which already suffers from congestion at peak times.

The test within development plan policy and the NPPF is whether the residual cumulative impacts on the road network would be severe. Given the level of vehicular movements that would be generated by this proposal compared with the daily movements on the surrounding road network, it could not be argued that this development in itself would result in a severe impact. The question is whether given the existing congestion that occurs at peak times on the surrounding road network, in particular at the Copthorne Road/London Road junction and the Crawley Down Road/Copthorne Road junction, the cumulative impact of adding an additional net 31 dwellings to the road network would result in a severe impact as defined in policy DP21 and the NPPF.

There is no definition within the NPPF as to what "severe" means in terms of the impact on the road network. It is considered that significant weight should be afforded to the views of both Surrey County Council and West Sussex County

Council as the respective highway authorities because they are the statutory body with responsibility for the road network within their respective counties. In this case neither Highway Authority objects to the planning application in relation to the cumulative impact of the proposed development on the highway network.

It is considered that the views of the Inspector who allowed the appeal for the access works in Tandridge in December 2016 for the same quantum of development as is applied for now are a material consideration in the determination of this appeal. The Inspector stated *'It is not disputed that the Felbridge junction of the A264 and A22 is subject to peak time congestion, but the development will add only 8 vehicles to the flow of traffic in the morning peak and 9 in the afternoon peak, against a background of 2,500 vehicles in a peak hour. The appellant's conclusion that this is not a significant increase is concurred with now. On that analysis it is not for this development to deliver improvements to mitigate an already existing situation. That stance is agreed with by both the Surrey Highway Authority and that in West Sussex.'*

*'In particular Surrey stated in response to the application that they 'acknowledge that the A264/A22 junction is operating over capacity at certain parts of the day, as do many junctions in the County. This in itself is not a reason to resist development, as there are existing problems and issues with the junction and the percentage impact of any given development is assessed on an individual basis. On larger Transport Assessment sized schemes an 'on balance' judgement has to be made on all aspects of a planning application, of which the capacity of one junction plays a part. Any mitigation brought about by development needs to be directly related to the proposed development and at a proportionate scale. New development cannot be made to entirely mitigate against [sic] existing issues on the transport network and the impact of development must be considered severe in order to justify any reason for refusal.'*

The Inspector went on to conclude as follows:

*'The site is in a sustainable, accessible location with buses passing the site and more frequently passing along the A264 linking the site with employment, transport and retail provision at East Grinstead and Crawley. It would be possible to make many trips without recourse to the private vehicle, in line with Government policy. One of the core planning principles set out in the Framework is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'*

*'To conclude on this issue, the effects of the development are not severe and in accordance with the guidance in paragraph 32 of the Framework, the development should not be prevented or refused on transport grounds.'*

Whilst there have been additional consents issued since this decision was made which would add further traffic to the highway network, it is considered that the underlying reasoning of the Inspector remains valid. It remains the case that given the number of vehicles on the network (stated as being some 2,500 vehicles in a peak hour at the Felbridge junction of the A264 and A22 in 2016) the proposal would



not add a significant amount of vehicles to the flow of traffic on the morning and evening peaks.

In light of all the above it is your officers view that it would not be a sustainable conclusion to say that this development resulted in a severe cumulative impact on the highway network. On this basis it is considered there is not a conflict with policy EG11 in the EGNP, policy DP21 in the DP or the guidance in the NPPF.

With regards to the internal road layout within the site, the applicant's access plan showed two pinch points on the access road to the south of the replacement dwelling at 11A Crawley Down Road. The Highway Authority has advised that these are not necessary and should be removed. The carriageway layout will act to reduce vehicle speeds rather than necessitating additional features. The removal of these features can be controlled by a planning condition.

In relation to car parking the scheme provides 60 allocated parking spaces, 10 visitor spaces and 10 garages. Cycle parking for the development will be provided with at least one space for all one and two-bedroom dwellings, and 2 spaces for three or more bedroomed dwellings. The garages provided will meet the minimum internal dimensions of 6m x 3m to allow for the storage of a vehicle and bicycles. The gardens of the dwellings allow for the secure storage of bicycles in sheds.

The Councils minimum indicative car parking standards as set out on the Development Infrastructure and Contributions SPD are for 1 space per one bed dwelling, 2 spaces per 2/3 bed dwelling and 3 spaces per 4 bed dwelling. Using this there would be a requirement for 65 car parking spaces. The proposed development would comply with these requirements.

The provision of cycle parking within the scheme can be secured by a planning condition.

It is therefore considered that in relation to cycle and vehicle parking the scheme complies with policy EG11 of the EGNP and policy DP21 of the DP.

## **Ecology**

Policy DP38 in the District Plan seeks to protect and enhance biodiversity.

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 170 of the NPPF states:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

Paragraph 175 of the NPPF states:

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

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

An elevated bat tree inspection and a suite of reptile presence/likely absence surveys have been undertaken by the applicants and are available on file for inspection.

