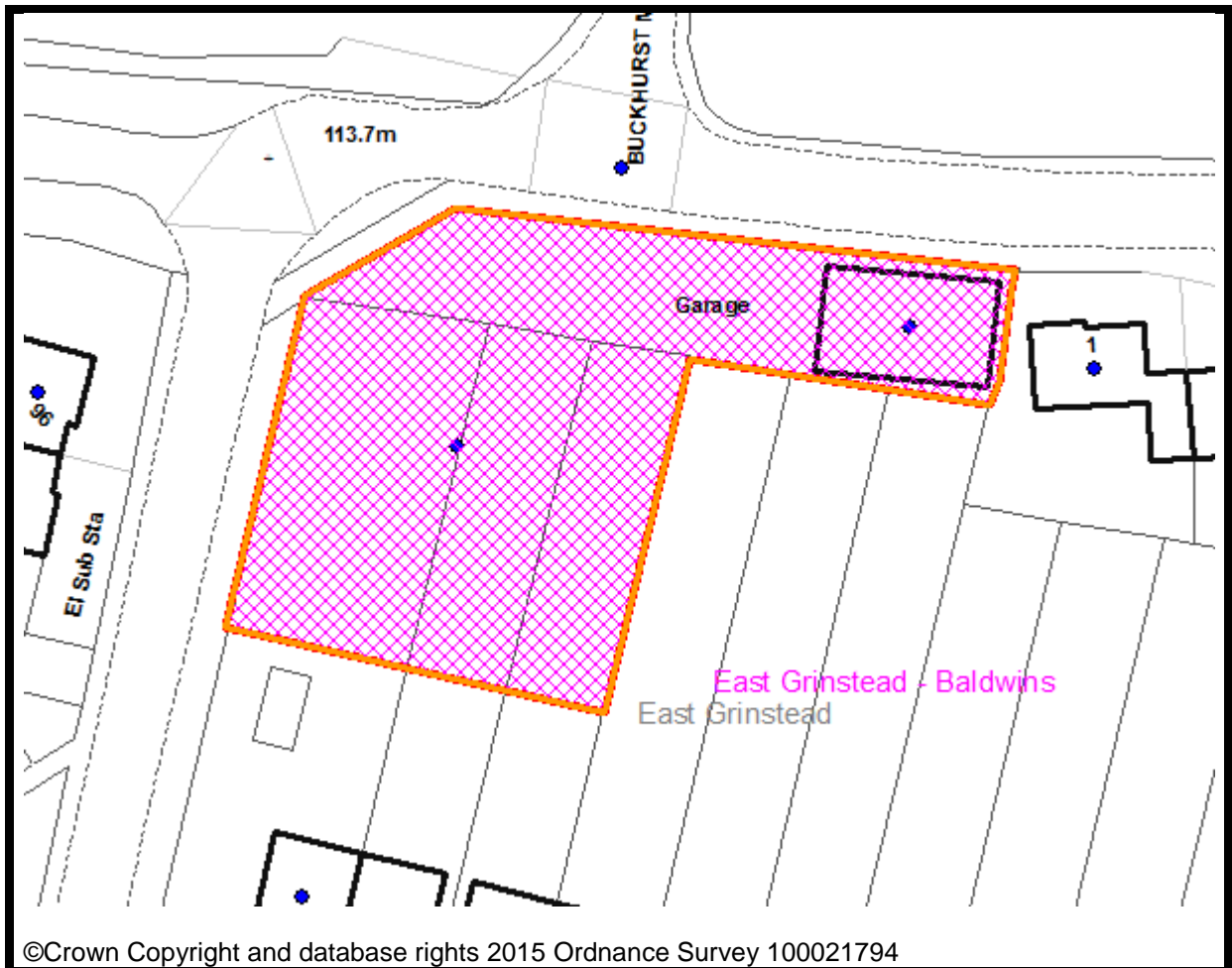


East Grinstead

2. DM/18/2739



**LAND AT THE CORNER OF LOWDELLS LANE AND BUCKHURST WAY
EAST GRINSTEAD WEST SUSSEX**

**PROPOSED 3NO. ONE-BED FLATS AND 5NO. TWO-BED FLATS WITH
ASSOCIATED PARKING. AMENDED PLANS RECEIVED 21/8/18
SHOWING REMOVAL OF DORMER WINDOWS TO WESTERN
ELEVATION AND REPLACEMENT WITH ROOFLIGHTS AND THE
REPOSITIONING OF 1 DORMER AND FENESTRATION ON THE GABLE
OF THE EASTERN ELEVATION.**

