

MID SUSSEX DISTRICT COUNCIL

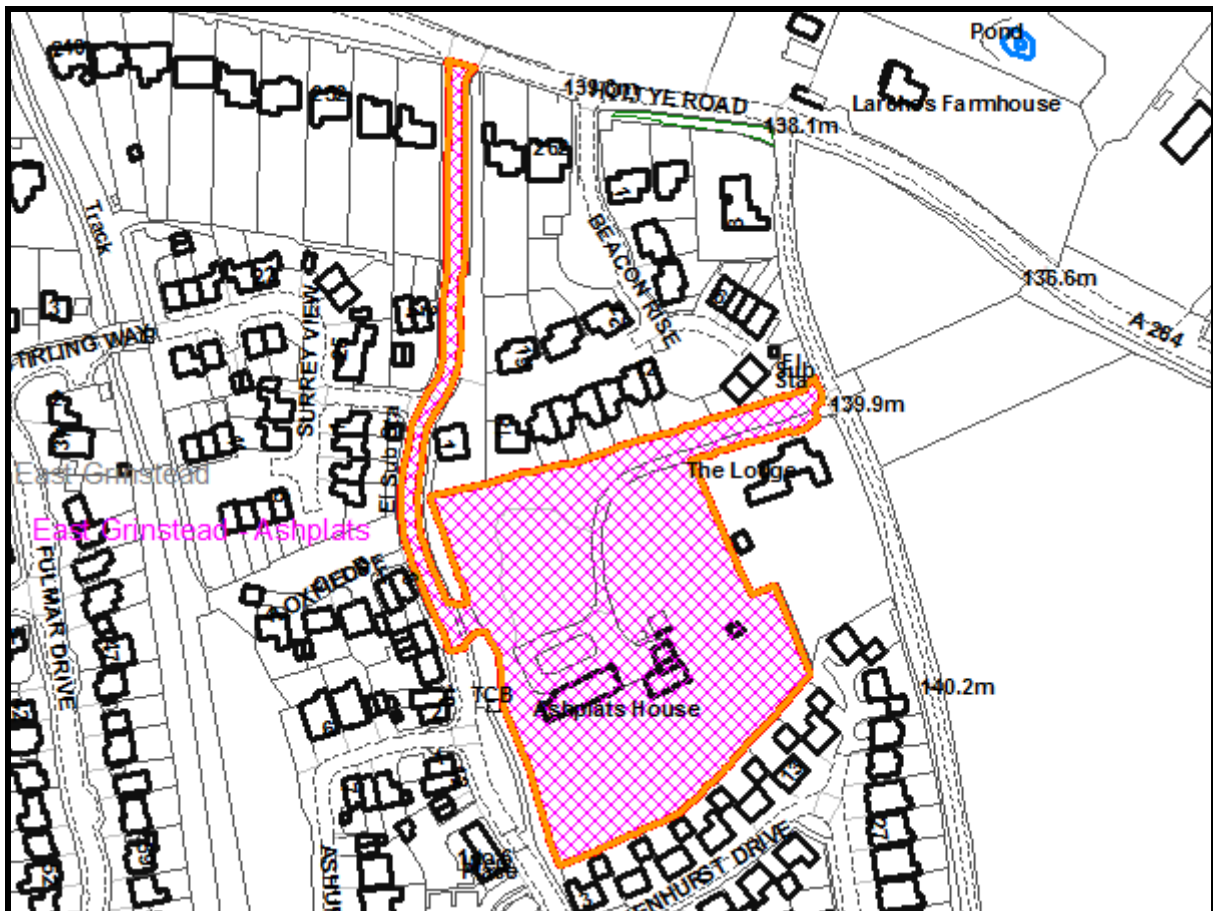
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/19/1613



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**ASHPLATS HOUSE HOLTYE ROAD EAST GRINSTEAD WEST SUSSEX
DEMOLITION OF ASHPLATS HOUSE AND ASSOCIATED OUTBUILDINGS
AND ERECTION OF 30 NO. RESIDENTIAL DWELLINGS (INCLUDING 30%
AFFORDABLE HOUSING) AND ACCESS ONTO GREENHURST DRIVE.
MR AND MRS JEROEN BOS**

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Areas of Townscape Character / Built Up Areas / Countryside Area
of Dev. Restraint / Classified Roads - 20m buffer / District Plan

Policy / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order / Tree Preservation Order Points / Advance Payment Code (WSSC) / Highways and Planning Agreement (WSSC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 1st October 2019

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Susan Dubberley

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

The application seeks outline planning consent, with access, for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive.

The application is before the committee due to the number of units being proposed.

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.

The NPPF 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.

Regarding the principle of the development, the site is part of a larger site allocated for residential development in the East Grinstead Neighbourhood Plan so in this respect complies with the Development Plan.

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 addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes

Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage and protected species. There will be no likely significant effect on the Ashdown Forest SPA or SAC.

