

MID SUSSEX DISTRICT COUNCIL

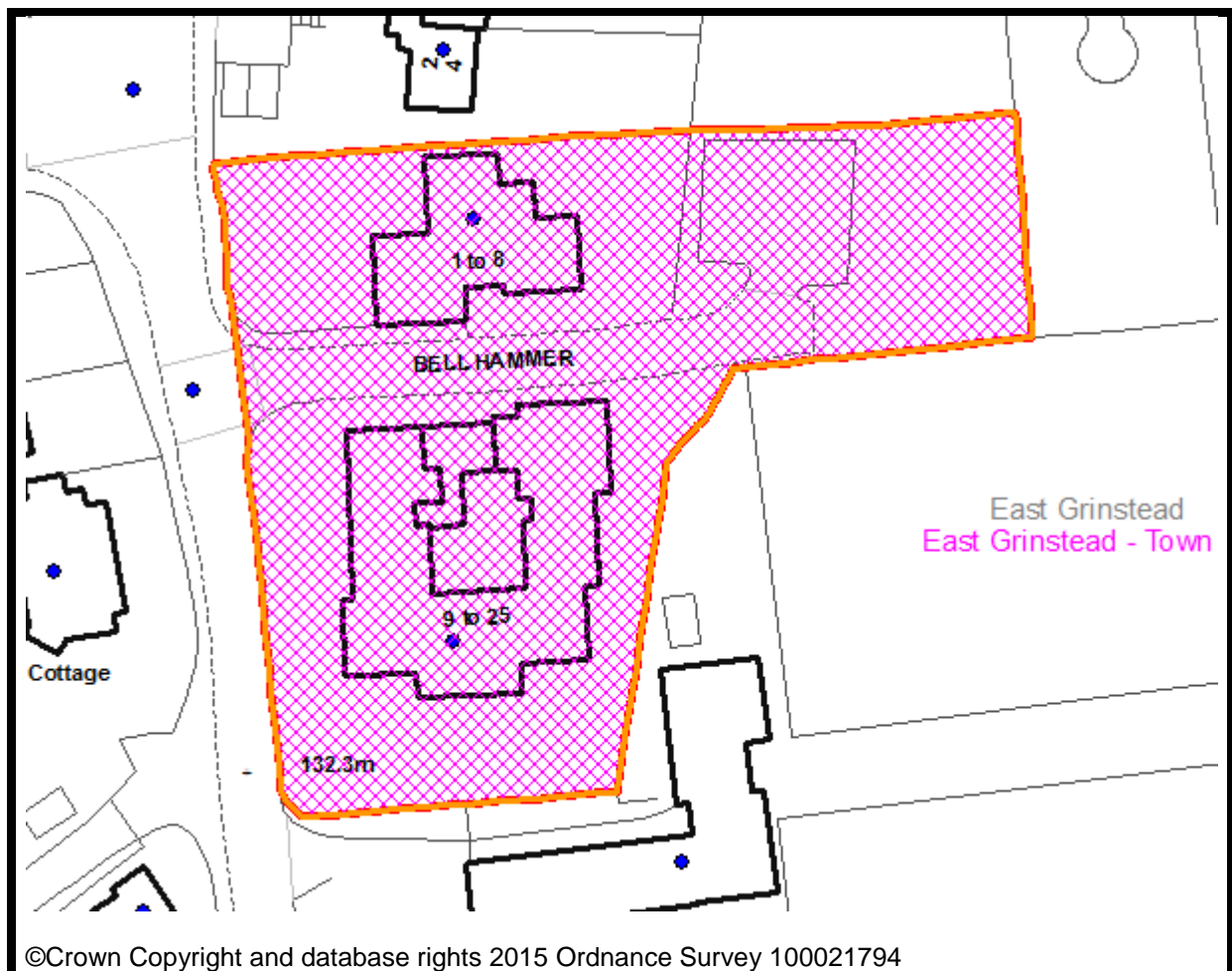
PLANNING COMMITTEE A

11 OCT 2018

RECOMMENDED FOR APPROVAL

East Grinstead

1. DM/18/1762



**BELL HAMMER EAST GRINSTEAD WEST SUSSEX RH19 4EF
DEMOLITION OF FORMER SHELTERED HOUSING SCHEME AT BELL
HAMMER AND THE ERECTION OF 35 RETIREMENT LIVING
APARTMENTS FOR OLDER PERSONS, TO INCLUDE 31NO. 1 BED
APARTMENTS AND 4NO. 2 BED APARTMENTS.
MOAT HOMES LTD
GRID REF: EAST 539436 NORTH 137861**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / District Plan Policy / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order Points / Archaeological Notification Area (WSSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th November 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of a former sheltered housing scheme and the erection of 35 retirement living apartments for older persons, to include 31no. 1-bed apartments and 4no. 2-bed apartments at Bell Hammer, East Grinstead.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances 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 proposals will provide well equipped, accessible and much improved accommodation for the town's older population and as such the principle of the proposed re-development is deemed acceptable.

The replacement buildings will result in an attractive, contemporary development appropriate to its setting and wider street scene.

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

On the basis of the above, the application complies with policies DP5, DP6, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6A, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 11th January 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

1 letter of comments from a neighbouring resident who supports the proposal but wishes consideration be given to the name/numbering of units.

East Grinstead Society

No objection

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Libraries - £141
TAD - £3,361

WSCC Flood Management Team

No objection.

MSDC Housing

Support.

MSDC Urban Designer

No objection subject to conditions.

MSDC Leisure

S106 Contributions:
FORMAL SPORT - £17,459
COMMUNITY BUILDINGS - £10,013

MSDC Drainage

No objection subject to conditions.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No comment.

MSDC Street Name & Numbering

Informative.

Sussex Police

No objection. Comments.

Southern Water

No objection. Condition and informative.

EAST GRINSTEAD TOWN COUNCIL

Would support approval - The Committee were pleased to see this application finally coming forward and re-providing elderly person accommodation albeit not sheltered

accommodation, which would have been preferred. In accordance with NP policies EG5 and 6A this is supported.

INTRODUCTION

Planning permission is sought for the demolition of a former sheltered housing scheme and the erection of 35 retirement living apartments for older persons, to include 31no. 1-bed apartments and 4no. 2-bed apartments at Bell Hammer, East Grinstead.

RELEVANT PLANNING HISTORY