C/O AGENT

GRID REF: EAST 538359 NORTH 139454

**POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Areas of Townscape Character / Brownfield Land / Built Up Areas /
Miscellaneous Charges / Planning Agreement / Planning Obligation /
Aerodrome Safeguarding (CAA) / Tree Preservation Order /
Highways Agreement (WSCC) /**

ODPM CODE: Minor Dwellings

8 WEEK DATE: 15th October 2018

WARD MEMBERS: Cllr Margaret Belsey / Cllr Norman Webster /

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 3no. one-bed flats and 5no. two-bed flats with associated parking at Land at the Corner of Lowdells Lane and Buckhurst Way, 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 application site lies in the built up area of East Grinstead and results in the formation of 8 additional residential units. The proposed design, scale and access arrangements of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

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

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

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

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6B, 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

9 letters of OBJECTION concerning the following points:

- The modification to windows makes no difference. The addition of one more dwelling is wholly inappropriate on this already overdeveloped site.
- Inadequate parking and amenity space right on a busy corner without street space to accommodate overflow remains the issue;
- Velux windows does not stop people being able to look out over the gardens to the east.
- Both buildings are ugly, poorly conceived and overbearing;
- No buildings as high as this anywhere in the local proximity;
- Out of character of area;
- Proposal will add to the probability of more on street parking in an area that is already over crowded during the peak school run period. Added to this is the already dangerous corner at the end of Buckhurst Way;
- Proposal falls short of parking requirements.

East Grinstead Society

Amended: We recommended refusal when this planning application was originally brought forward. These minor amendments do not change our opinion.

Original: Recommend refusal. The mass of the proposed application is out of keeping with the area both on height and density and would cause considerable traffic problems for the neighbours and the school traffic.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:
Primary Education - £16,684
Secondary Education - £17,995
Education 6th Form - £4,206
Libraries - £2,206
TAD - £15,100

MSDC Urban Designer

No objection.

MSDC Leisure

S106 Contributions:
CHILDRENS PLAYING SPACE - £8,303
FORMAL SPORT - £7,290
COMMUNITY BUILDINGS - £4,181

MSDC Drainage

No objection subject to conditions.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No comment.

MSDC Street Name & Numbering

Informative.

EAST GRINSTEAD TOWN COUNCIL

Amended

Would Support Approval.

Original

Recommend Refusal - overdevelopment of the site. This application is an example of the developer pushing to maximise the value of the site at the expense of existing residents. The traffic levels added to this busy road will be adverse, raising safety concerns. The committee are keen to see this site developed but this application is out of proportion and constitutes over development. If MSDC are minded to approve, committee ask that permeable paving is essential to avoid flooding and ice forming on the pavements. If approved Vegetation that could affect the public highway must be a condition for maintenance management.

INTRODUCTION

Planning permission is sought for 3no. one-bed flats and 5no. two-bed flats with associated parking at Land at the Corner of Lowdells Lane and Buckhurst Way, East Grinstead.

RELEVANT PLANNING HISTORY

Various applications have been submitted for consideration in relation to the site concerning its re-development which have been refused.

Most recently, planning permission was approved by Planning Committee A under reference DM/16/3264 for the construction of 2 No. 1 bedroom flats, 5 No. 2 bedroom flats with associated car parking.

Subsequent to this an application for the discharge of conditions under reference DM/18/0866 in respect of conditions nos. 2, 3, 5, 6, 7, 10, 14, 15.1, 15.4 and 16 of DM/16/3264 has been approved. Works have commenced on site to implement the 2016 permission for 7 units.

SITE AND SURROUNDINGS

The site is located on the south side of Lowdells Lane on the corner with Buckhurst Way. The site previously had garaging on which has been removed and construction has commenced for the 2016 permission.

The southern boundary of the site has fencing on the boundaries with the rear gardens of the Knole Grove dwellings.

To the east of the site is a small two-storey residential dwelling that fronts Lowdells Lane.

Lowdells Lane to the east of the application site comprises of a variety of dwellings types generally two storeys in height consisting of semi-detached units.