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6 DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP34, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan and the broader requirements of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

RECOMMENDATIONS

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary affordable housing provision and financial contributions towards infrastructure and SAMM mitigation, as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary affordable housing provision, infrastructure payments and SAMM mitigation by the 5th December 2019, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary affordable housing, infrastructure and SAMM mitigation required to serve the development and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

SUMMARY OF REPRESENTATIONS

55 letters of objection:

- Loss of privacy
- Loss of views
- Nuisance from light from any Street lighting
- Density out of character with area, gardens are too small and houses too close together.
- Overdevelopment.
- Noise and disturbance from increase in traffic.
- Noise and disturbance during construction and unsafe on Greenhurst Drive with construction traffic. It will be chaos with builders parking their vans and heavy lorries coming in and causing issues for the emergency services. Those that work from home will be unable to due to noise.
- If the council is not in a position to adopt the roads that it approves planning on then we object to the development.
- Would like a construction shut down in a two week period at Christmas and a two week period around summer bank holiday.
- Concerns over possible damage to property during construction.
- Residents of Bluebell Gate were never informed of this additional building work occurring when purchased our property and the impact of the building works on our day to day lives will be significant.
- Object to use of private road.
- Lack of infrastructure in Bluebell Gate to support more housing.
- Lack of school places along with NHS dentists and GP surgeries
- Would oppose a shop or store on the site due to anti-social behaviour
- The new development will be serviced by the existing pumping station which is already unfit for purpose and costing residents extra to repair, replace and maintain. Believe that the existing pumping station will need to be upgraded.
- Additional parking problems, congestion and pollution, which raises significant health and safety issues for existing residents, particularly for children and young people.
- A significant decline in wildlife since the start/completion of the existing development and the increase in domestic cats and dogs. Pressure on trees roots from soil erosion due to more surface water.
- The fact that the plot of land has been identified under the East Grinstead policy EG6b does not guarantee that planning permission would be forthcoming.
- The boundary trees that appear between the site and Beacon Rise are protected under a Tree Preservation Order (area) The fact that it is proposed to replace the trees with other species is irrelevant.
- Object to loss of trees and wildlife.
- Access unsafe especially for children. Access from Greenhurst Drive to A264, is hazardous to pedestrians from the west. The traffic exiting Greenhurst drive has no sight of pedestrians.
- This entrance will cause more blind spots within this narrow busy road.

East Grinstead Society:

Recommend refusal unless the problems Holtye Road about the sewage pumping system, access to and from the site and resolution of the road adoption are resolved together with the bell mouth on the A264. Improved access by public transport to the schools and other town facilities is needed.

SUMMARY OF CONSULTATIONS**MSDC Urban Designer**

No objection.

MSDC Trees

No objection.

MSDC Ecological Advisor

No objection subject to condition.

MSDC Drainage

No objection subject to Reserved Matters and Conditions.

MSDC Housing

9 onsite affordable units required.

MSDC Leisure

No objection subject to contributions.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Archaeological Advisor

No objection subject to condition.

WSCC Highways

No objection subject to conditions.

WSCC Infrastructure

No objection subject to infrastructure contributions.

Sussex Police

No objection although suggest some minor changes for reserved matters.

Southern Water

No objection subject to condition.

Natural England

No objection to HRA approach.

SUMMARY OF EAST GRINSTEAD TOWN COUNCIL COMMENTS

Recommend refusal: access should not be from Bluebell Gate, but through remaining part of site that should also come forward now. Should be condition that road maintained by new residents or adopted. Concerned about capacity of sewage pumping station. Committee also want infrastructure such as shop or community service provided for enlarged development.

Introduction

Application DM/19/1613 seeks outline planning consent, with access, for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive.

Relevant Planning History

There is no directly relevant planning history on the Ashplats House site itself.

The Greenhurst Drive development was subject to a number of applications with the most recent reserved matters approved under 13/00487/REM which followed the outline approval under 10/01317/OUT.

Site and Surroundings

The application site measures 1.1 hectares in area and is broadly rectangular in shape although it does include a spur leading off to the east. The site is currently occupied by Ashplats House, which is a large 2.5 storey dwelling, and a number of outbuildings associated with it including a separate annexe.

The site is well screened around the perimeter by boundary trees. Some of these are covered by a tree preservation order GR/07/TPO/90.

There is existing residential development on all four sides of the application site. To the west and south lie properties within the Greenhurst Drive development. To the north, properties on Beacon Rise back on to the application site. To the east lies the house and garden of Ashplats Lodge and beyond this lies a private lane known as

Fairlight Lane which is also a public footpath. Fairlight Lane runs broadly in a north/south direction and also marks the boundary of the High Weald AONB which is located on the eastern side.

In planning policy terms, the site falls outside the built up area boundary of East Grinstead, although the formal boundary lies along the northern, western and southern boundaries of the application site.

Application Details

The application is in outline form with access. This means it is the principle of the proposal and the access to the development that are currently being considered. Matters reserved for consideration at a later date are appearance, landscaping, layout and scale.

There is shown to be one vehicular access to the development which is off Greenhurst Drive to the west. The applicant has stated that they have a legal right to use Greenhurst Drive, which is a private road, to access the site from Holtye Road. Three additional pedestrian routes are also shown into the site, two off Greenhurst Drive towards both the north and south of the site with the third linking in with Fairlight Lane to the east adjacent to Ashplats Lodge.

In other aspects the submitted layout is illustrative at this stage and shows a cul de sac arrangement and a mixture of units ranging from 1 bed flats to 4 bed houses with 71 car parking spaces are shown.

Although at outline stage, the proposal does include the provision of 30 affordable housing on the site and this equates to nine units.

List of Policies

District Plan

DP4 - Housing
DP6 - Settlement hierarchy
DP12 - Protection of Countryside
DP13 - Preventing coalescence
DP16 - High Weald Area of Outstanding Natural Beauty
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix
DP31 - Affordable Housing
DP34 - Listed building and other Heritage Assets
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

Neighbourhood Plan

The East Grinstead Neighbourhood Plan has been made so forms part of the Development Plan and attracts full weight.