13/01343/FUL - Demolition of the existing, sheltered housing scheme at Bell Hammer and the erection of a new build 28 no. unit sheltered housing scheme for older people or other people needing care and support (with a mix of 1, 2 and 3 bed units), including 2 cottages to the rear of the site. Approved 15th October 2013.

DM/15/1860 - Non-material amendment to planning application 13/01343/FUL to amend the internal layout of the ground floor (reducing the footprint of the building) and to create an additional external bin store. Refused 2nd June 2015.

SITE AND SURROUNDINGS

The application site lies on the eastern side of Ship Street, close to the town centre of East Grinstead. The existing site consists of a vacant sheltered housing scheme of 24 units comprising of 1-bed units, a communal lounge, a laundry and gardens.

The existing building comprises two separate two storey blocks built in the 1970s. The buildings are considered to be of limited architectural value and do little to positively contribute towards the character and appearance of the site and surroundings.

The buildings are set at a slightly higher level than Ship Street, and have a single point of entry off the road which passes between the two existing buildings and serves a small car park to the rear.

The site frontage is marked by a stone wall and is well screened by vegetation and a small number of trees protected by a preservation order (GR/4/TPO/08).

To the south and east, East Grinstead Lawn Tennis and Squash Club, wraps around the application site.

To the north the side elevation of the current building abuts a small block of residential flats (Clarendon Court) and the car park that serves Judges Close doctors surgery.

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

APPLICATION DETAILS

The scheme would provide the erection of 35 retirement living apartments for older persons comprising of 31 no 1-bed flats and 4no 2-bed flats. There would be communal facilities within the main building comprising of a residents lounge, a Manager's office, a Buggy store, toilets and a communal garden.

The scheme has been designed to enable older persons to lead an active independent lifestyle, who may require access to personal care and support all in a safe, supported and secure environment. There will be flexibility to increase the level of care and/or support as individual needs change, allowing residents to remain in their home.

All units will be 100% affordable rent to address an identified housing need.

The scheme is almost identical to the approved scheme (13/01343/FUL), aside from the following changes:

- The number of units has increased from 28 to 35.
- The number of car parking spaces has increased from 14 to 18.
- There is a change in the unit mix to deliver a greater number of 1 bedroom units.
- The 2 previously proposed cottages to the rear of the site are now shown as 4 flats.
- The revised scheme relocates the communal areas to a more central position within the scheme, with a small alteration to the proposed front elevation to accommodate the change.

