

MID SUSSEX DISTRICT COUNCIL

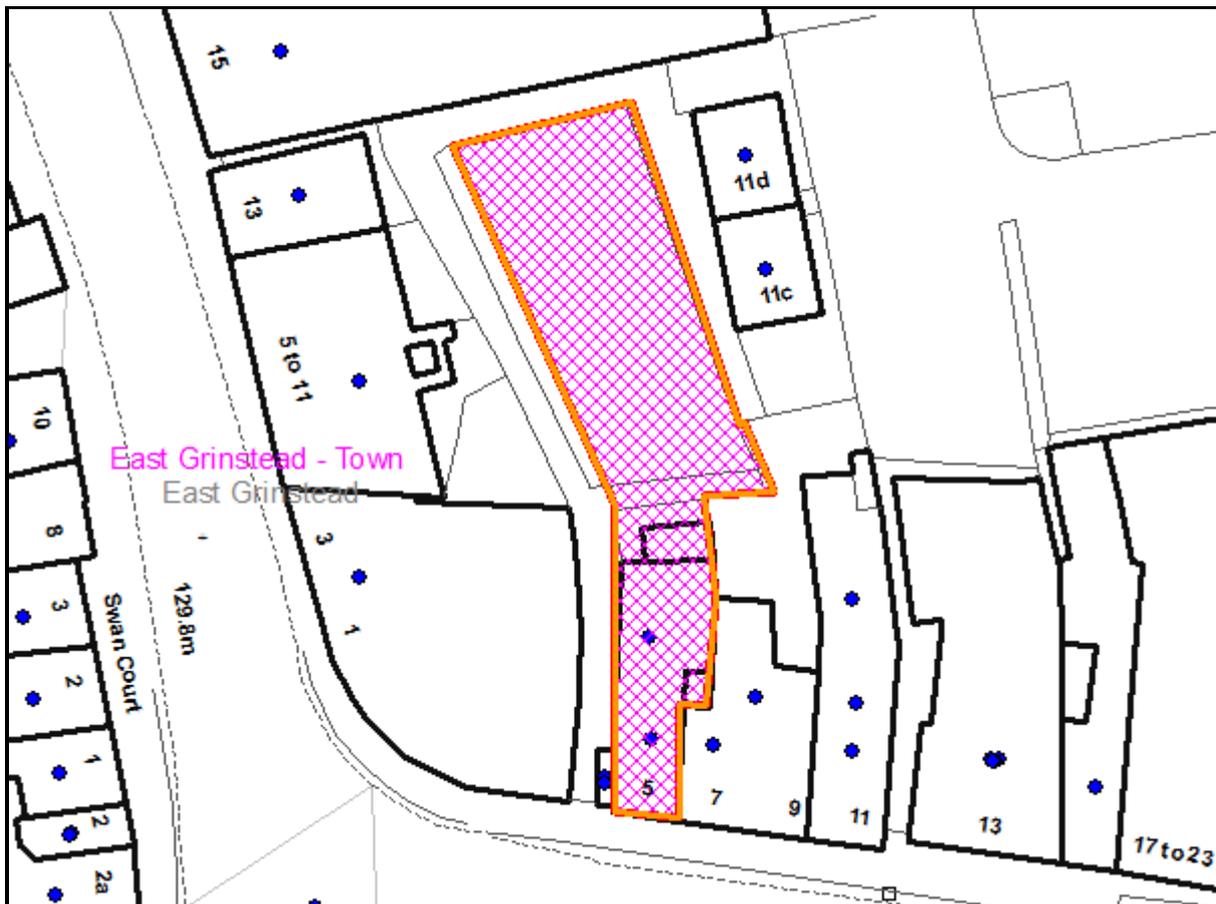
Planning Committee B

**28 FEB 2019**

RECOMMENDED FOR REFUSAL

**East Grinstead**

**DM/18/2702**



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**LAND REAR OF 5 HIGH STREET EAST GRINSTEAD WEST SUSSEX  
RH19 3AG**

**PROPOSED 1X DETACHED 2 STOREY DWELLING AND 1X DETACHED 3  
STOREY DWELLING (WITH LANDSCAPE GARDENS), WITHIN A WALLED  
VICTORIAN GARDEN (AMENDED PLANS RECEIVED 5 DECEMBER 2018,  
23 DECEMBER 2018 AND 15 JANUARY 2019 SHOWING ENLARGED SITE  
AREA)**

**MR SMITH**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Conservation Area / Classified Roads - 20m buffer / Listed Building / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Archaeological Notification Area (WSSC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th March 2019

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Andrew Morrison

### **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 erection of 1 no. detached 2 storey dwelling and 1 no. detached 3 storey dwelling (with landscape gardens), within a walled Victorian garden at land to the rear of 5 High Street, East Grinstead.