The following policies are relevant:

EG3 - Promoting Good Design
EG4 - Heritage Assets
EG5 - Housing Proposals
EG6B - Housing Sites - Allocated
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest Protection

National Policy, Guidance, Legislation and Other documents

National Planning Policy Framework (NPPF) February 2019

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is *"significantly boosting the supply of homes"*.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

National Planning Policy Guidance

Technical Housing Standards

The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

Assessment

It is considered that the main issues needing consideration in the determination of this application are as follows;

- The principle of development
- Accessibility of the site
- Impact on visual amenity including AONB, coalescence and effects on trees
- Residential amenity
- Highways, access and car parking
- Drainage
- Ecology
- Infrastructure
- Affordable Housing
- Ashdown Forest
- Other Planning Issues (e.g. mix, archaeology, impact on remainder of allocated site)
- Planning balance and conclusion

Principle

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

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

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

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

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

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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 Mid Sussex consists of the adopted District Plan, the made East Grinstead Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

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

Being within the countryside Policy DP12 applies. This states that development will be permitted *"provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

Policy DP6 is also relevant, particularly point 1, which states that:

"Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and..."*

In this case there is a relevant neighbourhood plan policy that allocates the application site, along with land at the adjoining property known as The Lodge, for residential development.

Policy EG6B states in part that:

"11. Ashplats House, off Holtye Road. This site would be suitable for between 35 and 45 dwellings being that it is now surrounded on 3 sides by existing development and partly constitutes previously developed land. Access Could be appropriate off Greenhurst Drive."

Given this allocation, the principle of a residential development is therefore acceptable on this site.

Accessibility of the site

The NPPF, as set out in paragraph 103, states that:

"The planning system should actively manage patterns of growth in support of these objectives (as set out in para 102). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

This is reflected in Policy DP21 of the District Plan which states that:

"decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses."*

East Grinstead itself is classed as a Category 1 settlement within Policy DP6 of the District Plan. These are defined as:

"Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements."

As noted earlier in this report, the site adjoins the existing defined built up area of East Grinstead on three sides to the north, west and south. Future occupiers will be able to cycle, walk or use public transport to access the comprehensive facilities within East Grinstead. As such the site is considered to be sustainably located in accordance with Policy DP21.

Impact on visual amenity including AONB, coalescence and effects on trees

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside and adjacent to the AONB. Potential coalescence issues also need to be considered.

In respect of visual amenity paragraph 127 of the NPPF states that planning decisions should ensure developments are sympathetic to local character and history whilst also establishing or maintaining a strong sense of place.

The objectives of the district plan policies are consistent with the principles of the NPPF.

Policy DP12 states that the countryside will be protected in recognition of its intrinsic character and beauty.

Policy DP13 refers to coalescence and states that:

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

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

Policy DP26 states that *"all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be*

well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside."

At this outline stage there are no reasons to conclude that a suitably designed scheme could not be achieved on the application site.

In respect of the issue about coalescence, the development is obviously outside the built up area but this does not automatically mean it will result in the coalescence of individual settlements.

Policy EG6B states in part that:

This site would be suitable for between 35 and 45 dwellings being that it is now surrounded on 3 sides by existing development and partly constitutes previously developed land.

It is therefore considered that due to the existing development surrounding the site there would not be any significant impact in terms of coalescence.

The tree impact is also an important consideration. The Arboricultural report submitted with the application states that a number of trees will need to be removed to enable the development, that are either internal to the site or conifers on the site boundaries with limited life expectancy. The Council's tree officer has raised no objection to the potential loss of some of the tree including the TPO trees and stated that:

DP37 requires replacement on a one for one basis and this should be addressed in future landscaping proposals. Whilst the loss of so many trees is regrettable, many of the conifers are of no merit and are coming to the end of their lives (the TPO was made in 1990) and it would be preferable to secure new planting with some longevity.

I am concerned about future pressure on some of the frontage trees due to the proximity of proposed houses, particularly plots 20, 21 and 24. Also, it's not clear whether trees along the boundary with properties on Greenhurst Drive are within the gardens. This is something which can be clarified at the R M stage but it is important to establish for future care of the trees.

The comments regarding proximity to trees to the development are noted and these will need to be considered at a reserved matter stage as the details of landscaping and layout are proposed as reserved matters. A condition requiring a detailed landscaping plan also forms part of the recommendation. On this basis, it is not considered that the proposal would be contrary to the above policies.

As the site lies close the boundary with the High Weald Area of Outstanding Natural Beauty the impact on the setting of the AONB needs to be considered. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them

expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

The most relevant part of Policy DP16 of the Mid Sussex District Plan states that:

"Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage."*

Paragraph 172 of the NPPF states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."*

In this case the housing proposal is an allocated site which is surrounded on three sides by existing development and Ashplats Lodge lies between the site and the AONB. The development would be seen in context with the existing built form in the locality and would not result in an isolated form of development or have a significant impact on the AONB.

In summary there are no objections to the application at this outline stage in respect to visual amenity, coalescence, tree impact or the AONB effects. Further consideration will be given to these issues at reserved matters stage.

Residential amenity

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

"All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)."

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that criteria (j) of ASW14 states that living conditions of adjoining residents should be 'safeguarded'. However, under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or

published. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage. In this case there are existing neighbouring residential properties that have the potential to be affected to the north, south, and east and across the road to the west. The indicative layout shows distances between the proposed houses the nearest existing residential properties of at least 21m and in most cases this distance is greater and in addition there is screening along the boundaries in the form of mature trees with some of these trees covered by a tree preservation order. Members will be aware that the generally accepted minimum back to back distance between properties to ensure that significant harm through overlooking does not occur is 21 metres. Nevertheless, as this application is of an outline scheme with the appearance, layout and scale of the units not being considered, this would need to be fully assessed at any reserved matters stage.

