

MID SUSSEX DISTRICT COUNCIL

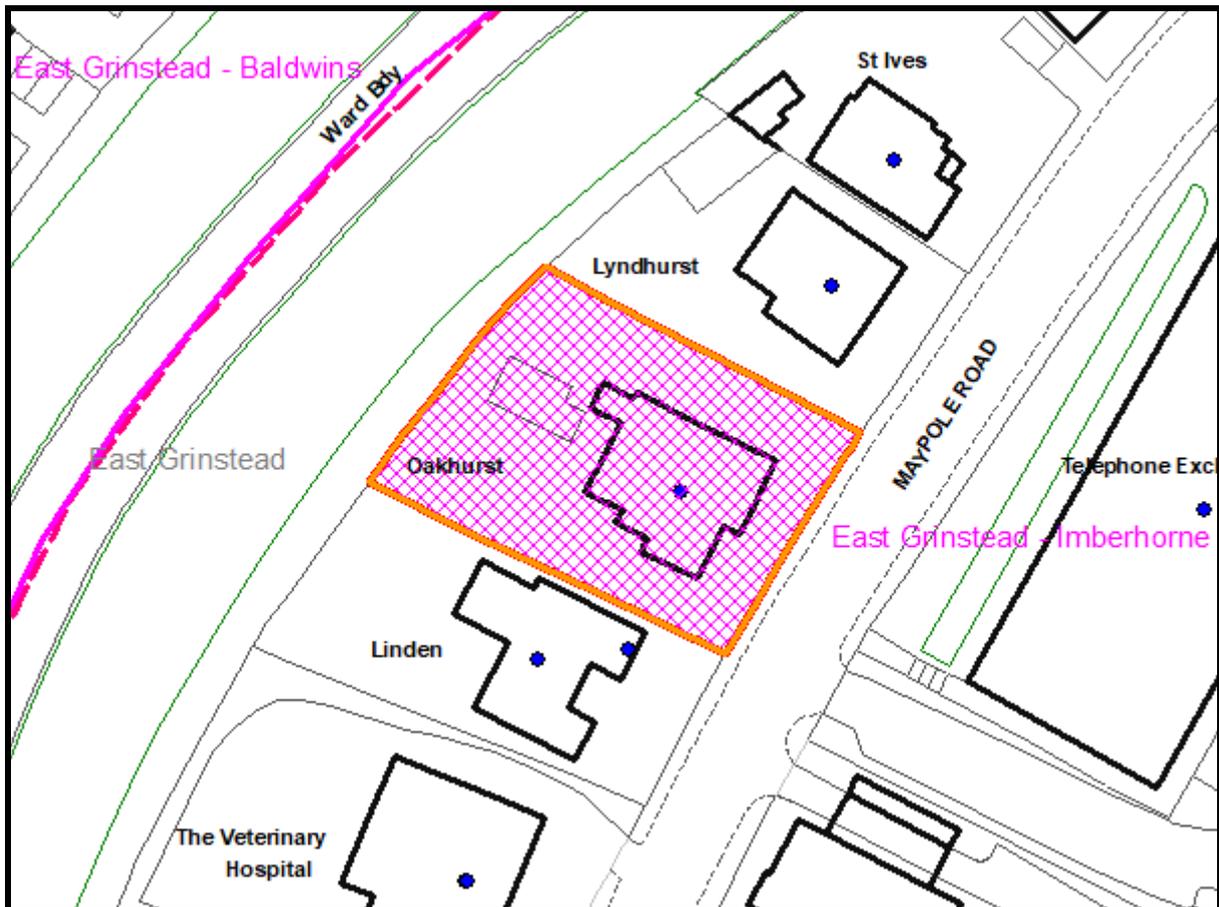
Planning Committee

19 MAR 2020

RECOMMENDED FOR PERMISSION

East Grinstead

DM/20/0015



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**OAKHURST MAYPOLE ROAD EAST GRINSTEAD WEST SUSSEX
THE DEMOLITION OF AN EXISTING RESIDENTIAL BUILDING
CONTAINING 2 UNITS AND THE CONSTRUCTION OF A REPLACEMENT
10 UNIT RESIDENTIAL BUILDING WITH ASSOCIATED LANDSCAPING
WORKS.
MR ROGER FINE**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 7th April 2020

WARD MEMBERS: Cllr Heidi Brunsdon / Cllr Rex Whittaker /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

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

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

The application site lies in the built up area of East Grinstead and results in the formation of a net increase in 8 additional residential units. East Grinstead is classified as a Settlement 1 Category in the District Plan and is therefore considered to be a suitable and sustainable location for residential development. Having regard to the recent appeal decision on the site, the redevelopment for a total of 10 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. 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 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. Because, however, of the small scale of the development proposed these benefits would be limited.