The application has been referred to committee by officers as a result of the combination of the unusual, contemporary design of the dwellings, the site's location in the centre of the town within the setting of heritage assets and the level of third party interest generated.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan (MSDP) adopted in 2018 and the East Grinstead Neighbourhood Plan (EGNP) which was made in 2016.

Weighing in favour of the application is that the principle of development is acceptable owing to the sustainable, town centre location of the site. In addition, the LPA would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal.

Weighing against the application is however firstly the assessment of the proposal as an overdevelopment of the site such that it would be inappropriately dominant in respect of its combination of design and scale, giving rise to a harmful impact upon the setting of the adjacent East Grinstead Conservation Area and grade II listed building nos. 7-11 High Street to the south. With reference to the NPPF, the degree of harm to the setting of the conservation area and listed building is deemed to be less than substantial; considerable weight is nevertheless given to this harm in accordance with the statutory duty.

Also weighing against the application is that that the proposal would give rise to significantly harmful impacts upon the residential amenities of adjacent dwellings nos. 11B, 11C and 11D to the southeast and east and furthermore that significant harm would be caused to the amenity of future occupiers due to the degree of overlooking and enclosure that would be experienced.

The applicant has advised that should Committee resolve to approve the application, a planning obligation will be completed to secure monies to mitigate the impact on the Ashdown Forest Special Protection Area. At this time however, no such obligation has been completed. This matter, together with considerations in respect of access and parking, drainage and energy sustainability are deemed neutral within the planning balance.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with MSDP Policies DP6, DP26, DP34 and DP35 and EGNP Policies EG3 and EG5. It is not considered that there are other material planning considerations that justify a decision that is not in greater conformity with the development plan. The proposal is not considered to amount to a sustainable form of development within the overall meaning of the NPPF due to a failure to fulfil the social and environmental objectives of sustainable development. The public benefits of the proposal are also not considered to be sufficient to outweigh the harm caused to the setting of the designated heritage assets.

In light of the above it is considered that the planning balance in this case strongly favours the refusal of the application.

### **RECOMMENDATION**

It is recommended that planning permission be refused for the reasons set out in Appendix A.

### **SUMMARY OF REPRESENTATIONS**

5 letters of support:

- Efficient use of disused space;
- Boost to housing supply;
- High quality, innovative and contemporary architecture;
- Additional spending in the town from occupants;

8 letters of objection, including from East Grinstead Society:

- Land recently cleared of vegetation and used as dumping ground;
- Out of character with area;
- Impractical for family use;
- Access problems for construction and emergency services;
- Overdevelopment: small gardens / outdoor space;
- Unneighbourly: loss of light and privacy, overlooking, overbearing;
- No parking provision;
- Disruption from construction period i.e. noise and dust

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

#### **Conservation Officer:**

Objection.

#### **Drainage Officer:**

No objection subject to conditions.

#### **Local Highway Authority:**

No objection, recommended cycle parking and construction management conditions.

### **EAST GRINSTEAD TOWN COUNCIL COMMENTS**

Support approval.

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### **INTRODUCTION**

This application seeks planning permission for the erection of 1 no. detached 2 storey dwelling and 1 no. detached 3 storey dwelling (with landscape gardens), within a walled Victorian garden at land to the rear of 5 High Street, East Grinstead.

The application has been amended from original submission and the amended plans have been through a further publicity period. The amendment concerns a small increase to the size of the site as a result of the movement of the eastern boundary to reflect the correct ownership line.

### **RELEVANT PLANNING HISTORY**

None.

### **SITE AND SURROUNDINGS**

The application site measures 304 square metres and mainly comprises the walled and fenced rear garden of 5 High Street, itself which is formed of a vacant retail unit

on the ground floor and a flat above, itself accessed from the rear. There is no development within the garden, which has a generally flat ground level.