No reptiles were recorded during any of the survey visits in 2018. The applicants report notes that the site should still be cleared sensitively as reptiles have been recorded there in the past and may still be present in small numbers which were not picked up during the surveys in 2018. There is also a high likelihood that the Site will support small mammals such as bank vole, field vole and mouse species. As such the report recommends a Reptile Mitigation Strategy for the clearance of the site. This can be secured by a planning condition.

With regards to bats, the report notes that the broken limb on the tree (T2) does not support any suitable roosting features for bats. No further surveys are required and the limb can be removed without ecological supervision.

To the southwest corner the site adjoins an area on ancient woodland. To the south of units 17 to 19 there would be a landscaped area some 15m in depth that would act as a buffer between the new houses and the ancient woodland. This area would include a small area of the watercourse that runs alongside the southern boundary of the site.

The Councils Ecological Consultant has assessed the information provided by the applicant and has raised no objection to the application subject to the imposition of conditions to control the clearance of the site and the long term maintenance of areas around the boundary of the site. It is considered that such conditions are reasonable and necessary. The landscaped area and other open spaces within the site that are not within the domestic curtilage of individual properties would need to be managed by a management company in the future and it would be appropriate for the LPA to secure these details via a planning condition. With this in place the application would comply with policy DP38 in the DP and the above guidance in the NPPF.

## **Drainage**

Policy DP41 in the DP seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

## Surface water

The Environment Agency's (EA's) Risk of Flooding from Surface Water mapping shows that the site lies within an area at 'very low', 'low' and 'medium' risk of surface water flooding. This flood risk appears to form part of a flow route from the north and east to the south west of the site.

It is proposed that surface water runoff will be attenuated via lined permeable paving, prior to discharge at the QBAR greenfield rate to Felbridge Water to the south of the site. The onsite drainage system maintenance will be carried out by a private management company through the implementation of an approved maintenance management plan.

The Council's Drainage Engineer has no objection to the proposed method of surface water drainage for the site. The details of this can be controlled by a planning condition to comply with policy DP41 of the DP.

## Foul Drainage

It is proposed that the development will discharge foul water drainage to two public foul sewers. Flows within the northern extent will be conveyed to the existing public foul sewer to manhole 9501. Foul drainage in the remaining area of the site will be conveyed to the public sewer to the south west of the site to manhole 9402.

The Council's Drainage Engineer has no objection to the proposed method of foul drainage for the site. The details of this can be controlled by a planning condition to comply with policy DP41 of the DP.

## **Housing mix**

Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. It is considered that the housing mix is reasonable and would comply with policy DP30. The scheme provides more than 20% small family accommodation in the form of 2 and 3 bed dwellings as required by policy EG7 in the EGNP.

## **Affordable Housing**

Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. Policy DP30 in the District Plan seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

The proposal would provide a policy compliant level of 10 affordable houses. The mix proposed comprises of 4 x 1 bed flats, 3 x 2 bed houses and 1 x 3 bed house for rent with 1 x 2 bed house and 1 x 3 bed house for shared ownership. The affordable houses are located at the southern end of the site. The guidance in the Council's SPD on affordable housing seeks to have affordable housing well integrated within sites and avoid clusters of more than 10 affordable dwellings as a general rule. In

this case the location of the affordable housing avoids a larger concentration of affordable housing types with the neighbouring site.

The Councils Housing Enabling & Development Officer has no objection to the application. It is considered the proposal complies with policy DP31 and the provision of affordable housing should be afforded significant positive weight in the planning balance.

## **Infrastructure**

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the DP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

The NPPF sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

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

West Sussex County Council requires the following infrastructure contributions:

Education: Primary £104,390  
Education: Secondary £112,345  
Education 6th Form £26,318  
Libraries £10,324  
TAD £98,537

## District Council Infrastructure Requirements:

Play: £27,617

Kickabout: £23,199

Formal Sport: £34,939

Community Buildings: £20,039

Local community infrastructure: £22,929

It is considered that the above contributions meet the CIL Regulations and policy DP20 and will appropriately mitigate the impact of the development. As Members will know developers are only required to mitigate the impact of their development, they are not required to address any existing infrastructure deficiencies.

## **Impact on Ashdown Forest**

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

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £69,362 and if the approved scheme provides for a strategic SANG contribution, this would be £48,321.

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

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

The financial contribution to SAMM is to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two

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

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

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

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

1. The NPPG is guidance not law.

2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.

3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.

4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

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

The Planning Obligation securing the SAMM contribution is being progressed, and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the District Plan.

## **Archaeology**

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

The application is accompanied by a desk based assessment (DBA) of the site to consider its below ground archaeological potential. The report notes that the site is identified as having a low archaeological potential for all past periods of human activity. Evidence of historic agricultural use could conceivably be present, though such evidence would be of local significance only. The Council's Archaeological



Consultant has advised that a planning condition would be appropriate to conserve any archaeological interest of the site. With such a condition in place the application complies with policy DP34 of the DP.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and the EGNP.