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

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

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement/or legal undertaking 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 S106 Legal Agreement/or legal undertaking securing the necessary infrastructure and Ashdown Forest mitigation payments by the 19th June 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

SUMMARY OF REPRESENTATIONS

East Grinstead Society

No objection.

SUMMARY OF CONSULTEES

WSSC Highways Authority

No objection subject to conditions.

WSSC County Planning Officer

S106 Contributions:

Education: Primary - £9,451

Education: Secondary - £10,172

Education: 6th Form - £2,383

Libraries - £2,374

TAD - £17,374

Natural England

No objection subject to securing appropriate mitigation.

Ecology Consultant

No objection subject to condition.

MSDC Urban Designer

No comments.

MSDC Leisure

S106 Contributions:

CHILDRENS PLAYING SPACE - £13,285

FORMAL SPORT - £8,269

COMMUNITY BUILDINGS - £4,742

MSDC Drainage

No objection subject to conditions.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No objection subject to conditions.

MSDC Street Name & Numbering

Informative.

EAST GRINSTEAD TOWN COUNCIL

Recommend Refusal - Committee are alarmed to see this application return with a vastly inferior design to that approved. It is more intrusive and overbearing to the neighbouring property. The application is strongly resisted under EG3 and the committee would like to see the approved plans implemented.

INTRODUCTION

Planning permission is sought for the demolition of an existing residential building containing 2 units and the construction of a replacement 10 unit residential building with associated landscaping works at Oakhurst, Maypole Road, East Grinstead.

RELEVANT PLANNING HISTORY

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

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

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

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

2. *The proposal by virtue of the positioning of windows on the north-eastern elevation and its relationship with the proposed vehicular access serving the development would form an unacceptable impact to neighbouring amenities of future occupiers of the ground floor flats (units 2 and 3) through noise and disturbance (including light spill) from vehicle movements. In addition, the obscure glazing to the windows serving kitchen and secondary living room windows to units 7 and 8, would be unacceptable in amenity terms as it would restrict the outlook and light to these rooms of main accommodation. The proposal would thereby result in significant detriment to the amenities of future occupiers of units 2, 3, 7 and 8 and would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.*
3. *The proposal due to its bulk, scale, and proposed fenestration to the side elevation serving rooms of accommodation would result in a significant detrimental impact to the amenities of the neighbouring occupier 'Lyndhurst' where the proposal would result in overlooking and an overbearing impact causing demonstrable harm to the amenity enjoyed by this property. The proposal would thereby be contrary to policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan and paras 8, 124 and 127 of the NPPF.*
4. *The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.*
5. *The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'*

This refusal was appealed under reference AP/19/0047. The Inspector dismissed the appeal in respect of the harm to the Ashdown Forest SPA through the lack of (in his view) a suitable way of securing the SANG contribution as he did not consider a condition as recommended was suitable. However, he considered that the proposed development (reference DM/18/3261) was acceptable in all other respects (design, scale, impact on street scene and to the amenities of neighbouring properties and future occupiers of the flats).

More recently, planning permission was approved under reference DM/19/1016 for the demolition of the existing residential building (2 units) and the construction of a replacement residential building comprising of 8 units (1x1 bed) and (7x2 beds) with associated landscaping works.

Following this an application under Section 73 to vary condition 2 of the above 2019 approval to allow for changes in the design to Flat 3 was approved under reference DM/19/3794.

SITE AND SURROUNDINGS

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

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

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

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

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

APPLICATION DETAILS

The proposal is for the demolition of the existing residential dwelling and outbuilding and its replacement with a new two and a half storey residential building comprising of ten two-bed flats (a net increase of 8 units).

The proposed building is to measure some 16.8 metres in width to the front and 17.2 metres in width to the rear, a maximum of some 23.2 metres in depth with an eaves height of some 5 metres to 6 metres to the front (taking in account the slight levels), 5.35 metres to the rear and a ridge height of some 9.1 metres.

The new building is to have two pitched elements to the front with two small pitched roof dormers on the front roof slope as well as a single storey pitched front porch. To the rear would be a hipped roof small projection, two pitched roof dormers in the rear roof slope and two Juliette balconies to the first floor. On the south-western (side) elevation is to be 4 rooflights.