The site is accessed via a pedestrian access from the High Street to the south. This is shared by neighbouring semi-detached two storey dwellings 11C and 11D to the east together with nos. 5A, 7 and 7A to the south. To the west is the rear of commercial premises fronting onto London Road whilst to the north is Cynthia House which comprises four flats above a 15 London Road, a ground floor bank.

The site is within the town centre and built up area boundary of East Grinstead. The pedestrian access and properties to the south are within the East Grinstead Conservation Area. Terraced nos. 7-11 to the south is a grade II listed much altered 19th century building, including The Cottage 11B which projects to the rear and shares a boundary with the application site. Buildings within the locality are mixed in character and form but generally of a traditional appearance.

## **APPLICATION DETAILS**

The proposal is for the erection of two detached dwellings on the site, one of two storeys providing two bedrooms and one of three storeys providing three bedrooms. The buildings would be set close to each other and are of a contemporary design, comprising a number of stacked and off-set, broadly rectangular shaped cuboids with sedum roofs. Irregular shaped landscaped courtyard gardens are located to the eastern side of the site.

The application is supported by a Design and Access Statement which appraises the scheme and is available to view in full on the file. This sets out that the principle of the design is a series of stacked boxes designed around an internal circulation axis which allows for the upper floors to be rotated. The buildings will be constructed from structurally insulated timber panels. The facades will be finished in a dark timber cladding and window and doors frames will be black aluminium units.

The site would be enclosed partly by existing brick walling and partly by the erection of new brick walling. The existing site level would be reduced by 0.6 metre in order to reduce the vertical prominence of the development.

Access would be via the existing pedestrian passageway onto the High Street. No vehicle parking is proposed. Cycle and bin stores are to be located within the respective garden curtilages.

## **LIST OF POLICIES**

### **Mid Sussex District Plan (MSDP)**

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

Relevant policies:

DP4 Housing  
DP6 Settlement Hierarchy

DP17 Ashdown Forest SPA and SAC  
DP21 Transport  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP34 Listed Buildings  
DP35 Conservation Areas  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

### **East Grinstead Neighbourhood Plan (EGNP)**

This plan was made in November 2016 and forms part of the development plan.

EG3 Promoting Good Design  
EG5 Housing Proposals  
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)*

#### *Technical Housing Standards: Nationally Described Space Standard (Mar 2015)*

## **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;
- Design and impact on character of area, including on the setting of heritage assets
- Impact on neighbouring amenity
- Standard of amenity for future occupiers
- Highways, access and parking
- Ashdown Forest
- Other issues
- 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 MSDP (2018) and the EGNP (2016).

As the proposed development is within the built up area of East Grinstead, the principle of additional windfall housing development is acceptable under policy DP6 of the MSDP, which states:

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

The most relevant and overarching policy in respect of housing in the EGNP is policy 5, which states:

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

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

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

This policy is afforded full weight in the assessment of this application, given that the site location is within the built up area boundary.

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

In purely location terms, the principle of development is therefore acceptable. It is however necessary to consider other planning issues to determine the overall planning balance.

## **Design and impact on character of area, including on the setting of heritage assets**

As stated above, MSDP Policy DP6 includes a requirement for infilling and redevelopment to demonstrate that it is of an appropriate nature and scale (with particular regard to Policy DP26: Character and Design), and not cause harm to the character and function of the settlement. EGNP Policy 5 also includes a requirement that the proposal complies with design guidance contained in policy EG3 or a relevant Development Brief.

Policy DP26 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.'*

Under the heading of promoting good design, EGNP Policy EG3 states:

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

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

Relevant paragraphs of the NPPF state:

Paragraph 117 *'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 *'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.'*

Paragraph 124 *'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.'*

Taken in isolation from its surroundings and therefore the site's context and constraints, the contemporary form and appearance of the development is considered to be of good merit. The architectural approach is unusual, has much interest and is therefore commendable.

However, in order to be acceptable, the visual impact of the scheme must be appropriate for the site's setting, including with respect to the proximity, scale and

character of surrounding development. It is with regard to these wider considerations that the proposal is deemed an overdevelopment of the site, insensitively imposing itself upon its surroundings by virtue of the combination of its site coverage, scale, form and appearance. It is therefore considered that there is a conflict with criteria a) and b) of Policy EG3 together with a conflict with the requirement to address the character and scale of surrounding development as set out in Policy DP26. This assessment is explored further below with particular reference to the site's positioning within the setting of heritage assets.

