

MID SUSSEX DISTRICT COUNCIL

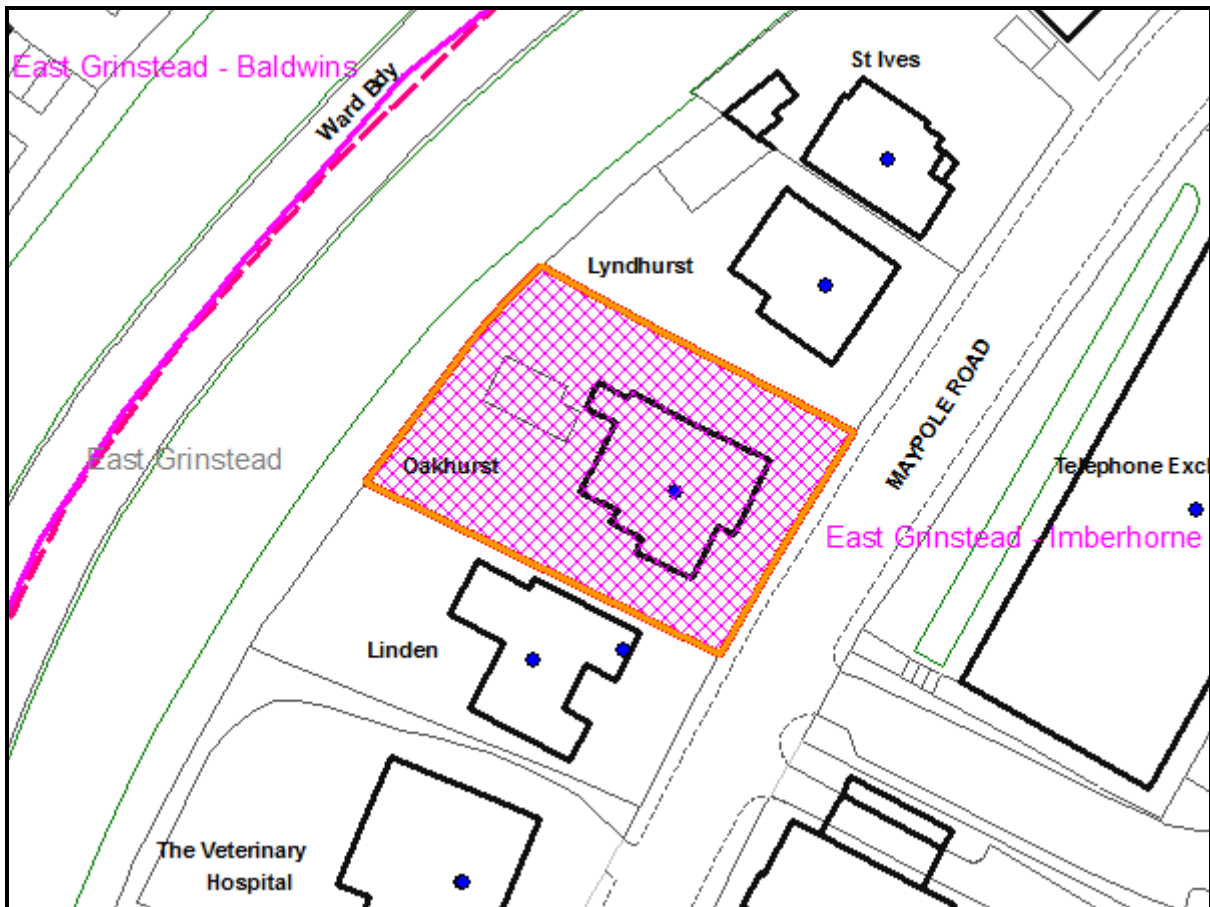
Planning Committee

4 JUL 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/19/1016



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**OAKHURST MAYPOLE ROAD EAST GRINSTEAD WEST SUSSEX
THE DEMOLITION OF AN EXISTING RESIDENTIAL BUILDING (2 UNITS)
AND THE CONSTRUCTION OF A REPLACEMENT 3 STOREY
RESIDENTIAL BUILDING COMPRISING OF 8 UNITS (1X1 BED) AND (7X2
BEDS) WITH ASSOCIATED LANDSCAPING WORKS. AMENDED PLANS
RECEIVED 13/5/19 CONCERNING ALTERATIONS TO THE DESIGN OF
THE BUILDING.
MR ROGER FINE**

POLICY: Ashdown Forest SPA/SAC / Areas of Townscape Character / Built Up Areas / Aerodrome Safeguarding (CAA) / Site of Nature Conservation Importance / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 11th July 2019