The application site lies in countryside, outside the built up area of East Grinstead and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of East Grinstead.

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, DP17 Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC), DP20 Securing Infrastructure, DP21 Transport, DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage), EG2a (Preventing Coalescence), EG3 (Promoting good design), EG5 (Housing), EG7 (Housing mix and density), EG11 (Mitigating highway impact), EG12 (Car parking) and EG16 (Ashdown Forest Special Area of Conservation and Special Protection Area).

Notwithstanding the compliance with some policies, it is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the NPPF.

It is considered that there are other material considerations, specific to this site that are relevant to this application. These include:

- the fact that there is an extant planning permission for 26 dwellings to the east of the site
- the fact that there is also an extant planning permission for 63 dwellings to the west of the site
- there is an extant planning permission granted on appeal for the vehicular access into the site (which is within the administrative boundary of Tandridge District Council)
- The contribution the development would make to the Council's housing land supply. Whilst the Council currently has a 5 year housing land supply, a clear aim of National Government Policy is to significantly boost the delivery of housing, and this proposal would help maintain the current position.

The proposal would deliver a net gain of 31 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable.

At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 1 settlement which would accord with the aim of the NPPF to significantly boost housing delivery.

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Pre commencement**

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

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

3. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A method statement and protection plan setting out precautionary measures to avoid harm to wildlife and protect adjacent wildlife habitats; and

Details of habitat enhancement and long-term management of land along the western and southern boundaries, including arrangements for funding and delivery of ongoing management. This shall ensure provision of complementary habitat for the watercourse and adjacent woodland.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the Mid Sussex District Plan 2014-2031 and paragraph 175 of the NPPF.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: In order to ensure that archaeological features and artefacts on the site will be properly recorded before development and to comply with Policy DP34 of the Mid Sussex District Plan 2014-2031.

5. No development shall commence until details of the means of disposal of foul water have been submitted to and approved in writing by the LPA in conjunction with Southern Water. Details shall include arrangements for adoption and/or any other arrangements to secure the operation of the foul drainage throughout the lifetime of the development. No dwelling hereby permitted shall be occupied until all foul drainage works have been carried out 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 District Plan 2014 - 2031.

6. No development shall commence until details of the means of disposal of surface water have been submitted to and approved in writing by the LPA. The surface water drainage shall include the use of Sustainable drainage systems and the submitted details shall:

- a) demonstrate that the surface water drainage system will be able to cater for a 1 in 100 year storm event + 40% climate change volumes and that the discharge into the stream known as Felbridge Water will be restricted to the Greenfield Run-off rate for the Q1 storm event which is detailed as being 5.7l/s (as detailed in the Non-statutory Technical Standards for SuDS);

- b) include evidence of the groundwater levels beneath the site to ensure that the drainage design will not be adversely affected by groundwater or affect the condition of the receiving aquifer;

- c) ensure that there is an 8m buffer zone clear of development adjacent to the Felbridge Water watercourse measured from the top of the bank of the stream;

- d) include a flood flow routing plan that indicates the effect of the development on fluvial (river) and pluvial (surface water) flows. This should include the proposed exceedance flows for an extreme storm event;

e) ensure no residential development is located within areas of high surface water flood risk, and all residential development on site to incorporate flood resistant and resilience measures.

f) include a timetable for the implementation of the surface water drainage system and watercourses and a management and maintenance plan which shall include arrangements for adoption and/or any other arrangements to secure the operation of the surface water drainage throughout the lifetime of the development.

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

7. 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 Policy DP21 of the District Plan 2014 - 2031 and policy EG11 of the Neighbourhood Plan.

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

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

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible;

the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 178 of the NPPF.

9. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 178 of the NPPF.

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

information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 178 of the NPPF.

11. Prior to works commencing on car parking space number 6 as shown on the site plan, an amended plan shall be submitted to the Local Planning Authority for their written approval showing this space moved northwards to allow for better access to the side path around unit 5. The scheme shall be implemented in accordance with these approved details.

Reason: To secure a high quality layout and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy EG5 of the Neighbourhood Plan.

12. Prior to works commencing on the access road within the site, an amended plan shall be submitted to the Local Planning Authority for their written approval showing the removal of the chicane features on the access road. The scheme shall be implemented in accordance with these approved details.

Reason: In the interests of highway safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy EG11 of the Neighbourhood Plan.

13. No construction works above slab level on the dwellings hereby permitted shall be carried out, unless and until a schedule (and where so required samples) of materials and finishes and to be used for external walls and roofs, windows and doors of the proposed buildings have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

14. Prior to works commencing on plot 18 an amended plan shall be submitted for the written approval of the Local Planning Authority showing a revised front elevation with a larger window at first floor level above the front. The scheme shall be implemented in accordance with the approved details.

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

15. Prior to works commencing on plot 15 an amended plan shall be submitted for the written approval of the Local Planning Authority showing this dwelling being handed so that it is a mirror image of unit 16.