### Impact on the setting of heritage assets

MSDP Policy DP34 states:

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

MSDP Policy DP35 states in the relevant part:

*'Development will also protect the setting of the conservation area and in particular views into and out of the area'*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that 'As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in

Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'

The Courts further stated on this point 'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

Case law has therefore confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

EGNP Policy EG4 requires applications affecting designated and non-designated heritage assets to be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance. A cursory Heritage Statement has been submitted in support of the application, however it should be noted that a Heritage Statement is not a validation requirement in this case. The submitted Statement incorrectly asserts that the proposed development will not be visible from the street (presumably meaning the High Street), whilst it is also suggested that there will be no detrimental impact on the listed buildings due to the separation.

NPPF paragraph 190 states:

*'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Para 193 states:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

Para 194 states:

*'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

Para 196 states:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The Council's Conservation Officer has provided the following comments on the application:

*'The application site is a small area of unused land to the rear of 5 High Street. It is surrounded on all sides by a mid-height brick wall, with an encircling path and beyond this mixed development. To the south is the High Street frontage which includes listed buildings at nos. 7, 9 and 11. These properties were originally one timber framed building, much altered in the 19th century. To the west is the frontage onto London Road, and to the north and east residential development. An alley leading from the High Street adjacent to number 5 although not publicly accessible allows partial views of the site, which is visible from the High Street including the raised pavement to the south, in the vicinity of the row of listed buildings along this side of the road. The site is partly within the East Grinstead Conservation Area (the access to the site running beside no.5) and partly within its immediate setting (the walled enclosure)...*

*... At present the walled enclosure in itself makes a positive contribution to the setting of the adjacent listed buildings and the Conservation Area, being of some character, but the land within it is unkempt. The historical association (if any) between the enclosure and the listed and unlisted frontage buildings is not clear, and is not addressed in the perfunctory heritage statement which has been submitted with the application. Historic map regression appears to show an open area with 2-3 small buildings present in the late 19th century- these are associated with small walled enclosures and resemble piggeries, but their relationship with the frontage buildings is not clear. These have been removed by the early 20th century, by which point the walled enclosure is present in its current form- again the relationship with the surrounding buildings is not clear.*

*The current application retains the walled enclosure in its footprint, although the wall is to be heightened. It is not clear whether it is intended to demolish and rebuild the wall or to retain it and raise it in height, which would be preferable given its age and the contribution it makes to the setting of the adjacent heritage assets.*

*The principle of development on the land within the enclosure is not considered contentious, given the present condition of the land and the historical precedent for small buildings on the site, however the current proposal raises a number of concerns relating to the density of the development, its footprint, scale and form.*

*In my opinion the density of the development is inappropriately high, and is contrary to the historically open nature of the site. Furthermore, I consider that the proposal is of excessive height and scale.*

*The submitted contextual drawing 304A illustrates the height of the development in relation to the frontage buildings onto the High Street, and demonstrates that it will be taller than the listed buildings at 7-11 and the adjoining unlisted building at no. 5. The box like form of the upper storey of the nearest of the proposed new houses will exacerbate the apparent scale of the development in relation to the frontage buildings and in conjunction with the greater height will result in an overbearing relationship, where the listed buildings and other buildings within the Conservation Area appear dominated by the new development to the rear. While this will be most apparent in views from within the site and from the surrounding buildings, it will also impact on public views from the High Street, raised pavement and buildings opposite. This will have an adverse impact on the character of the street scene of this western end of the High Street which is of modestly scaled buildings of 2- 2 ½ storeys.*

*Given the mixed context of the site I would not object to the principle of a contemporary design in this location, however in its current scale and form the unusual geometry and rather stark design of proposed development contributes to its overbearing and somewhat alien nature, and consequently to its negative impact on the setting of the adjacent heritage assets.*

*For these reasons I consider that the proposal will detract from the setting of the listed buildings at 7, 9 and 11 High Street and of the East Grinstead Conservation Area. This would be contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF I would consider the proposal to cause less than substantial harm to these heritage assets, such that the criteria set out in paragraph 196 would apply.'*

The Planning Officer is in full agreement with the Conservation Officer's view, and with reference to paragraph 196 of the NPPF, it is not considered that there would be public benefits from the proposal which would outweigh the harm caused (which is to be given considerable weight).