To the north of the application site is the junction of Buckhurst Mead a small cul-de-sac of two-storey semi-detached dwellings. The north side of Lowdells Lane itself is notable for its very mature vegetation and verdant appearance.

The western boundary of the application site is marked by mature hedging and trees. These trees are all protected by a Tree Preservation Order (GR/4/TPO/90). On the opposite side of the road there are two semi-detached dwellings that face the application site.

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

APPLICATION DETAILS

The proposal is to form 8 flats within two buildings comprising of 3no 1-bed and 5no 2-bed units.

The scheme is almost identical to the approved scheme (DM/16/3264), aside from the following changes:

- The number of units has increased from 7 to 8 with the additional unit within the roofspace of the 3 storey block;
- Elevational changes to the 3 storey block comprising of two dormer windows on the eastern elevation and rooflights.

The proposal is to provide two separate buildings on the site. To the western end is to be a three storey block which would provide 6no flats. This building is to measure some 24.2 metres in depth and set a minimum of some 3 metres off the rear southern boundary. The building will have a maximum width of some 10 metres to the front and some 7.5 metres to the rear. The building seeks to provide a three storey height building with pitched roof elements to the eastern and western side elevations, and rendered box detailing to the northern front and western (side) elevation. To the eastern elevation is to be 2no flat roofed dormer windows measuring some 1.8 metres in width, 1.7 metres in depth and 1.7 metres in height with one rooflight and a window on the pitched element. To the western elevation is to be 5no rooflights and a window within the pitched element. The maximum eaves height of the building would be some 7.6 metres, with a maximum ridge height of some 12 metres. To part of the ground floor element of the building would be undercroft parking to provide 4no. parking spaces.

To the eastern end of the site is to be a two-storey block providing undercroft parking for 4no vehicles at ground floor and 2no. 1-bed units at first floor each with their own entrance. This building is to measure some 21 metres in length and 6.4 metres in depth. The building will have a maximum eaves height of some 4.9 metres, with a maximum ridge height of some 8.7 metres. This building is to be set close to the rear southern boundary by a minimum of some 0.4 and a maximum of some 2.6 metres.

The development will provide 8 car parking spaces in the form of undercroft parking of 4 spaces per building, and enclosed cycle storage to the western elevation of the 3 storey block.

The buildings would be constructed in brick with a slate roof.

Access to the site is gained from Lowdells Lane through two new access points.

The boundaries of the site to the east and south are to have 1.8metre high close boarded fence with 5no. trees planted between the southern elevation of the 3-storey block with the boundary.

LIST OF POLICIES

District Plan

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

East Grinstead Neighbourhood Plan

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

Relevant policies:

EG3 - Promoting Good Design
EG5 - Housing Proposals
EG6B - Housing Sites which could be brought forward include
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 EG6B (4) (Housing Sites which could be brought forward) in the Neighbourhood Plan. This states "*Meadway Garage, Lowdells Lane (0.16ha, Shlaa ref 324). This site has some tree coverage but historically was used as a garage. It is now redundant and dilapidated. To conform to the character of the area some 9 dwellings is considered appropriate in two storey buildings.*" The previous 2016 scheme for 7 units in 2 blocks comprising of 1 no 2-storey and 1 no 3 storey block has been implemented. The principle for the re-development of the site for housing is considered acceptable.

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 development is the same footprint and design as the previously approved 2016 scheme with no increase in the height of the buildings. The only alteration to the previously approved scheme is the formation of two dormer windows and a window to the end gable of the eastern elevation, a window to the end gable on the eastern elevation, as well as rooflights to the 3 storey building in order to provide an additional unit within the roofspace. Whilst it is acknowledged that the proposed 3 storey block is bigger than the surrounding (predominantly 2 storey) buildings, it will however be largely screened by the large trees on the Sackville Road boundary and permission has previously been given for a 3 storey development under the 2016 permission. It was previously considered that although two-storey dwellings dominate the area that the introduction of a three storey feature on this plot is acceptable, creating a focal point and some interest to the street scene.