The development will provide 18 car parking spaces (of which 4 will be for wheelchair users) and 4 cycle spaces.

The application has been accompanied with the following supporting documents:

- Planning and Affordable Housing Statement;
- Design and Access Statement;
- Sustainability Statement;
- Archaeological and Heritage Statement;
- Transport Statement;
- Arboricultural Implications Assessment / Arboricultural Assessment;
- Preliminary Ecological Appraisal; and a
- Flood Risk Assessment and Drainage Strategy.

LIST OF POLICIES

District Plan

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

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

DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

East Grinstead Neighbourhood Plan

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

Relevant policies:

EG3 - Promoting Good Design
EG5 - Housing Proposals
EG6A (2) - Housing Sites that are committed via planning permissions
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

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

Para 38 states that "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every

level should seek to approve applications for sustainable development where possible."

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

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest;
- Other material considerations; and
- Planning Balance and Conclusion.

Principle of development

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the

development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the East Grinstead Neighbourhood Plan (2016).

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

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

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

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

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

In addition, the site is identified under Policy EG6A (2) (Housing Sites that are committed via planning permissions) in the Neighbourhood Plan. The previous 2013 application has lapsed, however the principle of its re-development for housing is considered acceptable.

The proposal will provide well equipped, accessible and much improved accommodation for the town's older population. There are no objections therefore to the principle of the re-development of this site as proposed.

Design and Impact on Character and Appearance of Area

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

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

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

Para 124 of the NPPF seeks the creation of high quality buildings and states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

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

The main block to the front of the site broadly follows the general building line along Ship Street and sits roughly in a similar position to the existing building. Whilst a single building is effectively being proposed it is split into two separate buildings at ground floor to allow the existing access through to the rear of the site to be maintained. This also helps to break up the massing of the building and give it a more domesticated scale, which is further reinforced in the design through subdivision of the front elevation to give the appearance of a terrace of houses.

In order to try and further minimise the bulk of the proposed building the main apartment building has a double pitched roof linked by a central flat roofed area with bay elements. Therefore whilst three storeys in height and set at a higher level than the road it is not considered that the proposed buildings will appear overly bulky or dominant in the street scene.

At the rear of the site, the pair of 'cottages' to provide 4no flats makes use of the landlocked portion of the site and will provide independent dwellings that will also have full use of the communal facilities of the scheme. These cottages take on a simple form and will reflect the main apartment building through the use of a similar pallet of elements and materials.

The Councils Urban Designer has reviewed the application and raises no objection to the proposal. He considers that:

"this a good design that has successfully overcome the constrained nature of the site, and the need to achieve a domestically scaled building to fit in to the residential character of Ship Street."

Planning Officers agree with the Urban Designer comments and consider that the replacement buildings would be of an appropriate design and form which would not detract from the character of the area. The proposal will result in an attractive, contemporary development appropriate to its setting and wider street scene.

The siting of the proposed buildings has taken into consideration the presence of the TPO trees and for the large part, retains the existing matured landscaping, particularly across the frontage of the site. Whilst it is proposed to remove one Yew Tree that is present at the front of the site and is protected by a TPO, this tree is in poor health and the Council's Tree Officer has confirmed that he has no objection to its removal subject to a suitable replacement.

The proposal is thereby considered to comply with policies DP26 and DP37 of the District Plan, policy EG3 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Highway Safety and Parking Provision

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

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

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

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

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

In addition, para 109 states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

The proposal is to re-use the existing access point, and to provide 18 on-site parking spaces, the majority to the rear with a couple at the front of the site.

The site lies close to East Grinstead town centre, close to local services and bus stops.

The Highways Authority has considered the proposal and raises no objection. They consider that the access to serve the development is acceptable and will not result in harm to highway capacity.

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

Residential Amenity

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

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

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

With regard to neighbour amenity, the closest neighbouring residential properties lie to the north of the application site. This is a small flatted development of four units known as Clarendon Court. The closest elevation has been set no closer than the existing building and is stepped further away from the boundary where the proposed building will project beyond the rear elevation of the neighbouring building. Whilst the replacement building will present a larger structure to this neighbouring building it has been designed in such a way that there should not be a significant detrimental

impact on the amenities of these adjoining occupiers, by virtue of its bulk and proximity.