In overall terms therefore, the visual impact of the development is considered to be unacceptable for the reasons set out above, and so in conflict with the requirements of MSDP Policies DP6, DP26, DP34 and DP35 and EGNP Policies EG3 and EG5.

### **Impact on neighbouring amenity**

Part of MSDP policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

The relevant part of Neighbourhood Plan policy EG3 requires the layout of development to not harm adjoining amenity.

In accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, this conflict is to be resolved in favour of the more recently adopted policy, which in this case is DP26.

The applicant's supporting sight line plan from upper floor bedrooms and analysis of the proposal as not causing harm to neighbouring amenity is noted, however Officers do not accept this conclusion.

The site is surrounded by residential properties to the north (Cynthia House, Cantelupe Road), east (11C and 11D High Street), southeast (11B High Street) and south (5A and 7A High Street).

Whilst it is considered that there inevitably be some loss of outlook to habitable room windows facing the site from Cynthia House and 5A and 7A High Street, it is not considered that the impact would be sufficiently harmful to these properties to conflict with the above policy.

However, it is considered that the loss of outlook, overbearing impact and loss of privacy to nos. 11B, 11C and 11D would be significantly harmful. In reaching this conclusion the close positioning of first and second floor level east facing habitable windows within the development in relation to those facing habitable windows and external amenity spaces associated with the above neighbouring properties has been taken into account, as has the substantial massing of the buildings. Whilst both plots are deemed unacceptable, it is considered that the southern three storey Plot 1 is particularly unneighbourly and unreasonably imposing, given the greater height of this building and siting of first and second floor bedroom windows facing directly down onto those adjacent garden spaces of 11B and 11C.

It is therefore considered that the application conflicts with Policy DP26 in respect of the impact upon neighbouring properties.

### **Standard of amenity for future occupiers**

Part of MSDP policy DP26 also refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards. Paragraph 127 of the NPPF seeks a high standard of amenity for existing and future users.

The applicable minimum gross internal floor area set by the Nationally Described Space Standard March 2015 for 3 bedroom 6 persons 3 storey dwellings as applies to Plot 1 is 108 square metres and for 2 bedroom 4 persons 2 storey dwellings, as applies to Plot 2 is 79 square metres.

Southern plot 1 has a floor area of 111 square metres and northern plot 2 has a floor area of 85 square metres, therefore the proposal is in compliance with this Standard.

Each dwelling would have an irregularly shaped 91 square metre wall enclosed external courtyard-style amenity space. The eastern boundary wall would measure some 2.9 metres in height from the site's reduced internal garden level.

It is evident that that both dwellings and their external spaces would suffer from short-distance, direct overlooking from the west facing upper habitable room windows of neighbouring 11C and 11D to the east. Furthermore it is considered that that the external amenity spaces for the dwellings would have an high degree of enclosure, with associated poor levels of outlook owing to the close proximity and height of surrounding development, including the considerable height of the proposed eastern boundary wall.

Overall, Officers do not consider that the development would provide an acceptable standard of amenity for future occupiers and therefore that there is also a conflict with Policy DP26 in this respect.

### **Highways, access and parking**

MSDP Policy DP21 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.'*

In relation to parking, paragraph 105 of the NPPF states:

*'If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'*

EGNP Policy 11 in relation to highway impact states:

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

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

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

EGNP Policy 12 in relation to parking states:

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

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

The development would be accessed by pedestrian means only, from a passage way leading out onto the High Street between 1-3 London Road and 5 High Street.

The Councils minimum indicative car parking standards as set out on the Development Infrastructure and Contributions SPD are for 2 spaces per 2/3 bed dwelling. The proposed development however does not provide for any parking. The applicant has not provided a Transport Assessment, however the supporting Design and Access Statement highlights the sustainability of the site in transport terms, noting the proximity to local services and amenities, bus and cycle routes and the train station.

The gardens of the dwellings allows for the secure storage of bicycles, as shown on the submitted plan. The provision of such cycle parking within the scheme could be secured by a planning condition.

The supporting Statement provides little information in respect of how in practical terms the development would be carried out. It is however advised that the building fabric will be constructed from SIP which is a highly insulated timber panel, pre-fabricated off site and delivered in large panels which are then erected. It is stated that such a construction method is both sustainable and extremely fast in comparison to traditional construction.