The Council's Urban Designer has considered the scheme and raises no objection. He states that *"Except for the utilisation of the roof space on the 3 storey building, it is the same layout and massing. The external differences will have minimal impact upon the public realm as the additional roof level fenestration at the front follows the profile of the previously approved scheme with the 2 dormers limited to the rear."*

Planning Officers agree with the Urban Designer comments and consider that the proposed amendments to the previously approved scheme are 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 proposal is thereby considered to comply with policy DP26 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."*

Access will be achieved via two new points of access both serving independent undercroft parking and turning areas. Two existing points of access will be closed as a result of this proposal. The site would provide 8 unallocated parking spaces in the form of undercroft parking (4 parking spaces per building). This would result in one space per unit. In addition enclosed cycle parking spaces will be provided to the rear of the three storey building.

The Highways Authority has considered the proposal and raises no objection. They consider that *"the increase of one dwelling to the previously permitted scheme is not anticipated to give rise to a highway safety or capacity concern to the nearby road network."*

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 proposals should *"not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution"*.

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

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

The proposed three storey building is to be set some 3 metres from the rear southern boundary with properties on Knole Grove. There would be a distance of

some 17 metres between the rear elevation of the neighbouring properties and the side elevation of this proposed building. This is a side to rear relationship, with no windows overlooking the neighbouring rear gardens. Due to the proximity of the building with the neighbouring rear boundary and garden, the site being within a residential area and there being tree planting proposed to this southern boundary, it is considered that the proposed building would not cause an overbearing impact to the amenities of the neighbouring occupiers of no's 1 and 2 Knole Grove nor a loss of privacy.

The three storey building is to provide an additional unit of accommodation within the roofspace from the previously approved 2016 scheme. This is to result in the addition of two dormer windows to the eastern (side) elevation as well as a window to the end gable on the eastern and western elevations and rooflights. It is not considered that this additional unit in the roofspace would result in further overlooking to the neighbouring gardens. The three storey building previously approved had fenestration on the eastern and western elevations at first and second floor levels and these additional proposed windows and rooflights would not result in further significant detriment to the amenities of surrounding occupiers.

In respect of the two-storey building to the eastern end of the site, this is to be set close to the southern boundary with properties on Knole Grove (no's 4-6). These existing properties benefit from long rear gardens measuring some 38 metres in length from the rear wall of the dwellings. The rear elevation of this proposed two storey building is to have rear openings at ground floor serving the undercroft parking. On this boundary would be 1.8 metre high fencing.

At first floor there are to be no windows; however there are to be 8no. rooflights on the rear roofslope to provide light into the first floor accommodation. Due to the depth of the gardens at 4-6 Knole Grove resulting in a back to back distance of over 36 metres between the buildings, it is considered that the proposed building would not cause an overbearing impact to the amenities of the neighbouring occupiers. In addition, the formation of rooflights only to the rear elevation of this proposed building would prevent any overlooking into the private amenity space of these dwellings.

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

Sustainability

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

A Sustainability Report has been submitted with the application. This sets out a number of measures which will be incorporated into the development. This states that energy assessment calculations will be carried out to demonstrate that the dwellings comply with Part L1A (2013) of the Building Regulations; with 100% of the internal light fittings will be dedicated energy efficient fittings. In addition, appliances and fittings that use water in the dwelling will be specified so that the water consumption will be no more than 120 litres per person per day.

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

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

Therefore, it is considered that the proposal complies with the relevant criteria policy DP19 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

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

Primary Education - £16,684
Secondary Education - £17,995
Education 6th Form - £4,206
Libraries - £2,206
TAD - £15,100

District Council Contributions

Childrens Playing Space - £8,303
Formal Sport - £7,290
Community Buildings - £4,181
Local Community Infrastructure - £4,745

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

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

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

It is proposed that the development will manage surface water drainage through the use of permeable paving and an infiltration blanket soakaway, 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 £14,942 and if the approved scheme provides for a strategic SANG contribution, this would be £9,033.

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.

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

The application site lies in the built up area of East Grinstead and results in the formation of 8 additional residential units. The proposed design, scale and access arrangements of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

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

The proposal will provide a minor but positive social and economic benefit through the delivery of 8 additional units in the built up area of East Grinstead within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

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

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37 and DP41 of the District Plan and policies EG3, EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan, and paras 8, 124, 127, 108 and 175 of the National Planning Policy Framework.

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, Policy DP41 of the Mid Sussex 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. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the 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.)

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

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.)

7. No development 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. (The pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period).

Construction phase

8. 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.

9. 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.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

Pre-occupation conditions

11. 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.

12. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

13. No part of the development shall be first occupied until visibility splays have been provided at the proposed site vehicular access points onto Lowdells Lane in accordance with the approved planning drawing, 2788/100C. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

14. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times and be provided on an unallocated basis for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

16. No part of the development shall be first occupied until such time as the existing vehicular access points onto Lowdells Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy EG12 of the Neighbourhood Plan.

INFORMATIVES

1. 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.
2. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. 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 Plan			03.07.2018
Proposed Site Plan	2788/100	D	21.08.2018
Proposed Floor Plans	2788/101	C	21.08.2018
Proposed Floor Plans	2788/102	B	21.08.2018
Proposed Floor Plans	2788/103	C	21.08.2018
Proposed Elevations	2788/104	B	03.07.2018
Proposed Elevations	2788/105	C	21.08.2018
Proposed Elevations	2788/106	C	21.08.2018
Proposed Roof Plan	2788/107	A	21.08.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council – Amended comments

As per East Grinstead Planning Committee meeting held on 17th September 2018, the following observations were made:- Would support approval.

East Grinstead Town Council – Original comments

As per East Grinstead Town Council Planning Committee meeting held on 6th August 2018:- Recommend Refusal - overdevelopment of the site. This application is an example of the developer pushing to maximise the value of the site at the expense of existing residents. The traffic levels added to this busy road will be adverse, raising safety concerns. The committee are keen to see this site developed but this application is out of proportion and constitutes over development. If MSDC are minded to approve, committee ask that permeable paving is essential to avoid flooding and ice forming on the pavements. If approved Vegetation that could affect the public highway must be a condition for maintenance management.

WSSC Highways Authority

Background & Context

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been consulted on proposals for 8 x flats (3 x 1-bedroom and 5 x 2-bedroom) with associated 8 x car parking spaces and bicycle storage at the corner plot of Lowdells Lane with Buckhurst Way. Both roads are unclassified and subject to a 30 mph speed restriction.

The LHA was consulted previously on Highway Matters for 7 x flats in this location under planning application DM/16/3264 to which no objections were raised. The site has a historic use as vehicle repair workshop.

The site is included in the East Grinstead Neighbourhood Plan under Policy EG6B as a housing site which could be brought forward where 9 dwellings in two storey buildings was considered acceptable.

Access, Visibility & Road Safety Audit (RSA)

As per previous history on the site vehicle crossovers (VCO) are considered appropriate to serve the development. Two new VCO's are proposed in the same location as that proposed under DM/16/3264. As per the previous application an RSA from the 2007 scheme has been included and the agents 2016 response to this. The RSA cannot be assessed as part of the application documents as it was carried out to outdated standards (HD19/03) not to the current WSCC RSA Policy HD19/15 (adopted in September 2015). Nevertheless, WSCC Safety Audit policy only requires an RSA for 'major' residential developments. The amended scheme does not fall into this category and the LHA could not insist on a new Audit to be carried out.

Manual for Streets (MfS) sets out visibility splay standards of 2.4m by 43m for vehicle speeds of 30mph. The western most access has splays of 2.4m by 100m to the east (leading direction) and has been annotated as 9.8m to the west (trailing direction). However, a measure of the plan shows the western splay is in fact approximately 19.6m. These splays have previously been agreed under DM/16/3264. Consideration has been given to the proximity of the corner/ junction where vehicle speeds are anticipated to be below 30mph due to the geometry of the road layout in this location. Furthermore, the access will be moved further west which has already been assessed as a highway safety benefit considering the historic use at the site and level of vehicular activity associated with the vehicle repair workshop use.

As previously commented the eastern most access affords splays of 2.4m by 20m due to the position of the under croft parking building. These splays could be improved if a reduced 'X' distance of 2m were utilised, which has previously been considered as acceptable in this lightly trafficked low-speed location (as per guidance within MfS 2 Paragraph 10.5.8)

Internal Layout and Parking

The eastern most VCO will provide access to parking car barn for 4 x cars. From an inspection of the plans the parking spaces within this are suitable dimensions and at least 6 metre rear of these are available for a turn on site.

The western most access will lead to under croft parking of a further 4 x spaces. The internal access route to the parking area is approximately 4.8m at its narrowest which as per guidelines set out in MfS is sufficient width to allow two cars to pass in opposing directions. The access route rear of the car parking widens out to 6 metres to allow a car to manoeuvre to and from these spaces and turn on site.