Highways, Access and Parking

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Access to the site is currently from the east side of the site via Holtye Road (A264). The application proposes a new access onto Greenhurst Drive which is a private road, included within the management company for the adjoining development. The applicants have stated in their submission they have a legal right to access Greenhurst Drive and to utilise it for onward access to Holtye Road. A total of 71 parking spaces are provided within the proposals; 63 of which are allocated spaces and 8 for visitors.

The Transport Assessment submitted with the application development states that the development would result in 140 vehicle movements across the 12-hour day, of which 16 occur in the AM peak and 15 occur during the PM peak. This equates to just fewer than 12 vehicles an hour across the 12-hour day, or approximately one additional trip every five minutes. No objections have been raised by the WSCC Highways Engineers who have commented:

The increase in traffic movements to the site is duly noted, however based on the information provided the data provided appears to be robust and the proposals would not result in a material increase in traffic movements. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Although there are a number of objections regarding the safety of the new access, no issues have been raised by the Highways Authority and they are satisfied with the new access and visibility splays proposed. The LHA are also satisfied with the proposed parking will be provided in accordance with WSCC's Parking Standards at a total of 63 allocated spaces with a further eight unallocated spaces for visitors.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate. The proposal falls within Flood Zone 1 which is an area of low risk of flooding.

It is noted that a large number of objections relate to current concerns regarding the existing foul system in the adjacent development (Barratts), into which it is proposed that this development will discharge to. There are also concerns as to whether the system has sufficient capacity for the additional houses now proposed by this application. The drainage engineer is aware of the concerns and has commented that:

Whilst the proposed foul drainage method for this development is suitable in principle, it will be necessary for us to be fully satisfied that the existing foul system and the proposed additional foul system is able to fully cope with expected flows and is working appropriately. This can be managed under condition.

It is proposed that the development will utilise the existing foul system of the adjacent development site. It is claimed that this system has sufficient capacity. However, there is current concern that this system is not working as expected and may not have sufficient capacity or means to take foul water for this development. This needs to be sorted under a specific pre-commencement condition.

The drainage engineer has therefore considered the drainage proposals and is of the opinion that this outline application has demonstrated that the principle of the development is acceptable in drainage terms and that the details can be dealt with by an appropriate condition. Therefore the application is considered to comply with policy DP41 of the District Plan

Ecology

Para 170 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;

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;

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

An Ecology report has been submitted with the application and the Consultant Ecologist has raised no objections stating:

Bat survey results indicate that roosts of relatively common bat species, of lower conservation significance (ie. non maternity or hibernation use), would be lost as a result of the proposals. If MSDC is of the view that in all other respects, granting consent is in the public interest then is likely, in my view that a licence can be obtained from Natural England.

Subject to Ashdown Forest and Habitat Regulations assessment considerations, there are no other biodiversity policy reasons for refusal or amendment of the proposal.

A condition is recommended to ensure that the recommendation set out in the ecology report in relation to bats is implemented in full.

In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan and the NPPF.

Infrastructure

Contributions are requested in accordance with Policy DP20 of the District Plan, the Council's 'Development Infrastructure and Contributions' SPD and the NPPF.

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are formula based because being at the outline stage the precise mix of dwellings, and therefore the accurate contribution, is not yet known. The contributions will go towards the following projects/facilities:

Formal Sport: £31,690 (improvements to tennis facilities at Mount Noddy Recreation Ground)

Play Equipment: £26,429 (improvements at East Court woodland play area)

Kickabout: £22,200 (improvements at East Court woodland play area)

Community Buildings £18,175 (improvements to Meridian Hall at East Court)

Local Community £22,868 (upgrading of public toilets at East Court and/or cctv at Mount Noddy Recreation Ground)

Education Primary: £ Formula approach (The contributions generated by this proposal shall be spent on additional facilities at Blackwell Primary School)

Education Secondary: £ Formula approach (The contributions generated by this proposal shall be spent on small scale improvements at Sackville School.)

Education Sixth Form: £ Formula approach (The contributions generated by this proposal shall be spent on additional facilities at Sackville School Sixth Form)

Library: £ Formula approach (The contributions generated by this proposal shall be spent on upgrading of digital services at East Grinstead Library)

TAD: £ Formula approach (The contributions generated by this proposal shall be spent on walking and cycling improvements at East Grinstead Station to improve links between the development and public transport, as outlined in the WSCC Local Transport Improvement Programme.)

In accordance with the Recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

Affordable Housing

Policy DP31 of the District Plan sets the Council's threshold for seeking affordable housing as the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more. The Council's Housing Officer has commented that:

"The applicant is proposing a development of 30 residential dwellings which gives rise to an onsite affordable housing requirement of 9 units (30%). The proposal accords with current policy in terms of number, size of units and tenure split and would meet a range of affordable housing needs. The affordable housing proposed comprises 3 x 1 bed flats, 2 x 2 bed flats, 3 x 2 bed houses and 1 x 3 bed house. 7 units are proposed for rent and 2 for shared ownership. We would wish the 2 shared ownership units to comprise 1 x 2 bed house and 1 x 3 bed house. The units will need to comply with the Occupancy Requirements of the Affordable Housing SPD (para 2.40) and meet National Space Standards. The illustrative layout shows the affordable homes located in two distinctly separate areas of the site which demonstrates that consideration has been given to community cohesion within the development. The broad mix of private units will further contribute to social integration and the creation of a balanced community. The adoption of a tenure blind approach to design and materials will also mean that the affordable housing will be indistinguishable from the private dwellings."