The proposed development is to be constructed from a palette of materials including facing brickwork to the external walls, clay tile hanging on parts of the first floor, timber windows and doors and clay tiles to the roof.

The ground floor flats (units 1 - 4) will benefit from private outdoor amenity space in the area surrounding the building.

The proposal includes the provision of twelve parking spaces which are to be provided in a basement car park providing one car parking space per unit and two for visitors. The basement car park will be accessed via the existing vehicular entrance to the site on the northern side of Maypole Road. The route of the existing driveway which serves the site will be remodelled to provide a ramp down to the car park. In addition, twelve cycle parking spaces are to be provided in the undercroft car park, one for each apartment with two spaces for guests.

This application is an identical scheme to that refused under DM/18/3261 and subsequently dismissed at appeal. The Inspector concluded that the appeal scheme would not result in harm to the street scene, character and appearance of the surrounding area or the living conditions of adjoining occupiers and potential future occupants of the proposed development. However, the Inspector dismissed the appeal due to the impact on the Ashdown Forest and the absence of suitable mitigation. This revised scheme seeks to address this matter.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

- 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
- DP29 - Noise, Air and Light Pollution
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP41 - Flood Risk and Drainage

East Grinstead Neighbourhood Plan

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

Relevant policies:

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

Supplementary Planning Documents

Mid Sussex Development Infrastructure and Contributions

Mid Sussex Affordable Housing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

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

ASSESSMENT

The main issues for consideration are:

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

Principle of development

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

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

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

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

The proposal falls within the built up area of East Grinstead where windfall development is considered appropriate. In addition, East Grinstead is classed as a category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

Policy EG5 of the 'made' East Grinstead Neighbourhood Plan relates to housing development and states *'as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be*

supported'. It lists various criteria including that *'a) The proposed development contributes to sustainable development'*. Policy EG5 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

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

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

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan relates to character and design. It states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy EG3 of the Neighbourhood Plan relates to promoting good design and states:

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

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

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Para 127 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

The Council has a draft design guide which is also considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The design and scale of the proposed development is the same as that determined at appeal in November 2019. It is acknowledged that the proposed development would introduce a building which would have a greater footprint than that of the existing main building, in terms of its width and depth. The Inspector considered in the determination of the appeal that *'whilst the proposed development would have a greater overall width than the current structure to a small degree, the generous separation distances between the neighbouring properties and the appeal proposal would remain. Consequently, the defining characteristic in the street scene of spacious gaps between the properties, would be preserved.'* In addition, he considered that *'the overall depth of built form at the appeal site extends to within approximately three metres of the rear boundary of the property. However, the proposal would introduce a building which would be set back further from the rear boundary by a significant degree and which would reflect the building line of the rear elevation of the neighbouring dwelling at Linden.'*

Whilst the design would have less architectural integrity than the existing building and that approved under reference DM/19/1016, the Inspector acknowledged that whilst the *'scheme would be somewhat different in design than the existing buildings, the proposed development would not, in my view, look out of place within the street scene which, as noted above, exhibits considerable variety of design and scale. The proposal would have a lower overall height than the existing structures at the site, with the proposed roof form being reflective of that of the neighbouring dwelling at Linden while being consistent with the roof ridge line height of the neighbouring property at Lyndhurst.'*

As such the Inspector concluded that *'the design of the proposal would be in keeping with the varied character and appearance of the surrounding area and, due to the preservation of the separation distances between the respective properties, I conclude there would be no harm to the street scene within Maypole Road.'*

In light of this recent appeal decision for the site and the proposal being a replica of the design and scale of the appeal scheme, this is a material consideration in the determination of this current application. Due to the Inspectors support in the design of the proposal and the impact on the character of the area, Officers do not consider that there have been any changes on site since the determination of this appeal to come to a different view.

The views of the Planning Inspector are an important material planning consideration in the determination of this planning application. The guidance in the NPPG relating to appeals makes it clear that it can be regarded as unreasonable behaviour for a Local Planning Authority to keep *'persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.'*

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

Residential Amenity

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

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

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

The proposed development would introduce a parking area at basement level. Entrance to this parking area would be to the side of the proposed building, with the driveway sloping gently down from the level of the road as it passes along the north-eastern elevation of the appeal property. A window of a kitchen/dining area and a bedroom window at unit 2 and kitchen/dining room windows in unit 3, would look out towards and over the driveway which provides access to the basement area.