WARD MEMBERS: Cllr Heidi Brunsdon / Cllr Rex Whittaker /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of an existing residential building (2 units) and the construction of a replacement residential building comprising of 8 units (1x1 bed) and (7x2 beds) with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of East Grinstead and results in a net increase of 6 residential units. The proposed design and scale of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37 and DP41 of the District Plan policies EG3, EG5, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 108, 124, 127 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 4th October 2019, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

31 letters of OBJECTION (from 16 residents) concerning the following points:

- Overdevelopment of the site;
- Impact on neighbours either side by overlooking;
- Scale too large for plot;
- Unsympathetic buildings destroying the feel and respect of the surroundings;
- Overbearing on neighbouring properties;

- Loss of outlook;
- Reduces daylight and sunlight to neighbouring property Lyndhurst;
- Dwarfs dimensions of Oakhurst and too large for road;
- Significant bulk and scale and deeper plan than previous rejected scheme;
- No need for additional flats as many flats available to purchase in East Grinstead;
- Vehicular traffic entering and leaving the property will introduce extra hazards to pedestrians and vehicles using the busy thoroughfare of Maypole Road;
- Loss of amenity to adjacent properties;
- Provision of parking inadequate;
- Wish for site to be re-surveyed to consider bats and birds;
- Road and local infrastructure unable to support additional units;
- Parking increase noise and disturbance to Lyndhurst;
- Increase in number of windows on side elevations of proposal resulting in overlooking to neighbouring properties;
- Interested party wishes to purchase and restore the building and coach house to live in.

East Grinstead Society

Recommend refusal. There are no significant changes to the previous applications. It does not address the excessive bulk and footprint of the proposed building and the effect on the neighbouring properties. Nor does it address parking, vehicle access, traffic problems in Maypole Road or the inadequate waste disposal arrangements

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Education: Primary - £5,958

Education: Secondary - £6,413

Education: 6th Form - £1,505

Libraries - £1,681

TAD - £10,157

Natural England

No objection subject to securing appropriate mitigation.

Ecology Consultant

No objection subject to condition.

MSDC Urban Designer

No objection subject to conditions.

MSDC Leisure

S106 Contributions:

CHILDRENS PLAYING SPACE - of £8,303
FORMAL SPORT - £5,875
COMMUNITY BUILDINGS - £3,370

MSDC Drainage

No objection subject to a condition.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Street Name & Numbering

Informative.

Gatwick Safeguarding Officer

No objections.

EAST GRINSTEAD TOWN COUNCIL

The Committee continue to recommend refusal: there is little change to the bulk and effect on the neighbouring property. The aesthetic design is an improvement however the committee refer the Mid Sussex Officers back to the decision of 15th April 2019.

Original

Recommend refusal. The committee were unimpressed with this new submission proposing an even larger property than previous submissions, in light of the comments and rejections that this committee have made previously. The design was appreciated by the committee, however the overbearing and overlooking nature was unacceptable with regards to the impact on the neighbouring property. The car parking spaces as shown were also too small.

INTRODUCTION

Planning permission is sought for the demolition of an existing residential building (2 units) and the construction of a replacement residential building comprising of 8 units (1x1 bed) and (7x2 beds) with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

RELEVANT PLANNING HISTORY

DM/15/3567 - Outline application for the approval of details for appearance, layout and scale for the extension, renovation and subdivision of existing residential property into 9 flats. Application was returned and not dealt with.

DM/17/4298 - The demolition of an existing 2 unit residential building and the construction of a replacement 12 unit residential building with associated landscaping works. Amended plans received 5/3/18 showing reduction in windows proposed to the northern (side) elevation, provision of a 1.8 metre obscure screen to the side balcony, alterations to fenestration to the southern (side) elevation; reduction in roof height of middle section of the proposed building and alterations to the design of the proposed building. WITHDRAWN under officer advice.

More recently planning permission was refused under reference DM/18/3261 for the demolition of an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works (resulting in the net increase of 8 units) at Oakhurst, Maypole Road East Grinstead. The application was refused for the following reasons:

'1. The proposal due to the proposed wider street frontage and a deeper plan is considered to be out of scale with the existing buildings on the north-west side of Maypole Road. In addition, the design of the building lacks architectural integrity and is unsatisfactorily composed. As such the proposal would be out of keeping with the character of the area and would not be appropriate to the wider street scene. The proposal is thereby considered to conflict with Policy DP26 of the District Plan and Policies EG3 and EG5 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

2. The proposal by virtue of the positioning of windows on the north-eastern elevation and its relationship with the proposed vehicular access serving the development would form an unacceptable impact to neighbouring amenities of future occupiers of the ground floor flats (units 2 and 3) through noise and disturbance (including light spill) from vehicle movements. In addition, the obscure glazing to the windows serving kitchen and secondary living room windows to units 7 and 8, would be unacceptable in amenity terms as it would restrict the outlook and light to these rooms of main accommodation. The proposal would thereby result in significant detriment to the amenities of future occupiers of occupiers of units 2, 3, 7 and 8 and would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.