The affordable housing will be secured via the legal agreement ensuring that the outline application complies with Policy DP31.

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 29 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development would be formula based given the mix of 30 units is not known at this outline stage. Similarly, if the approved scheme provides for a strategic SANG contribution, this would also be formula based.

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.

The Planning Obligation securing the SAMM contribution has not yet been completed but, as per the recommendation of this report, it is proposed that planning permission is not granted until such time as the legal agreement has been completed. Subject to the imposition of an appropriate planning condition in relation to SANG being secured, as set out in Appendix A, 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 has no objection subject to securing the appropriate 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 was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the Neighbourhood Plan such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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 Planning Issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Future residential amenity and the overall mix of dwellings will be given further consideration at reserved matters stage but there do not appear to be any reasons why a policy compliant scheme cannot be achieved. For example, the illustrative sizes appear to show adequate size dwellings and plots.

A condition to secure the implementation of a programme of archaeological work in line with Surrey County Council archaeologist comments forms part of the recommendation.

Details of what sustainable construction features will be incorporated into the dwellings will be secured via condition.

Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work and deliveries form part of the recommendation.

Loss of views is not a planning matter.

There is no reason to believe at this stage that the development will not provide a suitably quality environment for future occupiers.

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.

The NPPF 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.

Regarding the principle of the development, the site is allocated for residential development within the East Grinstead Neighbourhood Plan so in this respect complies with the Development Plan.

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 addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage and protected species. There will be no likely significant effect on the Ashdown Forest SPA or SAC

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6, DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP34, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan and the broader requirements of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. 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. Specifically to this development, where the existing foul pumping station of the adjacent site is to be relied upon by this development, its suitability shall be fully investigated; and where it is found to be deficient, the pumps sets, controls and associated mechanical and electrical systems shall be upgraded accordingly. Details of the investigation and any subsequent remedial/upgrading works, shall be submitted and approved 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 Policy DP41 of the District Plan.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works and details of a neighbour notification procedure for particularly noisy construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the District Plan.

4. No development shall take place unless and until the applicant has provided a sustainability statement to be submitted to and approved in writing by the local planning authority setting out what sustainable measures will be incorporated into the proposals in order to improve energy efficiency and water use. The development shall only proceed in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Policies DP39 and DP41 of the District Plan.

5. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme including an arboricultural method statement (AMS), shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. The AMS should take into consideration: all construction traffic accessing site, storage of materials, encroachment into RPAs and methodology/good working practices (in accordance with BS 5837). These works shall be carried out as approved. These 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 District Plan and Policy EG3 of the Neighbourhood Plan.

6. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by

the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

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

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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy DP34 of the Mid Sussex Local Plan.

8. The recommendations set out in the PEA, Potential Roost Features Tree Survey, and Bat Survey reports by the Ecology Partnership, dated January 2019 and March 2019 and June 2019, respectively, shall be implemented in full.

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

9. Works of construction or demolition, as well as deliveries or collection, and 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 and to comply with Policy DP26 of the District Plan.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP26 of the District Plan.

11. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Design and numbered H-01.

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

12. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans to first be submitted to and approved in writing by the local planning authority. These parking spaces / turning areas 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 District Plan.

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

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

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

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

15. The development hereby permitted shall not commence unless and until samples of materials and finishes to be used for all facing materials, including the external walls / roof / fenestration 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 in writing.

Reason: In the interests of visual amenity and to accord with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

INFORMATIVES

1. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. The applicant is advised that to satisfy condition 2 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.

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
Existing Floor and Elevations Plan	FD 18-1661-53		29.04.2019
Existing Floor and Elevations Plan	FD 18-1661-54		29.04.2019
Location Plan	FD 18-1661-50		29.04.2019
Access Plan	H-01	P2	29.04.2019

APPENDIX B – CONSULTATIONS

Heritage Consultations - Surrey County Council

Recommend Archaeological Condition:

The application site is relatively large (1.1ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by Orion Heritage) has been submitted in support of this application. The Assessment provides a useful overview of the sites potential, and concludes that although there are no designated or known heritage assets within the site itself, there is a moderate potential for previously unknown below ground remains of prehistoric date. This conclusion is based on the results of investigation conducted to the immediate south and west of the site, associated with planning application 10/1317/OUT, and conducted by Archaeology South East in 2012. The archaeological excavation revealed the remains of ditches containing Iron Age pottery and metalworking residue, and likely represent the remains of a later Prehistoric field system. I am pleased that the results of this 2012 investigation is reproduced in full within the Heritage Desk Based Assessment, as this demonstrates that there is a clear potential for similar remains to be present within the current application site, although no individual feature can be extrapolated to extend into the site boundary.

Given that the moderate archaeological potential of the site, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I agree with the recommendations of the Desk Based Assessment that further archaeological work (evaluation) is required in relation to this proposed development. The evaluation will likely involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that are and may be present on the site, and the results of the evaluation will enable suitable mitigation measures to be developed if necessary. I will need to agree a specification for the evaluation before the trenching can begin.