Concerns were raised by the Council in the determination of the 2018 scheme that the potential future occupants of units two and three would experience unacceptable living conditions by reason of their proximity to the driveway and by reason of the noise and disturbance, including light spill, from vehicles of future residents as they enter the driveway and basement parking area. The Inspector in the determination of the appeal scheme considered that *'a majority of the potentially affected rooms are*

dual aspect, the proposal would only generate a small number of vehicle trips and that, by reason of the sloped nature of the driveway as it enters the basement, vehicles would not be stationary outside of the potentially affected units for any significant period of time. Consequently, in my view, future occupants of these units would not experience noise or disturbance associated with passengers entering or exiting vehicles, nor would living conditions be harmed due to light spill from cars as they are parked or leave the property and enter the highway.' In light of the Inspectors appeal decision for the identical scheme, it is considered that it would not be reasonable to seek to argue that the proposal will result in significant detriment to the amenities of future occupiers of flats 2 and 3.

On the first floor north-eastern (side) elevation two obscure windows are proposed to serve the open plan living / dining / kitchen area for Flat 7 with a rear Juliette balcony window also proposed to serve this room. In addition, on the first floor south-western (side) elevation one obscure glazed window is to serve the kitchen area of the open plan living / dining / kitchen area for Flat 8 with a rear Juliette balcony window also proposed to serve this room. The inclusion of obscured glazing to these windows would appropriately limit potential overlooking from these rooms into neighbouring properties. As these rooms are dual aspect with Juliette balconies overlooking the rear external amenity area, the proposal would not have a significant harmful effect on the living conditions of future residents of flats 7 and 8 with reference to outlook.

On the boundary with the neighbour 'Lyndhurst' to the north east of the site is a high brick wall which is to be retained as part of the development. Due to the obscure glazed first floor windows proposed on the development and the boundary treatment it is considered that the proposal would not result in overlooking to this neighbouring property. In addition, the Inspector in the consideration of the appeal acknowledged that whilst *'the proposed building would have a wider footprint than that of the existing building at the site, there would be a substantial level of separation distance between the appeal building and the high brick wall which forms the boundary with Lyndhurst. Furthermore, the overall height of the building is significantly lower than that of the existing structure with the overall depth of built form at the site also being significantly reduced'*. As such he considered that *'there would be a significant reduction in the bulk of built form at the site, with the rear of the site being opened up to provide external amenity space and which would remove any overbearing effect currently experienced due to the presence of the existing substantial two storey outbuilding. The opening up of the rear area of the site would be likely to improve the outlook from the garden of Lyndhurst.'* In light of this the Inspector concluded that the proposal would not have a harmful overbearing impact on residents of Lyndhurst. As there is no change in the siting and scale of the proposal from that considered at the appeal, Officers consider that it would not be reasonable to seek to argue that the proposal would result in significant detriment to the amenities of this neighbouring dwelling.

The replacement building extends further rearwards into the site, with a reduction in the number and size of windows on the proposed south-western side, facing the neighbour 'Linden'. In the consideration of the previous scheme (reference DM/18/3261) and the appeal determination (AP/19/0047) no concerns were raised in respect of the impact to the amenities of this neighbouring dwelling. Notwithstanding this, whilst the development would result in an increased roof mass to the side

elevations compared to the existing where there is currently a break between the existing property and outbuilding, the proposal has a stepped roof design on the side and rear elevations in order to break up the overall mass and bulk of the building. In addition, the proposal would not extend as far rearwards as the existing outbuilding. As such it is considered that the proposal would not result in an overbearing impact to the amenities of the neighbouring occupier of 'Linden'.

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

Highway Safety and Parking Provision

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

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

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

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

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

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

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

Access will be achieved through the existing vehicular access to the northern side of the site. The access is of sufficient width to allow 2 cars to pass clear of the public highway for an initial short section where the road then narrows. This access is to lead to the rear of the building where there is to be an entrance to the undercroft parking to be formed at basement level and provide 12 parking spaces. In addition, 12 cycle parking spaces will be provided within this undercroft area with a stairwell to provide internal access to the units.

The Highways Authority has considered the proposal and raises no objection to the scheme. They consider that it is unlikely that road traffic resulting from the development will have a severe impact on the local transport network. It is also

relevant to note that the previous scheme (reference DM/18/3261) was not refused by the District Council on matters relating to highway safety and parking provision.

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.