3. The proposal due to its bulk, scale, and proposed fenestration to the side elevation serving rooms of accommodation would result in a significant detrimental

impact to the amenities of the neighbouring occupier 'Lyndhurst' where the proposal would result in overlooking and an overbearing impact causing demonstrable harm to the amenity enjoyed by this property. The proposal would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.

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

5. The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

SITE AND SURROUNDINGS

The current building is of a traditional form from the Edwardian period with many original features. Some elements of the exterior have been replaced, but on the western side the Edwardian character has been retained. The building is in a poor state of repair, its original form and detailing has been retained in comparison to other buildings within the area. To the rear of the site is a detached 'Coach House' of one and a half storeys. The buildings are constructed in brick with decorative tile hanging to the dwelling and clay tiled roofs.

The property forms a distinctive feature within the street scene. Notwithstanding this, the building is currently vacant and hoardings have been placed around the front of the property to secure it.

The building provides generous separation gaps between the neighbouring buildings and the property is softened by planting on the boundaries especially on the front with Maypole Road.

Opposite the site is the BT Telephone Exchange which is a two storey brick built building with trees and vegetation screening the frontage. To the south-west is a detached bungalow and to the north-east is a detached Edwardian dwelling with a high brick wall on the boundary between this unit and the application site.

In terms of planning policy the site falls within the built up area as defined by the Mid Sussex Local Plan and the East Grinstead Neighbourhood Plan.

APPLICATION DETAILS

The proposal is for the demolition of the existing residential dwelling and outbuilding and its replacement with a new two and a half storey residential building comprising of 7no 2-bed and 1no 1-bed flats (a net increase of 6 units).

It follows the refusal of planning permission for development of the site under reference DM/18/3261. This revised scheme seeks to address the previous reasons for refusal.

The proposed building is to measure a maximum of some 15.6 metres in width to the front and 15.3 metres in width to the rear, some 25.5 metres in depth with an eaves height of some 6 metres to the front, and 6.2 metres to the rear and a ridge height of some 9.5 metres.

The new building is to have a two storey pitched element with a two-storey bayed element with pitched roof detailing to the front elevation. To the rear would be two pitched roofed elements with a ground floor bayed element and an inset dormer within the roofs of the rear of the building. On the north-eastern (side) elevation is to be a gable element and covered parking on the rear end of this elevation for three vehicles. On the south-western (side) elevation is to be a two storey bayed gabled element and a single storey bayed element.

The proposed development is to be constructed from a palette of materials including facing brickwork to the external walls, clay tile hanging on parts of the first floor, and clay tiles to the roof. It will also include detailing intended to replicate the detailing on the existing building including patterned barge-boarding, sandstone ground floor bay windows, cresting to the ridge and dentil brick detailing.

The ground floor flats (units 1 - 3) will benefit from private outdoor amenity space in the area surrounding the building. In addition the flat within the roofspace (no 8) will benefit from a small rear roof terraced area set within the roof of the building.

The proposal includes the provision of six parking spaces, three of which are to be provided in an undercroft car park to the rear of the building, the remaining three are to be provided on the north eastern side of the access drive. The car park is to be accessed by the existing site access leading to a resurfaced access drive. Eight cycle spaces are also to be provided to the rear of the development, accessed via the proposed drive.

The waste storage for the development is to be located to the front of the site, in the north eastern corner, adjacent to the access drive. It will be enclosed by a brick wall with a gated entrance, to secure the storage area and screen it from view in the street scene.

To the front boundary a low brick wall with vegetation behind is proposed with the high brick wall on the north-eastern side boundary with Lyndhurst (some 2.6 metres in height) being retained and 2 metre fencing on the south-western side boundary with Linden.

The main differences between this application and the previously refused scheme (DM/18/3261) are as follows:

The reduction in the number of units proposed (previously 10units), a revised design so that it reflects the existing Edwardian building and traditional street scene, a reduction in the width of the proposed building, the removal of the underground car

parking, separation of the access road to serve the development with the north-eastern elevation of the proposed building and the proposed ground floor side windows, internal reconfiguration of the units, and changes to the position of fenestration on the side elevation with the neighbouring property 'Lyndhurst'.

As outlined above, the current proposal would measure some 25.5 metres in depth (previously some 23.2 metres in depth), with a maximum width of some 15.6 metres to the front (previously some 16.8 metres) and some 15.3 metres to the rear (previously some 17.2 metres).