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

### **Construction phase**

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

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

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

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 comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

### **Pre occupation**

19. No dwelling shall be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, and these works shall be carried out as approved. Details to be submitted shall include existing and proposed contours and finished level; vehicle and pedestrian access, parking and circulation areas, hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); identification of all existing trees and hedgerows on the land, with details of those that are to be retained, together with measures for their protection during the course of development. Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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

20. No dwelling shall be occupied until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, finishes and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy EG3 of the Neighbourhood Plan.

21. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide the appropriate level of car-parking space for the development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy EG11 of the Neighbourhood Plan.

22. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the 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 2014 - 2031.

23. Before the dwellings hereby permitted are occupied space for storage of refuse and recycling bins shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To ensure adequate provision is made for refuse and recycling and to safeguard the appearance of the development and the amenities of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

24. No dwellings on the site shall be occupied until the off site highway works that have been approved by Tandridge District Council under their planning application reference number TA/2014/25 have been provided.

Reason: In the interest of highway safety and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

25. Prior to the occupation of any of the dwellings hereby permitted, details of the open space and landscaped amenity areas within the site and measures for their future maintenance shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be implemented and then maintained thereafter in accordance with these approved details.

Reason: To ensure a high quality development and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy EG3 of the Neighbourhood Plan.

### **Post occupation**

26. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with



other of similar size and species, unless the local planning authority gives written approval to any variation.

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

### **Approved plans**

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

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

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Floor and Elevations Plan	GM36-P15	unit 13,14	20.07.2018
Proposed Floor and Elevations Plan	GM36-P117	unit 17,18,19	20.07.2018
Proposed Floor and Elevations Plan	GM36-P18	unit 20,21	20.07.2018
Proposed Floor and Elevations Plan	GM36-P11	unit 4,5	20.07.2018
Proposed Floor and Elevations Plan	GM36-P14	unit 11,12	20.07.2018
Proposed Floor and Elevations Plan	GM36-P19	unit 22,23	20.07.2018
Proposed Floor and Elevations Plan	GM36-P21	unit 26,27	20.07.2018
Proposed Floor and Elevations Plan	GM36-P22	unit 28,29	20.07.2018
General	GM36-P02	EXTERNAL WORKS	20.07.2018
Sections	GM36-P04	PROPOSED	20.07.2018

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

As per East Grinstead Town Council Planning Committee meeting held on 8th October 2018:- Recommend Refusal: this development will add significant cumulative effect to the traffic on A264 and A22, EG 5 of the EGNP will not support this application as the not making a severe impact has not been demonstrated. The development also appears to be overdevelopment as the properties look crowded in, poor design and not therefore compliant with EG 3.

### **Parish Consultation**

As per East Grinstead Town Council Planning Committee meeting held on 10th December 2018, the following observations were made:- The Committee felt that there was no significant change to the application following their decision on 8th October. Recommend refusal: the development will add significant cumulative effect to the traffic on A264 and A22, EG5 of the EGNP will not support this application as not making a severe impact has not been demonstrated. The development also appears to be overdevelopment as the properties look crowded in, poor design and not therefore compliant with EG3.

## County Planning Officer

### Summary of Contributions

<b>Education</b>			
Locality	East Grinstead		
Population Adjustment	71.4		
	Primary	Secondary	6th Form
Child Product	0.8322	0.8322	0.4494
Total Places Required	5.8253	4.1609	0.8988
<b>Library</b>			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£10,324		
Population Adjustment	65.5		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	31		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	71.4		
Net Parking Spaces	78		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£104,390
<b>Education - Secondary</b>	£112,345
<b>Education - 6<sup>th</sup> Form</b>	£26,318
<b>Libraries</b>	£10,324
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£98,537
<b>Total Contribution</b>	<b>£351,915</b>

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

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

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

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

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

The calculations have been derived on the basis of an increase in 31 Net dwellings and an additional 78 car parking spaces.

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

#### 5. Deed of Planning Obligations

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

b) The deed would provide for payment of the financial contribution upon commencement of the development.

c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

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

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

The contributions generated by this proposal shall be spent on the replacement of temporary accommodation with permanent facilities at Halsford Park Primary School.

The contributions generated by this proposal shall be spent on the replacement of temporary accommodation with permanent facilities at Imberhorne School.

The contributions generated by this proposal shall be spent on small scale improvements at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be spent on the redevelopment of the library to increase space (Conservatory and Reading Garden) at East Grinstead Library.

The contributions generated by this proposal shall be spent on a new/improved bus infrastructure that will offer a positive bus corridor enhancement in Felbridge.