Air Pollution

In relation to air pollution policy DP29 in the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Paragraph 181 of the NPPF states:

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

The PPG states:

'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'

The Council's Environmental Protection Officer has stated:

'...given that this development proposes the provision of 10 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development.'

The Site Allocations Development Plan Document, which is currently undergoing consultation, contains a proposal to replace policy DP29 in the DP, with a new policy relating to air quality. As this proposal is currently being consulted upon, it can be afforded no weight at present. This planning application must be determined in line with the current policy in the development plan relating to air quality, policy DP29.

In this case there is no evidence that the proposal would result in unacceptable levels of air pollution, or that there is an existing issue with poor air quality in the area. In light of the above it is not felt that there would be a policy justification for a separate planning condition concerning air quality matters in this case.

Sustainability

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

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

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

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

'The proposed development has been designed with a fabric first approach to sustainability and incorporates a number of elements designed to increase the energy efficiency of the proposal and reduce its carbon footprint. The proposed development will incorporate renewable energy sources, through the installation of 12 Solar Photovoltaic Panels on the flat roof and east facing roof pitch. The inclusion of PV panels will generate energy to serve the development, thereby reducing the dependency on the National Grid and fossil fuels. Any excess energy created by the PV panels will be fed back into the National Grid, further reducing the reliance on fossil fuels.'

In addition, it states that:

'The proposed development will incorporate a water conservation system, including the installation of water efficient fixtures and fittings to ensure that water consumption will be less than 110 litres per person per day, as per the requirements of policy DP42 of the Mid Sussex Local Plan.'

The proposals will be material-led, ensuring that the proposed dwelling will be highly sustainable and energy efficient. It will be constructed from high quality, sustainably sourced materials which will ensure that the development is well insulated, therefore reducing the need for heating and in turn reducing the energy consumption of the development.'

Finally, the submitted Sustainability Statement advises that 4 of the 12 car parking spaces will be provided with active electric vehicle charging facilities. A condition could be placed on an approval to ensure that these spaces are provided and thereafter retained.

The accessibility of the site, or the sustainable location of it, is also a key consideration.

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

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

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

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

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas*

identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 175 of the National Planning Policy Framework states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

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

The Councils Ecology Consultant has considered the application. He acknowledges that there will be loss of a bat roost. However, he advises that *'subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is*

likely that a licence can be obtained from Natural England.' As a result, he raises no objection subject to a condition requiring no development (including demolition) to be carried out until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the local planning authority.

Officers consider that the redevelopment of the site which currently comprises of a vacant building in disrepair to form a net increase of 8 residential units will provide wider public benefits to justify an approval and overcome the impact to the current bat roost on the site. The proposal would provide mitigation measures of replacement bat roosts to overcome the loss.

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

Trees

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

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

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

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

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

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

Drainage

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

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

It is proposed that the development will manage surface water drainage using soakaways and an existing connection to a combined/ foul sewer. The development will discharge foul drainage to the main foul sewer utilising the existing connection on site.

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

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

Dwelling Space Standards

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

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

Infrastructure

Policy DP20 of the District Plan relates to infrastructure. It states:

'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

A planning obligation can be used where it is 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. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure

that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'

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

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

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

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

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

and:

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

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

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

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

County Council Contributions

Education - Primary: £9,451
Education - Secondary: £10,172
Education - 6th Form: £2,383
Libraries: £2,374
TAD: £17,374

District Council Contributions

Children's Playing Space: £13,285
Formal Sport: £8,269
Community Buildings: £4,742
Local Community Infrastructure: £5,172

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 8 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £16,686, and if the approved scheme provides for a strategic SANG contribution, this would be £9,784.

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 contributions to SAMM and SANG are to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions is being progressed. Subject to this being completed it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

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

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

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

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

PLANNING BALANCE AND CONCLUSION

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

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can

demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of East Grinstead and results in the formation of a net increase in 8 additional residential units. The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. Having regard to the recent appeal decision on the site, the redevelopment for a total of 10 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. 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 proposal will provide minor but positive social and economic benefits through the delivery of 8 additional dwellings in the built up area of East Grinstead within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the dwellings proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.

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

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-commencement conditions

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings have

been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public road
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031, and Policy EG3 of the Neighbourhood Plan.

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

Reason: To protect neighbouring residents and residences from noise, vibration and dust and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

7. No development, including demolition, shall commence until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the Local Planning Authority.

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

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Construction Conditions

9. No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

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

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

12. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjoining footway 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.