In addition the design has been improved to relate more sympathetically to the Edwardian character of the existing building and the neighbouring properties.

LIST OF POLICIES

District Plan

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protections Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

East Grinstead Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

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

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework 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 overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a

strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

Para 12 states 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Para 38 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.'

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- design and the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest; and
- 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) Any 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.'

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 in this part of Mid Sussex consists of the District Plan and the East Grinstead Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

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

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

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

It is acknowledged that Policy EG5 is not compliant with DP6 of the District Plan in respect of development proposed outside the built up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the Neighbourhood Plan area. As such this policy attracts less weight. However, the application site is within the built up area of East Grinstead and therefore this conflict is not relevant to this application.

There are no objections therefore to the principle of the re-development of this site as proposed.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan deals with design matters and states the following;

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.*
- *creates a pedestrian friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is found within Policy EG3 of the East Grinstead Neighbourhood Plan.

Para 124 of the NPPF seeks the creation of high quality buildings and states that *'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.'*

In addition, para 127 of the NPPF requires developments to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'* and to also be *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*.

The Council's Urban Designer has considered the proposal and raises no objection to the scheme. He considers:

'It is a shame that the scheme involves the loss of the existing building as it has retained most of its original details including its vertically proportioned sash windows, decorative tiling and barge boarding as well as the cresting and finials that adorn the ridge line. Nevertheless, by replicating the form and much of the detailing of the front part of the existing building the current proposal succeeds in maintaining a frontage that sits comfortably with the group of similar circa Edwardian period properties that face the west side of Maypole Road. This is despite the fact that the proposed building will have a significantly greater footprint and extends further back than the existing house; however it is now better designed than the refused schemes and benefits from being more disguised by the break in the building/roof line.'

Officer's agree with the comments of the Urban Designer and consider that the design of the building is considered to form a sensitive feature within the street scene and reflect the traditional Edwardian buildings to the north-west of the site of 'Lyndhurst' and 'St Ives'.

It is acknowledged that the replacement building is to have a deeper plan than other properties within Maypole Road, and would be slightly wider than the existing buildings. Notwithstanding this, the proposal will not extend as far back as the existing outbuilding on site. It is considered that the pitched and bayed elements and varying roof lines with the rear of the building being subordinate to the rest of the building would reduce the overall mass and scale of the building. When viewed from the street the building will not appear significantly larger than the current buildings on site. As such the design of the proposal is considered to contribute positively to the character of the area and the street scene and its scale and detailing is appropriate to the wider street scene.

The proposal is thereby considered to comply with policy DP26 of the District Plan, policies EG3 and EG5 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Residential Amenity

Policy DP26 of the District Plan states in part that proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

The test, as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Concerns were raised in the refusal of the 2018 scheme in relation to the position of the fenestration on the north-eastern (side) elevation and its relationship with the proposed vehicular access which would result in an unacceptable impact to the amenities of future occupiers. In addition, concerns were raised that the bedroom windows for the ground floor flat 2 would have been directly next to the vehicular access which would result in a poor level of amenity through noise and disturbance and a poor outlook for occupiers of this room.

The scheme has been revised, repositioning the windows on the north-eastern (side) elevation and revising the internal layout of the units to overcome the concerns. Whilst the ground floor flat (Flat 2) would still have bedroom windows and a secondary window serving the open plan living/kitchen area facing onto the access road to serve the development, the side elevation has been stepped away from the access road by 1 metre with landscaping proposed to minimise the impact with the access way and provide screening. As such it is considered that the proposal would not result in significant detriment to the amenities of future occupiers of this ground floor unit (Flat 2).

On the existing north-eastern side gable are two first floor windows with a window within the roofspace facing towards the neighbour 'Lyndhurst'. The replacement building is to retain a similar window relationship on the proposed side gable with an additional first floor window to this side elevation to the rear of the proposed building and an obscure glazed rooflight. The proposed first floor windows would form bedroom and a secondary open plan living/kitchen window with the window in the roofspace serving a bedroom and the rooflight serving an en-suite. Due to the existing relationship and the windows being secondary living windows or serving bedrooms (which are not considered to be main habitable rooms of accommodation); it is considered that the proposal would not result in significant detriment through overlooking or a loss of privacy to the neighbouring amenities of 'Lyndhurst'.

The replacement building extends further rearwards into the site, with a reconfiguration on the position and size of fenestration on the south-western side, the number of windows facing the neighbour 'Linden'. There is an increase by 1 additional first floor window on this side elevation. The windows at first floor are mainly to serve bedrooms which are not considered to be main habitable rooms. As such the proposal is not considered to result in further significant detriment to the amenities of the neighbouring occupier 'Linden'.