In the absence of any evidence to suggest that remains of a significance and standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological

work be carried out in advance of planning permission (although it is of course better that the work be carried out at the earliest opportunity). In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

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

MSDC Urban Designer

I have just a few comparatively small points:

- The definition of the street is undermined by the inconsistent building lines of 5/6 and 7/8 which can be easily corrected.
- The issue raised by the Police in respect of the footpath along the northern boundary can be mitigated if plots 1 and 2 have well fenestrated northern elevations.
- I disagree with the Police's comments in respect of the secondary pedestrian access as pedestrian connectivity is to be encouraged (if it otherwise means a circuitous route) providing there is a satisfactory level of natural surveillance which is provided by plot 17 and hopefully also by fenestrating plot 22's flank in particular (this will necessitate handing the internal plans and front doors of plots 22-24 to maintain rhythm and allow plot 22 to have habitable rooms facing the pedestrian link).
- I have most concern about the lack of natural surveillance over the open space along the southern boundary and the impact of the parking serving plots 19 and 20 which will obstruct sight lines. The latter needs to be removed/reduced and the southern flanks of plots 18 and 19 need to be fully fenestrated.

MSDC Trees

All trees appear to be correctly plotted and proposals are along the lines of our pre app discussions.

DP37 requires replacement on a one for one basis and this should be addressed in future landscaping proposals. Whilst the loss of so many trees is regrettable, many of the conifers are of no merit and are coming to the end of their lives (the TPO was made in 1990) and it would be preferable to secure new planting with some longevity.

I am concerned about future pressure on some of the frontage trees due to the proximity of proposed houses, particularly plots 20, 21 and 24. Also, it's not clear whether trees along the boundary with properties on Greenhurst Drive are within the gardens. This is something which can be clarified at the R M stage but it is important to establish for future care of the trees.

Important TPO trees to be removed are diseased and pose a risk.

MSDC Ecological Advisor

Bat survey results indicate that roosts of relatively common bat species, of lower conservation significance (i.e. non maternity or hibernation use), would be lost as a result of the proposals. If MSDC is of the view that in all other respects, granting consent is in the public interest then is likely, in my view, that a licence can be obtained from Natural England.

Subject to Ashdown Forest and Habitat Regulations assessment considerations, there are no other biodiversity policy reasons for refusal or amendment of the proposals, subject to the following condition:

The recommendations set out in the PEA, Potential Roost Features Tree Survey, and Bat Survey reports by the Ecology Partnership, dated January 2019 and March 2019 and June 2019, respectively, shall be implemented in full.

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

MSDC Drainage

Recommendation: Approve principle - subject to Reserved Matters and Conditions

Summary and overall assessment

Percolation tests have been undertaken across the site, and this has shown some variable rates of infiltration ranging from 1.86×10^{-6} ms⁻¹ to 1.9×10^{-5} ms⁻¹. The FRA has taken the average of the found values to design the outline proposal. Whilst this is a method to establish if it is principally achievable, this could result in over and under capacity if use in a final design. Therefore, at the reserved matters stage, the capacity and size of any such percolation units will need to be fully evaluated following the specific percolation rates and not the average. The reason why this should be undertaken at Reserved Matters is because the varying percolation rate could require the size of the soakage systems to be adjusted, and this could affect the layout.

Looking at the submitted drainage layout plan, it is proposed for the soakaways to be located in a mix of private gardens and public areas. This would be acceptable, but only if the individual soakaways serve only that property within which it is situated (not shared). Or, if located within public areas, the soakaway must be supported by a suitable and sufficient maintenance and management plan.

The surface water drainage system has been designed to cater for the 1 in 100 year storm event plus an extra 40% capacity for climate change, with all soakaways having a suitable half drain time. However, as noted above, this is based upon the average soakage rate; so more accurate design calculations would be expected at Reserved Matters stage.

There are current concerns regarding the existing foul system in the adjacent development (Barratts), into which this development will discharge to. And whilst the proposed foul drainage method for this development is suitable in principle, it will be necessary for us to be fully satisfied that the existing foul system and the proposed additional foul system is able to fully cope with expected flows and is working appropriately. This can be managed under condition - noted later in this consultation response. A suggested condition for, and approach towards, investigating and addressing the current concerns was submitted by the developer - email Katie Lamb 06/06/2019.

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

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 utilise soakage methods.

Foul Water Drainage Proposals

It is proposed that the development will utilise the existing foul system of the adjacent development site. It is claimed that this system has sufficient capacity. However, there is current concern that this system is not working as expected and may not have sufficient capacity or means to take foul water for this development. This needs to be sorted under a specific pre-commencement condition.

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. Specifically to this development, where the existing foul pumping station of the adjacent site is to be relied upon by this development, its suitability shall be fully investigated; and where it is found to be deficient, the pumps sets, controls and associated mechanical and electrical systems shall be upgraded accordingly. Details of the investigation and any subsequent remedial/upgrading works, shall be submitted and approved 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.

MSDC Housing

The applicant is proposing a development of 30 residential dwellings which gives rise to an onsite affordable housing requirement of 9 units (30%). The proposal accords with current policy in terms of number, size of units and tenure split and would meet a range of affordable housing needs. The affordable housing proposed comprises 3 x 1 bed flats, 2 x 2 bed flats, 3 x 2 bed houses and 1 x 3 bed house. 7 units are proposed for rent and 2 for shared ownership. We would wish the 2 shared ownership units to comprise 1 x 2 bed house and 1 x 3 bed house. The units will need to comply with the Occupancy Requirements of the Affordable Housing SPD (para 2.40) and meet National Space Standards. The illustrative layout shows the affordable homes located in two distinctly separate areas of the site which demonstrates that consideration has been given to community cohesion within the development. The broad mix of private units will further contribute to social integration and the creation of a balanced community. The adoption of a tenure blind approach to design and materials will also mean that the affordable housing will be indistinguishable from the private dwellings.