The Local Highway Authority has commented on the application as follows:

*'The dwellings will not be provided any vehicle access or parking provision. Given the small scale nature of the proposal the Local Highway Authority consideration are limited to the anticipated parking demand created and if this can be safely accommodated within a reasonable walking distance of the site.'*

*Two dwellings of this size in this location would be anticipated to create the demand for up to 2 car parking spaces. However the site is sustainably located in a town centre location with good access to public services and amenities. Longer trips would be achievable by bus and rail. Future residents' would therefore not be reliant on the use of a private motor vehicle.'*

*The proposal includes appropriate cycle storage provision.*

*On balance the Local Highway Authority does not consider it could resist the proposal on the basis of a nil parking provision.*

*Given limited access within a town centre location a construction management plan would be advised. Such a plan can be secured by planning condition. The applicant would be advised to consult with WSCC Highways prior to preparing and submitting this plan.*

*The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'*

It should be noted that Officers accepted a nil parking provision for the adjacent development to the east application reference 12/02000/FUL for the erection of 2 no. 2 bedroom dwellings (now 11C and 11D High Street).

Overall, Officers are of the view that there are no transport grounds to resist the application, that a nil parking provision can be deemed acceptable in this case, and that conditions as recommended by the Local Highway Authority could be used to control the construction management process and cycle parking provision.

### **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 £4,774 and a strategic SANG contribution of £2,966.

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 financial contribution to SAMM would 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. 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.

However, in this case no S106 planning obligation has yet been agreed on the basis that Officers are not intending to support the application on other grounds; therefore a reason for refusal based on failure to mitigate against any potential effects on the Ashdown Forest SPA is required. The proposal therefore does not accord with MSDP Policy DP17 and EGNP Policy EG16.

In the event that Committee resolve to approve the application however, a planning obligation would be completed as set out above prior to the issuing of a permission.

## **Other Issues**

### Drainage

MSDP Policy DP41 seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

It is proposed that rainwater will be taken up by the sedum roofs for the dwelling and through the use of harvesting tanks sited against the eastern boundary wall. It is

proposed that the development will discharge foul water drainage into the main system via a new run constructed across the site.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not 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.

The Council's Drainage Engineer has provided initial comments and a suggested condition in the event of the application being approved, such that the details of this can be suitably controlled by a planning condition to comply with the above policy.

### Sustainable Design

MSDP Policy DP39 seeks to promote sustainable design. The applicant has provided a Sustainability Statement within their Design and Access Statement. In summary the applicants have highlighted the SIP construction method and sedum roof design of the scheme as an approach which will ensure high levels of thermal performance. In addition, underwater rainwater harvesting tanks are shown to be provided, whilst it stated that the layout of the proposal is such as to allow each habitable room the maximum amount of natural light in the buildings.

It is considered that the application has had appropriate regard to the aspirations of the above policy.

### **PLANNING BALANCE AND CONCLUSION**

This application seeks planning permission for the erection of 1 no. detached 2 storey dwelling and 1 no. detached 3 storey dwelling (with landscape gardens), within a walled Victorian garden at land to the rear of 5 High Street, East Grinstead.

The application has been referred to committee by officers as a result of the combination of the unusual, contemporary design of the dwellings, the site's location in the centre of the town within the setting of heritage assets and the level of third party interest generated.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan (MSDP) adopted in 2018 and the East Grinstead Neighbourhood Plan (EGNP) which was made in 2016.

Weighing in favour of the application is that the principle of development is acceptable owing to the sustainable, town centre location of the site. In addition, the LPA would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal.

Weighing against the application is however firstly the assessment of the proposal as an overdevelopment of the site such that it would be inappropriately dominant in respect of its combination of design and scale, giving rise to a harmful impact upon the setting of the adjacent East Grinstead Conservation Area and grade II listed building nos. 7-11 High Street to the south. With reference to the NPPF, the degree of harm to the setting of the conservation area and listed building is deemed to be less than substantial; considerable weight is nevertheless given to this harm in accordance with the statutory duty.

Also weighing against the application is that that the proposal would give rise to significantly harmful impacts upon the residential amenities of adjacent dwellings nos. 11B, 11C and 11D to the southeast and east and furthermore that significant harm would be caused to the amenity of future occupiers due to the degree of overlooking and enclosure that would be experienced.