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

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

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

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

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

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

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

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

#### **School Contributions = TPR x cost multiplier**

##### **a) TPR- Total Places Required:**

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

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

Year groups are as below:

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

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

**Child Product = Adjusted Population x 14 / 1000**

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

b) Cost multiplier- Education Services

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

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

2. Library Infrastructure

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

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

**Contributions = SQ M Demand x Cost Multiplier**

a) Square Metre Demand

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

**Square Metre Demand = (Adjusted Population x LFD) / 1000**

b) Cost Multiplier- Library Infrastructure

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

3. TAD- Total Access Demand

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

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

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

**Infrastructure contributions** = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

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

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

**West Sussex County Council Lead Local Flood Authority**

West Sussex County Council (WSCC), 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 and advice.

**Flood Risk Summary**

Modelled surface water flood risk	Low risk
<p>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although the western and southern boundary of the site is shown to be at higher risk.</p> <p>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.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>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.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water 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.</p>	

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse either within the boundary of the site or adjacent to the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting an ordinary watercourse will require ordinary watercourse consent.</p>	

### **Future development - Sustainable Drainage Systems (SuDs)**

The FRA for this application proposes that sustainable drainage techniques (permeable paving with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. If infiltration can be proved not to be feasible, this method would in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is 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.

### **Highway Authority**

The site is cross boundary with the access and a length of access road lying within Tandridge District Council/Surrey County Council. All of the proposed dwellings and the remainder of the internal layout is within West Sussex County Council. The comments here are made in respects of the internal arrangements. SCC should be consulted regarding the highway impacts of those aspects of the proposals that lie within Surrey.

It's noted that planning applications have been submitted previously for this site and it appears that there is an extant consent in place (for that part of the site within Tandridge at least). In highway terms WSCC has not objected previously on highways or transport ground. In light of the extant consent, there are no in principle objections to the scheme now presented.

Although the site is cross boundary, traffic generated can move east or west onto the different highway authorities road network. SCC will of course comment on the impact on their junctions. From a WSCC perspective, it's not expected that there will be any significant increase in traffic that does turn left from the development onto Crawley Down Road. In these respects, WSCC are satisfied that the development would not give rise to any severe traffic impacts.

The application form indicates that new adoptable roads are to be provided as part of the development. Adoption as highway is not a material planning consideration. However the layout has still been reviewed on this basis as elements of the site may need to be changed to make this suitable for adoption purposes.

With respects to highway adoption, the DfT have published the Inclusive Transport Strategy. As part of this, a recommendation is included that authorities pause the development of any shared surfaces that are currently at the design stage. LTN 1/11 that deals specifically with the design of shared surface areas has also been withdrawn. This pause is taken also as covering developments that include shared surfaces that are presently planning applications.

Effectively, WSCC will not consider suitable for adoption as public highway any new shared surface area. If the area is to be offered for adoption, the design should be altered so as to create a layout with segregated footways and carriageways or kept under private maintenance. This does not include any developments where planning consent or technical approval S38/S278 has been granted. Private roads constructed as shared surfaces are deemed acceptable providing they are designed appropriately. This position shall remain in effect until such a time as new guidance on the application of shared space has been provided by the Government.

For clarity, a shared surface is where a level surface is provided, and where the kerb between the road and the pavement is removed. If there is any kerb height proposed between the carriageway and footway this is not deemed to be a shared surface scheme.

It is noted that the scheme includes areas of shared surface. The applicant should note the above and if necessary revise the design accordingly if it is still desired for the internal layout to be adopted.



In all other respects, the layout accords with the broad principles of Manual for Streets 1 and 2. In saying this, the refuse tracking using the turning head south of plot 10 looks very tight. This is due mainly to the narrowed road width to the immediate north of this turning area. Given the strong likelihood of the kerb being over-run, the carriageway width should be widened through this narrowed section. The appropriate refuse collection team should also be consulted on the waste collection arrangements.

The proposed pinch points on the access road leading from Copthorne Road also appear unnecessary; the carriageway layout will act to reduce vehicle speeds rather than necessitating additional features. The siting of the pinch points so close to a bend where forward visibility is restricted is also not ideal. These features should really be removed.

The planning/design and access statement states that 80 car parking spaces are provided with this based on the WSCC Parking Demand Calculator. No outputs from the PDC are provided however. MSDC have also recently adopted a supplementary planning document (titled Development Infrastructure and Contributions). This sets out the MSDC adopted approach to car parking. The applicant should assess the proposed parking provision against this recently adopted SPD.

Notwithstanding the number of spaces, the location of unallocated visitor parking bays should be reconsidered. This is for two reasons; to make these more obvious and reduce the potential for these to be used by residents. For example, the bays to the rear of plot 26 could be grouped and marked appropriately together so as to make these more apparent. Those bays adjacent to plot 17 could be swapped those serving plot 19; the visitor bays in this location being closer to the dwelling entrances hence making these much more likely to be used by residents. The location of the parking for plots 13 and 14 directly outside plot 12 also appears poorly thought out.

In summary, and as stated above, there are no objections to the principle of development. There are though aspects to the layout, including the provision of shared surfaces, that should be reconsidered.