It is acknowledged that the development would result in an increased roof mass to the side elevations compared to the existing where there is currently a break between the existing property and outbuilding. The proposal has a stepped roof design on the side and rear elevations in order to break up the overall mass and bulk of the building. The proposed materials with decorative tile hanging at first floor, also seeks to reduce the mass of the building providing visual interest. In addition, the proposal would not extend as far rearwards as the existing outbuilding. As such it is considered that the proposal would not result in an overbearing impact to the amenities of the neighbouring occupiers to of 'Lyndhurst' or 'Linden'.

Concerns have been raised that the increase in the bulk and scale of the development would result in a loss of daylight and sunlight to the neighbouring

property 'Lyndhurst'. Due to the orientation and existing relationship of the buildings, it is not considered that the proposal would result in significant detriment to a loss of light to the neighbouring amenities.

The proposal is thereby considered to be acceptable in amenity terms to both existing neighbouring occupiers and also future occupiers of the proposed development. The proposal is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

Highway Safety and Parking Provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Policy EG11 of the Neighbourhood Plan requires proposals to be supported by an appropriate assessment of the impact of the proposal on the highway network and include access arrangements that are appropriately designed and include adequate visibility splays. In addition, policy EG12 requires sufficient on site car parking.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 109 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.'*

Access will be achieved through the existing vehicular access to the northern side of the site with a total of 6no. off road parking spaces proposed to the northern side of the access and to the north-western side/rear of the building. In addition, 8 cycle spaces would be provided to the rear of the site.

Whilst it is acknowledged that the proposal does not provide parking for each unit nor visitor parking, the site is within a sustainable location within a Settlement 1 category, close to the town centre, train station and bus stops. As such a reduced provision of parking is considered acceptable.

The Highways Authority has considered the proposal and raises no objection to the scheme.

Consequently the application is deemed to comply with policy DP21 of the District Plan, policies EG11 and EG12 of the Neighbourhood Plan and para 108 of the NPPF.

Sustainability

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

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The submitted Planning Statement states *'the replacement building would be considerably more energy efficient, helping to reduce energy use and contribute towards a low carbon economy.'*

Additional information from the Agent has been provided concerning sustainable measures to be incorporated in the development. This states:

'The proposed development would replace a dilapidated, poorly insulated and highly inefficient building, on a sustainable brownfield site with a modern sustainable building which would incorporate a number of measures to significantly improve energy efficiency and reduce carbon emissions.

The proposed development will incorporate 12 Solar Photovoltaic Panels onto the flat roof and east facing roof pitch. The inclusion of PV panels will generate energy to serve the development, thereby reducing the dependency on the National Grid and fossil fuels. Any excess energy created by the PV panels will be feed back into the National Grid, further reducing the reliance on fossil fuels.

The development will also incorporate Sustainable Urban Drainage Systems (SuDS) to discharge surface water as set out in the Flood Risk and Sustainable Drainage assessment submitted with the application. The SuDS Management Train approach has identified that infiltration, attenuation and restricted discharge to the sewer are the most appropriate techniques for use on the site. A conventional concrete ringed soakaway will be installed to the rear of the site, over 5m from the building footprint as required by the Building Regulations Part H. Furthermore, a geocellular attenuation tank with a storage volume of 17.1 square metres will be installed, to safely discharge water from a 1 in 100 year storm event, plus 40% allowance for climate change. In relation to surface water runoff, the proposed development will also result in a significant reduction in impermeable surfaces on the site from 92% to 51%, this will aid conventional infiltration.

In addition, the proposed development will incorporate measures to achieve the 'optional' Building Regulations Part G requirement of a water usage of 110L per person per day in accordance with Policy DP42 of the District Plan. Such measures will include the fitting of water efficient taps, showers and water saving dual flush toilets.

The development has also been designed to ensure that each unit will benefit from a good degree of natural light and will be naturally ventilated, therefore reducing the use of energy. Finally, the development will be constructed from high quality, sustainably sourced materials which will ensure that the development is well insulated, therefore reducing the need for heating and in turn reducing the energy consumption of the development.'

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a sustainable location close to the town centre as well as a bus stop and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria of policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Ecology

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 (Natural Habitats, 7c.) Regulations 1994 (as amended).

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

Paragraph 175 of the National Planning Policy Framework 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.'*

The application is accompanied by a Bat Survey. This concludes that the main dwelling forms a summer/day roost for common pipistrelle bats and a European Protected Species Mitigation Licence would be required to renovate the building and destroy the bat roost. However, no bats were found in the outbuilding of The Coach House. Mitigation measures have been proposed to include the creation of temporary and permanent replacement bat roosts in the form of bat adapted access tiles or soffit bat boxes in the renovated building.