The applicant has advised that should Committee resolve to approve the application, a planning obligation will be completed to secure monies to mitigate the impact on the Ashdown Forest Special Protection Area. At this time however, no such obligation has been completed. This matter, together with considerations in respect of access and parking, drainage and energy sustainability are deemed neutral within the planning balance.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with MSDP Policies DP6, DP26, DP34 and DP35 and EGNP Policies EG3 and EG5. It is not considered that there are other material planning considerations that justify a decision that is not in greater conformity with the development plan. The proposal is not considered to amount to a sustainable form of development within the overall meaning of the NPPF due to a failure to fulfil the social and environmental objectives of sustainable development. The public benefits of the proposal are also not considered to be sufficient to outweigh the harm caused to the setting of the designated heritage assets.

In light of the above it is considered that the planning balance in this case strongly favours the refusal of the application.

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## APPENDIX A – REASONS FOR REFUSAL

1. By virtue of the combination of its site coverage, scale and design, the proposed development would have an inappropriately dominant and detrimental impact on the character of the area, including upon the setting of the East Grinstead Conservation Area and the setting of grade II listed building 7-11 High Street. The proposal would therefore be contrary to Policies DP6, DP26, DP34 and DP35 of the Mid Sussex District Plan and Policies EG3 and EG5 of the East Grinstead Neighbourhood Plan.
2. By virtue of its massing, proximity and the positioning of its habitable room windows, the proposed development would result in significant harm to the residential amenity of nos. 11B, 11C and 11D High Street through a loss of outlook, overbearing impact and loss of privacy. The proposal would therefore be contrary to Policy DP26 of the Mid Sussex District Plan.
3. By virtue of the proximity of adjacent dwellings with facing windows and the hemmed in, overlooked nature of the external amenity space, the proposed development would result in significant harm to the residential amenity of future occupiers with respect to considerations of privacy and outlook. The proposal would therefore be contrary to Policy DP26 of the Mid Sussex District Plan.
4. In the absence of a completed planning obligation, the proposed development does not mitigate the potential impact on the Ashdown Forest Special Protection Area (SPA) and would therefore be contrary to Policy DP17 of the Mid Sussex District Plan and Policy EG16 of the East Grinstead Neighbourhood Plan.

### 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>
Location and Block Plan	100	D	23.12.2018
Site Plan	101	B	15.01.2019
Other	110	A	05.12.2018
Proposed Floor Plans	211	A	05.12.2018
Proposed Floor Plans	212	A	05.12.2018
Proposed Roof Plan	213	A	05.12.2018
Proposed Elevations	302	B	05.12.2018
Proposed Elevations	301	B	05.12.2018
Sections	410	A	05.12.2018
Proposed Floor Plans	700	B	05.12.2018
Topographical Survey	none		29.06.2018
Proposed Elevations	303	B	05.12.2018
Proposed Elevations	304	B	23.12.2018
Drainage Details	220	A	15.02.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 6th August 2018:-  
Would support approval.

### Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 11th February 2019:- Would support approval.

### Conservation Officer

#### Original comments

The application site is a small area of unused land to the rear of 5 High Street. It is surrounded on all sides by a mid-height brick wall, with an encircling path and beyond this mixed development. To the south is the High Street frontage which includes listed buildings at nos. 7, 9 and 11. These properties were originally one timber framed building, much altered in the 19th century. To the west is the frontage onto London Road, and to the north and east residential development. An alley leading from the High Street adjacent to number 5 although not publicly accessible allows partial views of the site, which is visible from the High Street including the raised pavement to the south, in the vicinity of the row of listed buildings along this side of the road. The site is partly within the East Grinstead Conservation Area (the access to the site running beside no.5) and partly within its immediate setting (the walled enclosure).

The current proposal is for two new dwellings on the site, one of two storeys and one of three storeys. The new buildings would be set close to each other with very limited garden space, and are of a contemporary design comprising a number of stacked and off set rectangular cuboids.

At present the walled enclosure in itself makes a positive contribution to the setting of the adjacent listed buildings and the Conservation Area, being of some character, but the land within it is unkempt. The historical association (if any) between the enclosure and the listed and unlisted frontage buildings is not clear, and is not addressed in the perfunctory heritage statement which has been submitted with the application. Historic map regression appears to show an open area with 2-3 small buildings present in the late 19th century- these are associated with small walled enclosures and resemble piggeries, but their relationship with the frontage buildings is not clear. These have been removed by the early 20th century, by which point the walled enclosure is present in its current form- again the relationship with the surrounding buildings is not clear.