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

The East Court woodland play area, owned and managed by the Council, will face increased demand from the new development and a contribution of £48,629 is required to make improvements to play equipment (£26,429) and kickabout provision (£22,200) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £31,690 is required toward improvements to tennis facilities at Mount Noddy Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £18,175 is required to make improvements to the Meridian Hall at East Court.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

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

MSDC Environmental Protection

Given that this proposed development is surrounded by residential properties, should planning permission be granted Environmental Protection would recommend the following conditions to protect the amenity of local residents:

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

Monday to Friday: 08:00 - 18:00 Hours;
Saturday: 09:00 - 13:00 Hours;
Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

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

Monday 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.

Construction Management Plan:

Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

Measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);

Dust Management Plan:

Site contact details in case of complaints.

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

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

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 Archaeological Advisor

Recommend Archaeological Condition:

The application site is relatively large (1.1ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by Orion Heritage) has been submitted in support of this application. The Assessment provides a useful overview of the sites potential, and concludes that although there are no designated or known heritage assets within the site itself, there is a moderate potential for previously unknown below ground remains of prehistoric date. This conclusion is based on the results of investigation conducted to the immediate south and west of the site, associated with planning application 10/1317/OUT, and conducted by Archaeology South East in 2012. The archaeological excavation revealed the remains of ditches containing Iron Age pottery and metalworking residue, and likely represent the remains of a later Prehistoric field system. I am pleased that the results of this 2012 investigation is reproduced in full within the Heritage Desk Based Assessment, as this demonstrates that there is a clear potential for similar remains to be present within the current application site, although no individual feature can be extrapolated to extend into the site boundary.

Given that the moderate archaeological potential of the site, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I agree with the recommendations of the Desk Based Assessment that further archaeological work (evaluation) is required in relation to this proposed development. The evaluation will likely involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that are and may be present on the site, and the results of the evaluation will enable suitable mitigation measures to be developed if necessary. I will need to agree a specification for the evaluation before the trenching can begin.

In the absence of any evidence to suggest that remains of a significance and standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological work be carried out in advance of planning permission (although it is of course better that the work be carried out at the earliest opportunity). In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

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

West Sussex Highways

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals on highway safety, capacity and accessibility for the above proposals. The site currently comprises one residential dwelling (Ashplats House). Access to the site is currently from the east of the site via Holtye Road, which connects to the A264 Holtye Road in the south at a priority intersection.

The proposal site lies on the north eastern edge of the town of East Grinstead. The site is located to the east of Greenhurst Drive, where the new access will be taken from. The road is in private ownership and leads directly from the A264 Holtye Road. This junction of Greenhurst Drive with Holtye Road was constructed as part of the Barratt Homes scheme which dates back to a planning application submitted in 2010.

The LHA provided pre-application advice to the proposals in November 2018 where an outline of what would be expected at the planning stage was provided. The proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information Computer System (TRICS) data and a Stage 1 Road Safety Audit (RSA).

Access and Visibility

The site will be accessed via a new priority junction on Greenhurst Drive. A carriageway width of 4.8 metres will be provided, with kerb radii of 6.0 and 8.0 metres provided to the north and south of the junction respectively. The proposed access has visibility splays set out in Manual for Streets (MfS) for a 30mph road, resulting in splays of 2.4 metres by 43 metres. Greenhurst Drive is subject to a 30 mph speed limit, the LHA is satisfied with the splays provided.

As Greenhurst Drive is a private road not maintained at public expense there are no record of any accidents. A review of the access onto Holtye Road indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Stage 1 Road Safety Audit (RSA)

An RSA has been completed by the applicant in line with the latest GG119 principles. A copy of the RSA and Designers Response (DR) is provided within Appendix F of the TS. In summary the RSA has raised 4 issues with the proposed access arrangements. These are as follows:

3.1.1 Insufficient construction details could lead to overshoot collisions. The Auditor recommends that That PSV details should be checked to ensure they provide adequate grip resistance under severe braking conditions. Agreed in the DR this will be provided at the Stage 2 detailed design stage of the application.

3.1.2 Ponding of surface water could lead to loss of control collisions. It is recommended that That drainage and vertical profiles details should be provided for assessment The DR confirms that details will be provided at the Stage 2 detailed design stage.

3.3.1 Insufficient carriageway space may lead to head on collisions or side swipe collisions. It is recommended that that the junction radii should be eased to provide sufficient carriageway space for all expected movements. The DR does not agree with the recommendation and makes reference to the infrequent movements from a refuse vehicle and that other junctions are of similar size and geometry to what is proposed. The LHA would concur with the DR's in this instance and confirm that there is no requirement to enlarge the junction radii in this location.

3.3.2 Restricted visibility could lead to side swipe collisions or rear end shunt collisions. It is recommended that That the visibility splay should be free from obstruction; further that a regular maintenance programme to maintain the verge should be employed. The DR confirms that a regular maintenance scheme will be employed to ensure that the hedge is kept out of the visibility splay. The LHA are satisfied with the approach and would also advise a condition is attached to any planning consent which will cover visibility.

Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

A trip analysis has been undertaken on the use type 'residential' in the use class 'houses privately owned'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. A copy of this report is found at the end of the document in appendix 'A'

The proposed development will result in 140 vehicle movements across the 12-hour day, of which 16 occur in the AM peak and 15 occur during the PM peak. This equates to just under 12 vehicles an hour across the 12-hour day, or approximately one additional trip every five minutes.

To allow for the assessment of future traffic impact on the local highway network a traffic model has been prepared in spreadsheet format. TEMPRO 7.2 traffic growth forecasting software in accordance with WebTAG guidance has been applied. As this is a private access road, leading to small number of houses it is not anticipated that traffic flows on this road will grow in line with wider background growth.