The Council's Ecology Consultant has considered the application. He acknowledges that there will be loss of a bat roost. However he advises that *'subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is likely that a licence can be obtained from Natural England.'* As a result he raises no objection subject to a condition requiring the development to be carried out in strict accordance with the recommendations in the supporting bat survey report by Arbtech.

Officers consider that the redevelopment of the site which currently comprises of a vacant building in disrepair to form a net increase of 6 residential units will provide wider public benefits to justify an approval and overcome the impact to the current bat roost on the site. The proposal would provide mitigation measures of replacement bat roosts to overcome the loss.

It is thereby considered that the application complies with policy DP38 of the District Plan and para 175 of the NPPF.

Trees

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

An Arboricultural Report has been submitted with the application. This states that *'only two hedges and three groups of trees made up of small, self-seeded shrubs and saplings are to be removed. The trees to be removed are too small and insignificant to contribute to the character and appearance of the site or the local landscape.'* The trees to be removed are to the rear of the site. In addition it states that there *'will be no incursions into the Root Protection Areas of trees to be retained, and subject to implementation of the measures recommended on the Tree Protection Plan and set out at Appendix 1, no significant or long-term damage to their root systems or rooting environments will occur'.*

The Council's Tree Officer has considered the proposal and raises no objections to the works and tree removals, subject to compliance with the arboricultural report. Officers agree with this and consider that the proposal will not result in detriment to the character of the area through the removal of some trees.

A condition could be placed on a planning permission in respect of soft landscaping to ensure suitable mitigation planting is provided within the site.

In the planning balance it is not considered that there would be significant harm to justify a refusal on the impact to these trees.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Drainage

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

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.

It is proposed that the development will manage surface water drainage through soakage with an overflow to the existing foul sewer, and that foul water will discharge to mains foul sewer.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

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

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The submitted plans show that the proposed homes would exceed the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure to mitigate the impact of development on existing infrastructure and the monies identified will mitigate these impacts. It sets out that infrastructure contributions 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

Due to the number of units provided and the cumulative gross floorspace of the units, the proposal does not require affordable housing contributions as set out in Policy DP31 of the District Plan.

The National Planning Policy Framework 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).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a S 106 planning obligation.

County Council Contributions

Education: Primary - £5,958

Education: Secondary - £6,413

Education: 6th Form - £1,505

Libraries - £1,681

TAD - £10,157

District Council Contributions

Children's playing space - £8,303

Formal Sport - £5,875

Community Buildings - £3,370

Local Community Infrastructure - £3,825

It is considered that the above S106 obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application is within the 7km zone of influence and generates a net increase of 6 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £12,134, and if the approved scheme provides for a strategic SANG contribution, this would be £7,261.

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 has been 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 SANG Condition requires compliance with its terms before development commences and there is considered to be clear justification for this. Furthermore, the proposed SANG Condition requires 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 as referred to above. In formulating the SANG Condition, the District Council has had regard to the National Planning Policy Framework (NPPF) including paragraph [55] and the National Planning Practice Guidance (NPPG) including paragraphs [003 and 010]. 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. All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions. In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition.

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 its completion and 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 Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raises no objection subject to securing suitable mitigation.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

No mitigation is required in relation to the Ashdown Forest SAC.

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Other Matters

A letter has been submitted by an interested party who wishes to purchase and restore the building and coach house to live in. Whilst this is noted, the Local Planning Authority can only consider schemes which are in front of them and not proposed intentions. Whilst the loss of the existing building is regretted, the proposed scheme seeks to reflect the detailing of the original building so that it is sensitive

within the street scene. In addition, the re-development of the site will tidy up the existing vacant and dilapidated building and provide public benefits of additional housing within a Settlement 1 Category.

Concerns have also been raised on the need for additional flats within East Grinstead. Whilst these are noted, Policy DP30 of the District Plan relates to housing mix which seeks to provide a mix of dwelling types and sizes. Para 117 of the NPPF seeks to '*promote an effective use of land in meeting the need for homes*'. In addition, the Councils Housing Economic Development Needs Assessment (HEDNA, 2015) identified the need for smaller units. The site is close to the town centre and in a location where higher density development is acceptable. It is considered that the redevelopment of the site for flats is appropriate.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of East Grinstead and results in the formation of a net increase in 6 additional residential units. The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. The redevelopment of the site for a total of 8 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. The redevelopment will bring into use the current vacant site. It is considered that the proposed development would not cause significant harm to the living conditions of neighbouring land.