The current application retains the walled enclosure in its footprint, although the wall is to be heightened. It is not clear whether it is intended to demolish and rebuild the wall or to retain it and raise it in height, which would be preferable given its age and the contribution it makes to the setting of the adjacent heritage assets.

The principle of development on the land within the enclosure is not considered contentious, given the present condition of the land and the historical precedent for small buildings on the site, however the current proposal raises a number of concerns relating to the density of the development, its footprint, scale and form.

In my opinion the density of the development is inappropriately high, and is contrary to the historically open nature of the site. Furthermore, I consider that the proposal is of excessive height and scale.

The submitted contextual drawing 304A illustrates the height of the development in relation to the frontage buildings onto the High Street, and demonstrates that it will be taller than the listed buildings at 7-11 and the adjoining unlisted building at no. 5. The box like form of the upper storey of the nearest of the proposed new houses will exacerbate the apparent scale of the development in relation to the frontage buildings and in conjunction with the greater height will result in an overbearing relationship, where the listed buildings and other buildings within the Conservation Area appear dominated by the new development to the rear. While this will be most apparent in views from within the site and from the surrounding buildings, it will also impact on public views from the High Street, raised pavement and buildings opposite. This will have an adverse impact on the character of the street scene of this western end of the High Street which is of modestly scaled buildings of 2- 2 ½ storeys.

Given the mixed context of the site I would not object to the principle of a contemporary design in this location, however in its current scale and form the unusual geometry and rather stark design of proposed development contributes to its overbearing and somewhat alien nature, and consequently to its negative impact on the setting of the adjacent heritage assets.

For these reasons I consider that the proposal will detract from the setting of the listed buildings at 7, 9 and 11 High street and of the East Grinstead Conservation Area. This would be contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF I would consider the proposal to cause less than substantial harm to these heritage assets, such that the criteria set out in paragraph 196 would apply.

#### Additional comments

In relation to the reconsultation regarding the amended plans for the above scheme, the amendments to the site boundary do not impact on my concerns relating primarily to the scale and bulk of the scheme. Please therefore continue to refer to my earlier comments (repeated below) in relation to the application.

#### **Drainage Officer**

Recommendation: No objection subject to conditions

#### **SURFACE WATER DRAINAGE PROPOSAL**

It is proposed that the development will utilise green roofs and rainwater harvesting to manage surface water drainage on site.

#### **FOUL WATER DRAINAGE PROPOSAL**

It is proposed that the development will discharge foul water drainage to the existing main foul sewer.

#### **FLOOD RISK**

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not 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.

## FLOOD RISK AND DRAINAGE TEAM CONSULTATION

We would advise the applicant that rainwater harvesting cannot be included in surface water attenuation calculations. This is due to their limited storage capacity. Further information into our requirements for foul and surface water drainage are included within the 'further advice' section.

We would also advise the applicant that development should not be located over any drainage pipes, including foul water drainage.

## SUGGESTED CONDITIONS

### C18F - Multiple Dwellings

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

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

## FURTHER ADVICE

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

## **Local Highway Authority**

The proposed seeks erection of 1 x detached 2 storey dwelling and 1 x detached 3 storey dwelling within a walled Victorian garden at Land Rear Of 5 High Street, East Grinstead.

The dwellings will not be provided any vehicle access or parking provision. Given the small scale nature of the proposal the Local Highway Authority consideration are limited to the anticipated parking demand created and if this can be safely accommodated within a reasonable walking distance of the site.

Two dwellings of this size in this location would be anticipated to create the demand for up to 2 car parking spaces. However the site is sustainably located in a town centre location with good access to public services and amenities. Longer trips would be achievable by bus and rail. Future residents' would therefore not be reliant on the use of a private motor vehicle.

The proposed includes appropriate cycle storage provision.

On balance the Local Highway Authority does not consider it could resist the proposal on the basis of a nil parking provision.

Given limited access within a town centre location a construction management plan would be advised. Such a plan can be secured by planning condition. The applicant would be advised to consult with WSCC Highways prior to preparing and submitting this plan.

The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

### *Construction Management Plan*

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- details pertaining to the provision of any temporary Traffic Regulation Orders,
- details of public engagement both prior to and during construction works.

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

### *Cycle parking*

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

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