There are windows proposed in the side facing elevation towards Claredon Court at ground and first floor. These are to be secondary windows to residential units as well as well as serving communal stairwells. Whilst it is not considered that these windows are likely to cause any overlooking or loss of privacy due to their size and use, a condition could be utilised to ensure the first floor windows are obscure glazed to prevent any overlooking occurring therefrom.

On the opposite side of the road the closest residential properties are to be set in excess of 25 metres from the proposed building. Within a town centre location such as this, it is considered this is ample distance to protect the amenity of the opposite residential from any significant loss of privacy; especially with the intention to retain much of the frontage landscaping and despite the introduction of the glazed balconies.

The proposal is thereby considered to comply with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

Provision of affordable housing

Policy DP31 of the District Plan relates to the provision of affordable housing and states the Council will seek a minimum of 30% on-site affordable housing to be provided on sites such as this, subject to a number of criteria, including viability considerations.

The applicants have provided an Affordable Housing Statement which sets out that *"100% of the units will be affordable rent to address the identified housing need within the District."*

However, it is advised that *"Moat would not be prepared to enter into a Section 106 limiting this development to affordable rent in perpetuity. In terms of an asset we need to ensure that the development is capable of being charged to secure funds and a Section 106 on the basis suggested would impact significantly."*

It should be noted that whilst the current site is a sheltered housing development, there is no legal agreement on the site that requires this to be the case.

The Councils Housing Officer has stated that *"The applicant is Moat Housing Association, an established affordable housing provider and existing stock holder in Mid Sussex with a local management base. They are proposing the redevelopment of the existing building at Bell Hammer (previously used as a sheltered housing scheme but no longer fit for purpose)." She goes on to state that "It is agreed that 100% of the units will be for affordable rent to address an identified housing need. We are very keen to see this scheme delivered and as such this application receives our full support."*

Within the Section 106 Agreement, 30% of the housing is to be secured. This equates to 11 dwellings which are all to be provided as affordable rented tenure of 9 x 1 bed and 2 x 2 bed units

The scheme is policy compliant through the provision of 30% affordable housing and will provide a further benefit with the additional 70% also for affordable rent.

On the basis that the proposal will deliver 100% retirement living with 30% secured as affordable housing; it is considered that the proposal will comply with Policy DP31 of the District Plan.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure secured through the use of planning obligations.

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

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

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

County Council Contributions

Libraries - £141

TAD - £3,361

District Council Contributions

Formal Sport - £17,459

Community Buildings - £10,013

Local Community Infrastructure - £11,309

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

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

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

Drainage

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is partly within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

It is proposed that the development will manage surface water drainage through the use of rainwater harvesting, soakaways and permeable paving, and that foul water will discharge to mains sewer.

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

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

Dwelling Space Standards

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

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

Ashdown Forest

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

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £12,339 and if the approved scheme provides for a strategic SANG contribution, this would be £11,302.

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

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

The financial contribution to SAMM is to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to

mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

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

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

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

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence.

Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.

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

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

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

The Planning Obligation securing the SAMM contribution is being progressed, and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP15 of the Submission Mid Sussex District Plan.

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 proposals will provide well equipped, accessible and much improved accommodation for the town's older population and as such the principle of the proposed re-development is deemed acceptable.

The replacement buildings will result in an attractive, contemporary development appropriate to its setting and wider street scene.

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

On the basis of the above, the application complies with policies DP5, DP6, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6A, EG11, EG12 and EG16 of the Neighbourhood Plan, and

paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-commencement conditions

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

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2010).

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved

drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.

5. The development shall not be implemented until the surface water drainage of the site has been designed so as to prevent the discharge of water onto the public highway. Details must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.

6. Development shall not begin until a scheme detailing provision for on-site parking and transfer of materials for construction vehicles and workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary so that a safe means of access is available for all traffic, including during the construction phase.

7. No works shall begin on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent the deposition of mud and gravel on the highway in the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.

8. Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as

approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan. This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.

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

Reason: To safeguard the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan. This pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period.

11. No construction of buildings shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority section and elevation drawings at a 1:20 scale of a typical bay façade. This should include details of privacy screening to the side elevations of the balconies on the bays. The development shall be carried out in accordance with the approved details.