The increase in traffic movements to the site is duly noted, however based on the information provided the data provided appears to be robust and the proposals would not result in a material increase in traffic movements. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Accessibility

A 2.0 metre wide footway runs along the both sides of Greenhurst Drive. There are no controlled pedestrian crossing facilities provided within the vicinity of the A264 / Greenhurst Drive junction, although the footway provision on Greenhurst Drive and the A264 Holtye Road provides a continuous link into East Grinstead.

The site is well situated to bus stops the nearest 600 metres (8-minute walk) west of the site. The westbound bus stop is indicated by a post, flag and timetable. The eastbound bus stop is also supported by a bus shelter. Three services can be accessed from these stops: the 236, 281 and 609. Bus service 281 is operated by Metrobus and runs between Crawley and Lingfield at a frequency of approximately one service per hour Monday to Saturday.

A Travel Plan Statement (TPS) has been produced in accordance with the development proposals which will promote the use of sustainable transport modes and include initiatives. Travel targets will be aimed towards walking and cycling and facilitating increased use of public transport. The LHA would recommend the TPS is conditioned as part of any planning consent.

Construction

The TS provides an overview of the proposed construction management at the site. The site offices, staff parking and welfare facilities will be located on the site. Wheel washing equipment will be provided as necessary for construction phases. It is anticipated that the site access would be constructed as one of the early development phases so that it can then be used to construct the remainder of the housing site. There is likely to be a requirement for traffic management at certain phases, although it is envisaged that this would be subject to

the relevant approvals. The LHA are satisfied with the approach for Construction mitigation in the TS and would advise that a Construction Management Plan can be formally conditioned as part of any planning consent.

Parking and Internal Layout

As Greehurst Drive itself is a private road, the internal road will remain private as part of this application. There would be no concerns with the sites proposed layout based on the principles of Manual for Streets (MfS). Footpaths measuring 2.0 metres will be provided within the site, with a shared surface area also to be developed when progressing through the site, to ensure pedestrian amenity is maintained. A footway connection will also be provided to the east of the site, intersecting Public Footpath 3dEG. The LHA has consulted our Public Rights of Way (PROW) department and are awaiting comments on this area of the application. These will be forwarded to the case officer when they are available.

The LHA are satisfied with the proposed parking will be provided in accordance with WSCC's Parking Standards at a total of 63 allocated spaces with a further eight unallocated spaces for visitors.

With regards to site servicing, plots 19, 20 and 21 will be serviced from Greenhurst Drive for their refuse requirements. All other units will be serviced from within the internal site. Within Appendix D swept path diagrams have been provided which demonstrate that larger vehicles can safely turn within the site for servicing. It is advised that the applicant liaises with MSDC's waste collection authority to determine the suitability of the proposals from their point of view.

Conclusion

The LHA does not consider that the proposals would have a 'severe' residual impact on the adjacent highway network and therefore would not be contrary to Paragraph 108 of the National Planning Policy Framework (NPPF). Any approval of planning permission would be subject to the following conditions:

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Design and numbered H-01.

Reason: In the interests of road safety.

Construction Management Plan

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

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

- details of public engagement both prior to and during construction works.

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

West Sussex infrastructure

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

(DfE figure (Primary) x ACP = Primary Education Contribution) + (DfE figure (Secondary) x ACP = Secondary Education Contribution) + (DfE figure (Further Secondary) x ACP = Further Secondary Education Contribution) = Education Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of

Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

	Dwelling Size		Occupancy
	House		Flat
1 bed	= 1.5		1.3
2 bed	= 1.9		1.9
3 bed	= 2.5		2.4
4+ bed	= 3.0		2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2019/2020 is £18,370 - Primary, £27,679 - Secondary; £30,019 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

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

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

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

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by East Grinstead Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I

propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sq.m] and £5,384 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on upgrading of digital services at East Grinstead Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = $(C - D) \times E$, where:

C (Total Access) = $(A \text{ (number of dwellings)} \times B \text{ (Occupancy per dwelling)})$ using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1407

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on walking and cycling improvements at East Grinstead Station to improve links between the development and public transport, as outlined in the WSCC Local Transport Improvement Programme.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and 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.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

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

Sussex Police

Thank you for your correspondence of 07th May 2019, advising me of an outline planning application for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com Due to the application being outline with all matters reserved except for access, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered.

I am encouraged to note that the Design and Access Statement includes reference to appropriate measures for crime prevention and community safety within the development using the principles of Secured by Design. In general terms I support the proposals in this application which will create a small development where access is gained through a single point into a cul de sac with no through route. The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, communal amenity space will benefit from overlooking and good natural surveillance. In the main, provision has been made for car parking with garage, in-curtilage, on street parking bays and a number of small parking courts.

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

With respects to the proposed footpath link on the northern elevation, running west to east, linking up with Public Rights Of Way (PROW) networks. SBD states; Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible o wide o well lit (within BSEN 5489-1:2013) o devoid of potential hiding places o overlooked by surrounding buildings and activities o well maintained so as to enable natural surveillance along the path and its borders. Providing these SBD measures are implemented within the development's Design and Layout I would have no concern over the linked footpath.

With respects to the second proposed footpath/ link running through the development. I would not recommend this as this would generate unwanted access into the development, providing a would-be offender with a legitimate reason for being at the location. Its presence has the potential to increase the opportunity for crime at the development and increase the fear of crime within the residents.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to

the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

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

Southern Water

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

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the

proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The Councils Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

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

Natural England

Thank you for your consultation on the above dated 07 May 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

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