The proposal will provide minor but positive social and economic benefits through the delivery of a 6 additional dwellings in the built up area of East Grinstead within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the dwellings proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.

There will be a neutral impact in respect of highway safety and parking provision, space standards, landscaping, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan, policies EG3, EG5, EG11, EG12 and EG16 of the Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 of the NPPF. Accordingly the application is recommended for approval.

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.

Approved Plans

2. 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.

Pre-commencement conditions

3. 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 2010).

4. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a 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.

5. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. 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 DP41 of the Mid Sussex District Plan 2014 - 2031.

7. The development shall proceed in strict accordance with the recommendations in the supporting bat survey report by Arbtech, which shall include obtaining a licence from Natural England to permit destruction of a bat roost prior to demolition.

Reason: To protect the ecological value of the site and to accord with policies DP17 and DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

Pre-occupation conditions

8. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

11. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and details submitted in drwg PD-25 date stamped 13th March 2019.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

12. No part of the development shall be first occupied until a detailed 1:20 section and elevation drawings showing a typical solar panel in relation to the roof as well as specifications on the panels have been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

4. The applicant is advised that to satisfy condition 3 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

5. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer via:

<https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/> in order to commence this process.

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	PD-21	A	13.05.2019
Proposed Floor Plans	PD-22	A	13.05.2019
Proposed Floor Plans	PD-23		13.03.2019
Proposed Elevations	PD-24	A	13.05.2019
Other	PD-25		13.03.2019
Proposed Elevations	PD-26	A	13.05.2019
Existing Elevations	CE/1607017/E	A	13.03.2019
Existing Floor Plans	CE/1607017/B		13.03.2019
Existing Floor Plans	CE/16071017/F		13.03.2019
Existing Floor Plans	CE/1607017/G		13.03.2019
Existing Floor Plans	CE/1607017/S		13.03.2019
Topographical Survey	CAL/1607017		13.03.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Committee as per 15 April 2019: Recommend refusal. The committee were unimpressed with this new submission proposing an even larger property than previous submissions, in light of the comments and rejections that this committee have made previously. The design was appreciated by the committee, however the overbearing and overlooking nature was unacceptable with regards to the impact on the neighbouring property. The car parking spaces as shown were also too small.

Parish Consultation

The Committee continue to recommend refusal: there is little change to the bulk and effect on the neighbouring property. The aesthetic design is an improvement however the committee refer the Mid Sussex Officers back to the decision of 15th April 2019.

WSSC Highways Authority

The highway authority has no objection to the planning application.

The parking proposal for six spaces is adequate given the very good accessibility to rail and bus services. Potential residents should note that the proposal is within a controlled parking zone and that an application for a parking permit may not necessarily succeed.

Road access is proposed via the existing crossover. We recommend that the developer contacts the area highway engineer via <https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/> before construction begins to confirm whether alterations are required to the crossover and whether a licence is required.

Assuming that the development is to be "constructed in accordance with the approved plans", the following conditions are suggested:

Pedestrian Visibility

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in

writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Cycle parking

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

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

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Informative

Section 59 of the 1980 Highways Act - Extraordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer via:

<https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/> in order to commence this process.

WSCC County Planning Officer

Summary of Contributions

Education			
Locality	East Grinstead		
Population Adjustment	10.8		
	Primary	Secondary	6th Form
Child Product	0.0475	0.0475	0.0257
Total Places Required	0.3325	0.2375	0.0514
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£1,681		
Population Adjustment	10.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	6		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	10.8		
Net Parking Spaces	4		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£5,958
Secondary	£6,413
Education - 6th Form	£1,505
Libraries	£1,681
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£10,157

Total Contribution	£25,714
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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, 2018.

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 6 Net dwellings and an additional 4 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 additional equipment at St Peter's Catholic Primary School, East Grinstead.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Imberhorne School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be spent on flexible shelving to enable increased community use at East Grinstead Library.

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

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.

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 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.

Natural England

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

This advice should be taken as Natural England's formal **representation on appropriate Assessment** given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Ecology Consultant

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England. There will be loss of a bat roost but, subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is likely that a licence can be obtained from Natural England. Therefore, subject to these

considerations, then in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The development shall proceed in strict accordance with the recommendations in the supporting bat survey report by Arbtech, which shall include obtaining a licence from Natural England to permit destruction of a bat roost prior to demolition.

Reason: To protect the ecological value of the site and to accord with policies DP17 and DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

MSDC Urban Designer

The current application proposal in most respects reflects the advice I gave the applicant at February's pre application meeting.