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

Construction phase

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

14. 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 accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Pre-occupation conditions

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

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

16. Prior to the first occupation of the development sufficient space shall be provided within the site to enable a delivery vehicle and emergency vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme

submitted to and approved in writing by the Local Planning Authority and retained permanently for that specific use.

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

Post-occupation monitoring/management conditions

17. The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

18. The first floor windows on the northern (side) elevation of the buildings hereby approved shall at all times be glazed with obscured glass fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

19. The development hereby permitted shall only be occupied by persons of 55 years of age and over.

Reason: To ensure that the proposal provides sheltered housing for older persons in order to meet the identified need and to accord with Policy DP30 of the District Plan 2014 - 2031.

INFORMATIVES

1. 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 materials shall take place on site at any time.

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

2. 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/infrastructurecharges>

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
5. 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	AA6847-2005		30.04.2018
Proposed Floor Plans	AA6847-2010		30.04.2018
Proposed Floor Plans	AA6847-2011		30.04.2018
Proposed Roof Plan	AA6847-2012		30.04.2018
Proposed Elevations	AA6847-2020		30.04.2018
Proposed Elevations	AA6847-2021		30.04.2018
Landscaping Details	AA6847-2013		30.04.2018
Tree Survey	J45.70/03		30.04.2018
Tree Survey	J45.70/01	B	30.04.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 16th July 2018:- Would support approval - The Committee were pleased to see this application finally coming forward and re-providing elderly person accommodation albeit not sheltered accommodation, which would have been preferred. In accordance with NP policies EG5 and 6A this is supported.

WSCC Highways Authority

There is no objection to the development (given that a similar proposal on the site received planning consent in 2013), subject to conditions.

The highway authority's concerns about emergency access do not seem to have been addressed in the transport statement and no information has been provided on the emergency services' views. This must be attended to by the applicant before construction begins.

The proposed bridge joining the front two parts of the development has headroom underneath of approximately 2.8m. This is not enough to allow access to the rear properties by larger vehicles including emergency vehicles. The applicant may wish to consider whether the bridge dimensions can be modified to enable such access.

Provided that sufficient parking and turning space can be provided at the front of the main building for emergency and service vehicles, the applicant may consider that the current proposal for rear access is appropriate. A condition must be attached to any consent regarding parking and turning (see below). The highway authority will object to any application to discharge such a condition where vehicles of any sort cannot enter and leave the site nose-first.

Table 4.1 in the transport statement has been updated by the transport consultant. The number of vehicle trips due to the development is shown in the extract from the revised table below, where the numbers with decimal points are the trip rates per flat and the whole numbers are the actual numbers of vehicle movements:

Vehicles						
8am-9am	0.082	3	0.082	3	0.164	6
5pm-6pm	0.041	1	0.062	2	0.103	4
7am-7pm	0.882	31	0.876	31	1.758	62

The highway authority considers that these figures are within the capacity of the site access and are unlikely to result in a severe impact on the local road network. There is therefore no objection to the size and scope of the development.

The number of parking spaces proposed is close to County Council standards and no further information is needed on this issue.

Conditions

Drainage

The development shall not be implemented until the surface water drainage of the site has been designed so as to prevent the discharge of water onto the public highway. Details must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Parking and turning

Prior to the first occupation of the development sufficient space shall be provided within the site to enable a delivery vehicle and emergency vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained permanently for that specific use.

Reason: In the interests of highway safety.

Construction Traffic

Development shall not begin until a scheme detailing provision for on-site parking and transfer of materials for construction vehicles and workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Wheel Cleaning Facilities - Temporary for Construction Vehicles

No works shall begin on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent the deposition of mud and gravel on the highway in the interests of road safety.

WSCC County Planning Officer

Summary of Contributions

Education			
Locality	East Grinstead		
Population Adjustment	16.7		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£141		
Population Adjustment	0.9		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	11		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	16.7		
Net Parking Spaces	4		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	No contribution		
Education - Secondary	No contribution		
Education - 6th Form	No contribution		
Libraries	£141		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Secured under Condition		
TAD	£3,361		
Total Contribution	£3,501		

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

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

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

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

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

The calculations have been derived on the basis of an increase in 11 Net dwellings and an additional 4 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on new equipment at East Grinstead Library.