## **Surrey County Council Highway Authority**

### **Informative Note to the LPA:**

The CHA notes that this is a cross-border application with Mid-Sussex District Council; an appeal (APP/M3645/W/3153733) has been allowed upon the site in relation to a previous application (TA/14/0025), to which the CHA had recommended conditions but which the Local Planning Committee had issued a refusal. The conditions below mirror those found within the planning appeal.

The CHA notes that the application is for a similar level of development and that within the appeal statement the Planning Inspector noted that the highway impacts associated with the development would not be 'severe or of a significance that would indicate that as a reason to refuse permission' (Para 36, Appeal Decision). The CHA, in the two years since the appeal decision has been made (2016), noted that while the Felbridge Junction does continue to operate over capacity in the AM/PM peak, however the proposed development is indicated to add 8 vehicle movements in the AM period and 9 movements in the PM period, against an existing larger movement. The CHA acknowledges that the Felbridge Junction is operating over capacity, however this in itself is not a reason to refuse planning permission.

The Appeal has implemented the use of grampian condition by which to ensure that the kerb build-out is implemented prior to occupation, and that the line markings at the junction are altered. The CHA has included this within the conditions below and notes that this may be

undertaken via s278 agreement. Additionally, the inclusion of a CTMP is recommended and as such the LPA is required to provide notice in writing to the Applicant that if planning permission is granted this condition is intended to be imposed, or pre-authorisation from the applicant must be sought before recommending the imposition of this condition. The Validation requirements for planning applications needing the submission of a Construction Management Plan will provide this notice.)

### **Recommendation:**

The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

- 1) No part of the development shall be commenced unless and until the proposed vehicular / pedestrian access to Crawley Down Road has been constructed and provided with visibility zones in accordance with the approved plans (Dwg: 12-164-003H) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 2) The development shall not be occupied unless and until the proposed kerb build-out at the Crawley Down Road/Copthorne Road junction and the proposed road markings on Crawley Down Road have been construction and implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 3) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.
- 4) No development shall commence until a Construction Transport Management Plan, to include details of:
  - a) parking for vehicles of site personnel, operatives and visitors
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials
  - d) programme of works (including measures for traffic management)
  - e) HGV deliveries and hours of operation
  - f) vehicle routing for construction vehicles
  - g) measures to prevent the deposit of materials on the highway
  - h) measures to prevent deliveries at the beginning and end of the school day has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

### **Reason and Policy:**

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018. These conditions are required to meet the objectives of the NPPF (2018), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

### **Informatives:**

- 1) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the

highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

2) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

3) When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.

4) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

## **Archaeological Consultant**

### Recommend Archaeological Condition

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The planning application is not located within an Archaeological Notification Area (ANA), but does cover a sizable area of previously undeveloped land measuring 1.2ha and an Archaeological Desk Based Assessment was submitted in support of the planning application (CgMs 2018). The archaeological desk-based assessment provides an acceptable assessment of the archaeological potential of the planning application site and indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case it is considered a condition could provide an acceptable safeguard. If planning permission is granted, the archaeological interest should be conserved by attaching a condition as follows:

*No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.*

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works. The results of the trial trench evaluation will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope field evaluation should be agreed with our office and carried out by a developer appointed archaeological practice. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information.

This response relates solely to archaeological issues.

### **Sussex Police**

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways. Parking in the main has been provided with in-curtilage, garage & car barn parking. Overlooked bays and a number of on street parking bays, this arrangement should leave the street layout free and unobstructed.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres.

In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5metre high close board fencing topped with

300mm of trellis can achieve both security and surveillance requirements. This solution can provide surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. Such a gate will need to be introduced between plots 22, 23 & 24 and adjacent to plot 20. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Statistics have shown that rear garden footpaths can make properties vulnerable due to unobserved access to the rear of the property via the rear garden footpaths and I would like to recommend the following advice to rectify this. I feel that the number of vulnerable rear garden footpaths is excessive and can be reduced considerably by implementing the following;

- Remove the 2nd gate to the north of plot 21, extend the garden to plot 20 thus removing the vulnerable pathway behind plot 19, plot 19 already has a front gate.
- Relocate the present proposed rear gate to plot 12 and place it to the front of plot 12 and bring forward the gate to plot 15, thus removing a the vulnerable rear pathway.
- Remove rear gate of plots 8, introduce gate to rear of plot 7, introduce gate to front/side of plot 5, extend the gardens of plots 8 and 9 thus removing rear pathway.

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

I thank you for allowing me the opportunity to comment.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

### **Aerodrome Safeguarding Officer**

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

### **Southern Water**

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

No development or new tree planting should be located within 3.5 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Our initial investigations indicate that Southern Water can provide foul sewage 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.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructurecharges>

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

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

## Tandridge District Council

With reference to your consultation letter regarding the above application dated 12th September, this Council wishes to OBJECT to the above referenced planning application.

This Council has commissioned recent traffic queue survey work which indicates that the Felbridge Junction is operating over capacity and the impacts of the proposed development in conjunction with other committed development in the area would cause severe residual cumulative impacts, contrary to the provisions of the National Planning Policy Framework.