It is a shame that the scheme involves the loss of the existing building as it has retained most of its original details including its vertically proportioned sash windows, decorative tiling and barge boarding as well as the cresting and finials that adorn the ridge line. Nevertheless, by replicating the form and much of the detailing of the front part of the existing building the current proposal succeeds in maintaining a frontage that sits comfortably with the group of similar circa Edwardian period properties that face the west side of Maypole Road. This is despite the fact that the proposed building will have a significantly greater footprint and extends further back than the existing house; however it is now better designed than the refused schemes and benefits from being more disguised by the break in the building/roof line. Overall it is an improvement upon the refused schemes and I raise no objection, but would recommend conditions (or submission of further drawings as appropriate) to cover the following issues:

- Facing materials - I am not convinced about the rendering of the bay windows, and as discussed I feel this needs to feature a sandstone finish as per the existing (reconstituted stone if necessary). **Not addressed but facing materials should be subject to a condition**
- Design of the windows - As agreed at the pre application meeting these should be double hung sash windows, at least in the front part of the building (visible from the street). **Not shown on the drawings, please include a condition covering this**
- Detailed 1:20 section and elevation drawings showing the decorative detailing including the gabled roof, barge boarding, finials, cresting, first floor cornice / dentils (in context). **Not supplied, please include a condition covering this**
- Detailed landscaping **Not supplied, please include a condition covering this**
- Position of the rainwater downpipes - These are not shown on the elevations and need to be positioned where they work harmoniously with the façade (avoiding the poor positioning on the existing building). **Addressed**
- The design of the front entrance canopy - As drawn it does not integrate well with the front door which it sits too high above. Its design also needs to be considered in relation to the rainwater downpipe which is best accommodated in the corner (so a smaller canopy such as the one at the side that sits proud of the side wall could be considered). **Addressed**

I would also like the architect to look at the positioning of the windows on the NE flank and the rear elevation. The gable is poorly integrated on the NE flank as it is not vertically defined on the ground and first floors with a projection (which would address this); the formal repositioning of the windows could help (although this would require some internal re-jig) and/or the positioning of the rw-downpipes **Addressed**. On the rear elevation the first floor

windows would benefit from being more consistently grouped (refer to attached overlay).

Addressed

MSDC Leisure

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

Lingfield Road Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £8,303 is required to make improvements to play equipment (£4,513) and kickabout provision (£3,791).

FORMAL SPORT

In the case of this development, a financial contribution of £5,875 is required toward Senior pitch drainage at King Georges Field, East Grinstead.

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 £3,370 is required to make improvements to the Age UK 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.

MSDC Drainage

Recommendation: Condition recommended

Summary and overall assessment

The development proposes to discharge surface water to a soakaway, which in turn can overflow to an attenuation tank, which in further turn can discharge at a restricted discharge rate of 2.0ls-1 to the existing foul sewer that serves the site. It is stated that the proposal has capacity for the 1:100+40%cc event

On site investigations have found:

- an infiltration rate of $8.42 \times 10^{-5} \text{ms}^{-1}$ can be achieved.
- The existing brownfield drainage arrangements have surface water discharging to the site's foul system at approximately 2.8ls-1.

The addendum to the submitted FRA informs that the proposed soakaway will have capacity for the 1:100 year storm event. So rainfall exceeding this will then overflow to the attenuation tank, where water will be restricted to approximately 2ls-1 into the existing foul network.

Whilst this proposal provides betterment to the local foul network, this still requires formal approval from Southern Water. This will need to be shown as part of meeting the condition at the detail design stage.

This proposed development will still 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 should 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.

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.

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.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible 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 Proposals

It is proposed that the development will use soakage with an overflow to the existing foul.

Foul Water Drainage Proposals

It is proposed that the development will utilise the existing foul network

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.

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.

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

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:

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

5.

Outfall to Public 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.

MSDC Tree Officer

I know this site quite well and raise no objections to the works and tree removals, subject to compliance with the arb report.

However, DP37 requires removed trees to be replaced on a one for one basis and it is difficult to see how they would achieve this within the site . Also, there is no landscaping plan. Do we not want to soften the frontage of this scheme ?

Landscaping scheme should be submitted and replacement trees should be required by condition in accordance with policy. I accept that some of the trees be removed are small, self seeded specimens but I think we should require at least 3 replacement trees and some shrubs

The tree report refers to a policy which has subsequently been replaced by DP37.

MSDC Environmental Protection

Given the potential for noise and dust disturbance to existing nearby premises during the demolition and construction phases of this development, should planning permission be granted, Environmental Protection recommends the following conditions:

1. **Construction and demolition:** 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 to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

2. **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

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

Reason: To protect neighbouring residents and residences from noise, vibration and dust.

Informative:

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

Accordingly, you are requested that:

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

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

MSDC Street Name & Numbering

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

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

Gatwick 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.