The contributions generated by this proposal shall be spent on pedestrian improvements between the development and East Grinstead High Street.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee,

applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

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

2. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

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

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

WSCC Flood Management Team

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

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

Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p>	

Modelled ground water flood risk susceptibility	Moderate risk
<p>Comments: The majority of the proposed development is shown to be at moderate risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses near the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application propose that sustainable drainage techniques (permeable paving and soakaways) would be used to control the surface water run-off from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

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

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

MSDC Housing

The applicant is Moat Housing Association, an established affordable housing provider and existing stock holder in Mid Sussex with a local management base. They are proposing the redevelopment of the existing building at Bell Hammer (previously used as a sheltered housing scheme but no longer fit for purpose). The proposal involves the demolition of the former scheme and the erection of a new older persons housing scheme containing 31 one bed apartments and 4 two bed apartments. The scheme has been designed to enable older persons to lead an active independent lifestyle in a safe, supported and secure environment and will provide accessible and much improved accommodation to help meet the demand for this type of housing in the town. It is agreed that 100% of the units will be for affordable rent to address an identified housing need. We are very keen to see this scheme delivered and as such this application receives our full support.

MSDC Urban Designer

Summary and Overall Assessment

The architects (PRP), responsible for the 2013 consent (13/01343/FUL), have been retained and the architectural approach is much the same. Therefore my observations dated 24/5/13 are still mostly relevant, as are my conclusions that this a good design that has successfully overcome the constrained nature of the site, and the need to achieve a domestically scaled building to fit in to the residential character of Ship Street. I therefore have no objections.

To secure the quality of the design I would nevertheless recommend that there is a condition requiring 1:20 scale section and elevation of a typical bay façade. In addition to this, I would like the usual conditions covering landscaping (including boundary treatment) and facing materials. On the latter, buff brick is best avoided as it is not the local colour; a more neutral brick with some red and perhaps buff tones would be more appropriate.

Key Changes (since the 2013 consent)

The more central position of the main entrance and communal areas works well in terms of the frontage; the disadvantage is that the external sitting-out area is now divorced from the lounge.

The loss of the vertically articulated roof and hidden gutters is a shame. However the proposed elevations satisfactorily integrate both the gutters and rainwater downpipes with the latter employed to define a series of vertically proportioned bays that alongside the grouped windows and balconies helps give the frontage the appearance of a replicated run of terrace houses. This gives the building both a domestic scale and underlying rhythm, and there has been an improvement upon the consented scheme as these elements are now better employed in the rear elevation and the pair of cottages too.

The building frontage is marginally forward of the consented scheme which will place marginally greater pressure on the existing trees. I will nevertheless defer to Will Argent on this.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 35 residential dwellings at Bell Hammer East Grinstead West Sussex RH19 4E on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Play space and kickabout contributions are not considered necessary to make this development for older people acceptable in planning terms.

FORMAL SPORT

In the case of this development, a financial contribution of £17,459 is required to increase capacity at the East Grinstead Tennis and Squash Club which is next door to the development site.

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 £10,013 is required to make improvements to Jubilee Community Centre.

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

out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Drainage

Recommendation: No objection subject to conditions

Summary and overall assessment

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 to be at low fluvial flood risk. The proposed development is partly within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will manage surface water drainage through the use of rainwater harvesting, soakaways and permeable paving.

The principle of the proposed drainage scheme outlined in the Flood Risk Assessment & Drainage Strategy dated 23 January 2018 is acceptable. To discharge planning conditions we will require confirmation of the proposed layout and detailed design drawings.

Foul Water Drainage Proposals

It is proposed that the development will discharge to mains sewer.

Suggested Conditions

C18F - Multiple Dwellings

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)

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

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

Useful links:

[Planning Practice Guidance](#) - Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#)- A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

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

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

8.

Watercourse On or Adjacent to Site:

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

MSDC Tree Officer

Further to reviewing the submitted AIA report provided and a visit to site, please find my comments below.

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

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

The site is not within a Conservation Area but has five trees currently subject to TPO (GR/04/TPO/08). One TPO'd tree recorded (T34 Yew) is third party. Consequently, any planned works to this tree will require the permission of MSDC and will have to be applied for separately.

TPO'd tree T36 (Yew) has been classified grade U and will be removed regardless of the development, this is due to the tree being in poor health and condition.