### Environmental Health Officer

#### Main Comments:

These comments have been revised to clarify a point of ambiguity.

The site is in a residential area, adjoining an industrial estate to the south with the busy A264 Cophorne Road approximately 85m to the north of the development.

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

The revised NPPF (2018) recognises the need to protect future residents from potential noise pollution and this is shown in paragraphs 170(e) and 180(a), which are reproduced below.

“170. Planning policies and decisions should contribute to and enhance the natural and local environment by...(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”

“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should... (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...”

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

#### Recommendation: Approve with Conditions

**Soundproofing:** The development shall not be occupied until it has been demonstrated that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be

achieved with windows closed, then the applicant shall implement alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period.

Reason: to protect the amenity of future residents.

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

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

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

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

No development shall take place until a **Construction Noise Management Plan** has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents

**Informative:**

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

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



## Contaminated Land Officer

### Main Comments:

The contaminated land GIS holds no information suggesting that the site has been subjected to potentially contaminative usage, however the site has been developed for more than 100 years, and the proposed end use is highly sensitive.

As such, any planning permission granted should have contaminated land conditions attached.

### Recommendation:

- 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A *desk study* report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites –code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;  
**and unless otherwise agreed in writing by the LPA,**
  - b) A *site investigation report* documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme ([MCERTS](#)) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;  
**and, unless otherwise agreed in writing by the LPA,**
  - c) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a *design report* and an *installation*

*report* for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sub>1</sub> to oversee the implementation and completion of the works.

- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
- a) Description of remedial scheme
  - b) as built drawings of the implemented scheme
  - c) photographs of the remediation works in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

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

## **Drainage Officer**

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is within an area identified as having possible surface water (pluvial) flood risk. There are not any 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.

### **Surface Water Drainage Proposal**

It is proposed that the development will manage surface water drainage through the use of attenuation before discharging to the Felbridge Water watercourse. The proposed system incorporates lined permeable paving providing attenuation for the 1 in 100 year storm event with 40% climate change allowance. The proposed discharge rate into the watercourse is 6.7l/s up to the 1 in 100 year storm event with 40% allowance for climate change.

### **Foul Water Drainage Proposal**

It is proposed that the development will discharge foul water drainage to two public foul sewers. Flows within the northern extent will be conveyed to the existing public foul sewer to manhole 9501. Foul drainage in the remaining area of the site will be conveyed to the public sewer to the south west of the site to manhole 9402.

### **Surface Water Drainage Consultation**

We acknowledge the applicant has proposed to limit discharge to the watercourse to the Greenfield QBar rate we will require the applicant to investigate the possibility of infiltration on the site.

Should discharge to the watercourse be found to be the most appropriate surface water drainage method we will require discharge to be restricted in accordance with the Non-statutory Technical Standards for SuDS.

Information into our requirements for foul and surface water drainage are included within the sections; 'surface water drainage advice' and 'further drainage advice'

### **Suggested Conditions**

We would prefer that conditions are separated so there is individual foul and surface water conditions. Our suggested wording for these is below.

#### **Foul Drainage Condition**

No development shall commence until details of the means of disposal of foul water have been submitted to and approved in writing by the LPA in conjunction with Southern Water. Details shall include arrangements for adoption and/or any other arrangements to secure the operation of the foul drainage throughout the lifetime of the development. No dwelling hereby permitted shall be occupied until all foul drainage works have been carried out in accordance with the approved details.

### **Surface Water Drainage Condition**

No development shall commence until details of the means of disposal of surface water have been submitted to and approved in writing by the LPA. The surface water drainage shall include the use of Sustainable drainage systems and the submitted details shall:

- a) demonstrate that the surface water drainage system will be able to cater for a 1 in 100 year storm event + 40% climate change volumes and that the discharge into the stream known as Felbridge Water will be restricted to the Greenfield Run-off rate for the Q1 storm event which is detailed as being 5.7l/s (as detailed in the Non-statutory Technical Standards for SuDS);
- b) include evidence of the groundwater levels beneath the site to ensure that the drainage design will not be adversely affected by groundwater or affect the condition of the receiving aquifer;
- c) ensure that there is an 8m buffer zone clear of development adjacent to the Felbridge Water watercourse measured from the top of the bank of the stream;
- d) include a flood flow routing plan that indicates the effect of the development on fluvial (river) and pluvial (surface water) flows. This should include the proposed exceedance flows for an extreme storm event;
- e) ensure no residential development is located within areas of high surface water flood risk, and all residential development on site to incorporate flood resistant and resilience measures.
- f) include a timetable for the implementation of the surface water drainage system and watercourses and a management and maintenance plan which shall include arrangements for adoption and/or any other arrangements to secure the operation of the surface water drainage throughout the lifetime of the development.

### **Surface Water Drainage Advice**

The following information will be required for the proposed development. It is acceptable for these details to be provided at discharge of conditions stage.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.

- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

### Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

#### Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

#### Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

**For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:**

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

**For the use of soakaways:**

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

**For the use of SuDs and Attenuation:**

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

**Outfall to Watercourse:**

Any proposed run-off to a watercourse will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a watercourse.

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

**5.**

**Outfall to Public Sewer:**

Any proposed run-off to a sewer will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a sewer.

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

**6.**

**Public Sewer Under or Adjacent to Site:**

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

**7.**

**MSDC Culvert Under or Adjacent to Site:**

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

**8.**

**Watercourse On or Adjacent to Site:**

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

**Urban Designer**

Amended plans

The revised drawings have mostly responded positively to all the points that I raised. The one exception is the introduction of a replicated arrangement on plots 15/16 which unbalances the facade; this works much better as a mirrored pair as per 20/21. As they have chosen to articulate 17-19 as a symmetrical composition, it would be better if both the first floor windows on the central house gable fronted house on plot 18 were the same (larger) size. As they are relatively minor points, perhaps they could be conditioned?

As previously reported (emails attached) the layout is very similar to the consented scheme (13/04364/FUL) which I last commented on in March 2014. My concerns about the elevations have now been sufficiently addressed (and are now represented in the latest/December site plan). Therefore I have no objections to this scheme; however, as

previously commented I would recommend conditions covering the articulation of plots 18, 20/21 for the reasons set out in my 29/11/18 email.

### **Housing Enabling & Development Officer**

The applicant is proposing a development of 32 dwellings which gives rise to an onsite affordable housing requirement of 30%. Due to the proximity to the District boundary, only 31 dwellings will be located within Mid Sussex which results in an affordable housing contribution of 10 units onsite. The application meets this requirement and the mix proposed comprises of 4 x 1 bed flats, 3 x 2 bed houses and 1 x 3 bed house for rent with 1 x 2 bed house and 1 x 3 bed house for shared ownership. This reflects our tenure split requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The applicant has located the affordable dwellings away from the boundary with the neighbouring site so as to avoid a concentration of tenure type in that location and to assist with the creation of an integrated community. A tenure blind approach to materials will also aid social integration.

### **Community Leisure Officer**

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**

Imberhorne Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £51,537 is required to make improvements to play equipment (£28,009) and kickabout provision (£23,528) for older children.

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £35,388 is required toward 9v9 pitch drainage at Imberhorne Recreation Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £20,296 is required to make improvements to the Jubilee Community Centre.

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

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

### **Tree Officer**

Further to reviewing the submitted tree reports that accompany this application, please find my comments below.

There are no trees subject to a Tree Preservation Orders within the site and the development is not within a local Conservation Area.



All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

Several trees are to be removed to facilitate the development, the majority of these trees have been classified grade C, due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development.

However, T50 & T64 (Beech) are both of good quality, and if removed, should be replaced with a like for like replacement elsewhere on site.

I would request that the maintenance and aftercare of all replacement trees/new planting is conditioned to ensure that the trees establish well and grow to maturity. Detail of: size, planting, support and feeding are required.

Protection measures for retained trees have been detailed within the report, these include: a Construction Exclusion Zone using suitable fencing and signage, sympathetic treatment of disturbed roots and ground protection within the RPA of retained trees.

No objection

### **Felbridge Parish Council**

Felbridge Parish Council very strongly object to this proposal

This proposal is contrary to policies EG2 and EG2a as well as DP12, these policies are particularly important since the recent allocation of Imberhorne Farm for housing as the land subject to this proposal is part of the thin strip of open green space between Imberhorne Farm and Felbridge Village. If this proposal proceeds along with the proposals for Imberhorne Farm there will be no open countryside between East Grinstead and Felbridge causing the settlements to merge contrary to the above adopted policies.

There was no transport assessment submitted when the proposal was last considered in 2014 and since then Surrey Highways has stated that the congestion at the A22/A264 junction at Felbridge 'is now severe'. There is no subsequent transport assessment to demonstrate that this proposal and the significant committed housing in the immediate area will not have a detrimental impact upon this junction (or the A22/Imberhorne Lane junction).

Traffic surveys in 2016 showed maximum queue lengths at the Felbridge junction of 54 cars using single day surveys. Tandridge District Council recently commissioned a three day survey that showed queue lengths now exceed 200 vehicles every day for significant periods. Queue lengths in excess of 27 cars are present for more than 7 hours per day proving that traffic congestion has demonstrably deteriorated since this site was last considered and yet the applicant provides no transport statement to support the approval of this latest submission.

This proposal offers no mitigation for the impact that it will have upon the Felbridge junction, whilst it is accepted that it will not generate a large number of vehicular movements, these will have a measurable impact upon a junction that is already being recorded as well beyond 100% saturation and mitigation should be provided in accordance with paragraph 109 of the NPPF.

If this proposal goes to Committee for approval, we request that the above comments are recorded in full within the Officer's report and not summarised or placed in the Appendix.