The parking provision has been assessed using the WSCC Car Parking Demand Calculator. On the basis that the spaces remain unallocated, as indicated by the proposed plans, the demand in this location would be seven spaces. The LHA are

therefore satisfied with the level of parking provision offered. Furthermore, the site is sustainably located in regard to use of public passenger transport with regular bus services from London Road and East Grinstead Train Station could be reached by a seven minute cycle ride distant. Details for the secure and covered bicycle storage facility can be secured via condition.

Conclusion

In summary the increase of one dwelling to the previously permitted scheme is not anticipated to give rise to a highway safety or capacity concern to the nearby road network. The proposals therefore meet with paragraph 109 of the National Planning Policy Framework in that a 'severe' residual impact to the safe operation of the highway is not anticipated and there are no transport grounds to resist the proposals. If the LPA is minded to approve the application, previously advised conditions should be secured, as detailed below:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Access closure

No part of the development shall be first occupied until such time as the existing vehicular access points onto Lowdells Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Construction plant and materials

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

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

Cycle parking

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

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

Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times and be provided on an unallocated basis for their designated purpose.

Reason: To provide car-parking space for the use

Visibility

No part of the development shall be first occupied until visibility splays have been provided at the proposed site vehicular access points onto Lowdells Lane in accordance with the approved planning drawing, 2788/100C. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVE

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

WSCC County Planning Officer

Section 106 Contributions

Education			
Locality	East Grinstead		
Population Adjustment	14.0		
	Primary	Secondary	6th Form
Child Product	0.1330	0.1330	0.0718
Total Places Required	0.9310	0.6650	0.1436
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,206		
Population Adjustment	14.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	8		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	14.0		
Net Parking Spaces	8		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£16,684
Education - Secondary	£17,955
Education - 6th Form	£4,206
Libraries	£2,206
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£15,100
Total Contribution	£56,151

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 8 Net dwellings and an additional 8 car parking spaces.

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

5. Deed of Planning Obligations

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

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

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

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

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

The contributions generated by this proposal shall be spent on additional equipment at Baldwins Hill Primary School.

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

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

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

The contributions generated by this proposal shall be spent on a safer routes to school scheme at Imberhorne Secondary School.

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

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

b) Cost multiplier- Education Services

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

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

2. Library Infrastructure

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

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

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure

varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

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

b) Cost Multiplier- Library Infrastructure

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

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

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

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

MSDC Urban Designer

I have no objections to this revised scheme. Except for the utilisation of the roof space on the 3 storey building, it is the same layout and massing. The external differences will have minimal impact upon the public realm as the additional roof level fenestration at the front follows the profile of the previously approved scheme with the 2 dormers limited to the rear.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

De La Warr Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site and this facility will face increased demand from the new development. A contribution of £8,303 is required to make improvements to play equipment (£4,513) and kickabout provision (£3,791) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £7,290 is required toward playing pitch drainage at Imberhorne Lane Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £4,181 is required to make improvements to community facilities at East Court.

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

The submitted surface water drainage report references an earlier application for the site and is a development of only 7 dwellings. We will require the report to be updated for the proposed 8 dwelling scheme.

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

Surface Water Drainage Proposals

It is proposed that the development will manage surface water drainage through the use of permeable paving and an infiltration blanket soakaway.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the main foul 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)
	√				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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√	√	√	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 Environmental Protection

Main Comments:

The application seeks to construct 8 residential units.

There are concerns regarding the potential for noise and dust disturbance to existing nearby premises, especially the nearby residents during both the clearance and construction phases, particularly if any of the following activities take place: piling, concrete breaking and vibrational rolling. I therefore recommend a construction management plan condition, along with construction conditions to ensure that good practice is followed to minimise disturbance.

Recommendation:

Approve with conditions

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

4. No burning 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.

MSDC Contaminated Land Officer

Main Comments:

The application seeks to construct 8 residential units.

As part of the application a Ground Investigation report by Leap Environmental Ltd (ref: LP1546), dated the 9Th February 2018 was submitted.

I have previously reviewed the report as it was submitted for application DM/18/0866. The report was found to be satisfactory, but required further works in the form of barrier piping.

Information was also provided with application DM/18/0866 showing photo evidence of the installed barrier piping, written confirmation of its installation, and confirmation that ground work found no further contamination on site.

This appears to be a change to the design, and does not impact the works done. As such I have no comments to make with regards to this application.

Recommendation:

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.