T2 (Red Oak) & T14 (Red Oak) are also subject to protection with works recommended. In regard to T14, recommended works are to reduce the crown by 3m and shape to balance. These works are acceptable and necessary to facilitate the development. The recommendations for T2 "Reduce to Previous cut points" are deemed excessive as the tree has not been reduced for some years. A similar 3m crown reduction would be more appropriate.

Several trees are to be removed to facilitate the development. Most of the trees recommended for removal have been classified grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. However, T38 (Yew) & T39 (Yew) are both subject to protection, and if removed, should be replaced with a like for replacement.

Protection measures for retained trees have been detailed within the submitted AIA report, including: Construction Exclusion Zones using suitable fencing/signage and ground protection.

As there will be groundworks undertaken within the RPA of retained trees with heavy plant/vehicles accessing site also, methodology and good working practice (treatment of disturbed roots etc.) must be set out within an AMS report. This AMS report should be submitted before works commence as site contractors' can then use this report as a guide.

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

No objection will be raised subject to receiving the above mentioned replacement tree planting specification, amendments to recommended works for T2 and the submission of an AMS report detailing good working practices and protection measures on site.

Below is the amendment I would like to see for T2 Red Oak:

"T2 (Red Oak) & T14 (Red Oak) are also subject to protection with works recommended. In regard to T14, recommended works are to reduce the crown by 3m and shape to balance. These works are acceptable and necessary to facilitate the development. The recommendations for T2 "Reduce to Previous cut points" are deemed excessive as the tree has not been reduced for some years. A similar 3m crown reduction would be more appropriate."

MSDC Environmental Protection

Main Comments:

The application seeks permission for the development of the site into 35 retirement living apartments for older persons.

The proposed development is in a busy town centre therefore Environmental Protection therefore recommends the following conditions should the application be granted permission.

Recommendation: Approve with Conditions

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

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

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

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

Reason: To safeguard the amenity of local residents

Plant & Machinery: The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any

assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.

Informative:

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

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

MSDC Contaminated Land Officer

No comment.

MSDC Street Name and Numbering

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

Informative: Info29

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

Sussex Police

Thank you for your correspondence of 25th June 2018, advising me of an outline planning application for the demolition of former sheltered housing scheme at Bell Hammer and the erection of 35 retirement living apartments for older persons, to include 31no. 1 bed apartments and 4no. 2 bed apartments, 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 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

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

proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I was pleased to note the inclusion of a number of security measures within the Design and Access Statement submitted in support of the application. There was mention of controlled gates at the under-croft. I would recommend implementing controlled gates at the access to the site, these combined with a secure perimeter would create a very secure environment and assist in reducing the fear of crime.

Considering for whom the development has been designed for, a safe secure and sustainable development will be paramount. To achieve this, controlled access into the residential areas will need to be implemented. I recommend all external entrances to the building are accredited to LPS 1175 SR2 or STS 202 BR2, along with any easily accessible windows that conform to PAS 024-2016. Details of accredited doors and windows can be found within SBD Homes 2016. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets.

There are two access points and a cycle store entrance within the illuminated under-croft. These are to access the cycle / mobility scooter store and residential access into either side of the development. I have concerns with the location of these as this is the main vehicle route into and out of the development. It has been described as a shared surface, but I have concerns over vehicle / pedestrian collisions occurring, especially from residents egressing the building and cycle / mobility scooter store.

Clear boundary and demarcation between public space and private areas has been clearly indicated. However, as the first line of defence, perimeter fencing or walling must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. Gates that provide access to the side of the development or rear access to the gardens must be robustly constructed, be the same height as the adjoining fence or wall and be lockable from both sides. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Should CCTV be a consideration, I recommend that a set of Operational Requirements is created. This will enable the CCTV system to be used to its best ability ensuring that it is fit for purpose. Details on how to set up a set of O.R.'s can be found on the Home Office website; see CCTV Operational Requirements Manual 2009.

It will be important to maintain the landscaping and to that end I recommend in order to avoid loitering and places of concealment, ground planting is no higher than 1 metre with tree canopies no lower than two metres. This arrangement provides a window of observation across the development.

Finally, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. 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.

Southern Water

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/infrastructurecharges>

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.

The Council's 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.

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

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

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 non-compliance 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.

If the applicant wishes to offer drainage for adoption, the assessment of this proposals should be carried out by Southern Water on applicants request under Section 104 of the Water Industry Act 1991 before implementing on the site. All works should comply with Sewers for Adoption standards.

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.