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

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

14. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and details submitted in drwg PD-12 received 3rd January 2020.

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.

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

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

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

16. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces has been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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.

INFORMATIVES

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

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

3. The applicant is advised that in order to satisfy condition 7 above that and to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
4. In accordance with Article 35 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
Existing Floor Plans	CE/1607017/G		03.01.2020
Existing Floor Plans	CE/1607017/F		03.01.2020
Existing Floor Plans	CE/1607017/S		03.01.2020
Location and Block Plan	PD-11	-	03.01.2020
Proposed Floor Plans	PD-12	-	03.01.2020
Proposed Floor Plans	PD-13	-	03.01.2020
Proposed Elevations	PD-14	-	03.01.2020
Proposed Floor and Elevations Plan	PD-15	-	03.01.2020
Proposed Elevations	PD-16	-	03.01.2020
Existing and Proposed Elevations	PD-17	-	03.01.2020
Topographical Survey	CAL/1607017	-	03.01.2020
Existing Floor Plans	CE/1607017/B	-	03.01.2020
Existing Floor and Elevations Plan	CE/1607017/E	A	03.01.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

As per EGTC Planning Committee 29.01.20: Recommend Refusal - Committee are alarmed to see this application return with a vastly inferior design to that approved. It is more intrusive and overbearing to the neighbouring property. The application is strongly resisted under EG3 and the committee would like to see the approved plans implemented.

WSCC Highways Authority

The proposal is for a net increase of eight homes on the site. It is unlikely that road traffic resulting from the development will have a severe impact on the local transport network. The site is within walking distance of a variety of everyday facilities and bus and train services.

The applicant proposes to use the existing vehicle crossover to access the site. A check should be made with the area highway engineer prior to occupation of the development to ensure that technical requirements are met. A road safety audit is not required for the site access because the proposed use is below the ten home threshold for an audit. No road traffic collisions are associated with the site entrance.

The applicant will be required to provide adequate pedestrian visibility at the site entrance, and a condition is suggested to ensure this.

Parking for twelve cars and twelve bicycles is proposed. This appears consistent with the sustainable location of the site.

Conditions

Pedestrian Visibility

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Maypole Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjoining footway level or as otherwise agreed.

Reason: In the interests of road safety.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public road
- details of public engagement both prior to and during construction works.

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

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	East Grinstead		
Population Adjustment	14.7		
	Primary	Secondary	6th Form
Child Product	0.0735	0.0735	0.0397
Total Places Required	0.5145	0.3675	0.0794
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,374		
Population Adjustment	14.7		
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	14.7		
Net Parking Spaces	10		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£9,451
Education - Secondary	£10,172
Education - 6th Form	£2,383
Libraries	£2,374
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£17,374
Total Contribution	£41,755

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, 2019.

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

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

The calculations have been derived on the basis of an increase in 8 Net dwellings, and an additional 10 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 2020. 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 Halsford Park Primary School.

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

The contributions generated by this proposal shall be spent on additional facilities at Imberhorne School sixth form.

The contributions generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.

The contributions generated by this proposal shall be spent on A22 Corridor improvements, to include junction improvements and a new bus lane on London Road.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR - Total Places Required:

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

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

Year groups are as below:

- Primary school: 7 year groups (aged 4 to 11)

- Secondary School: 5 year groups (aged 11 to 16)
- Sixth Form School Places: 2 year groups (aged 16 to 18)

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier - Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,370 per child
- Secondary Schools: £27,679 per child
- Sixth Form Schools: £30,019 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,384 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 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 2019/2020 is £1,407 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 (£703).

Sustainable transport contribution = (net car parking - occupancy) x 703

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

WSCC Flood Risk Management Team

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

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

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses running adjacent to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Statement and Surface Water Strategy included with this application state that soakaway, attenuation and discharge to the foul/combined sewer would be used to restrict the surface water run-off from this development.

As per the previous application at this site, discharge of surface water to the foul/combined sewer should only be used as a last resort and other options within the drainage hierarchy should be fully explored.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on new developments should be sought. This could include retention at source through green roofs, rain gardens, swales and above ground attenuation prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

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

Natural England

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

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

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

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

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

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

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

Ecology Consultant

Recommendation

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England. There will be loss of a bat roost but, subject to MSDC being satisfied that in all other respects, that consent is in the public interest, it is likely that a licence can be obtained from Natural England. Therefore, subject to these considerations, then in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development, including demolition, shall commence until a licence has been obtained from Natural England to permit destruction of a bat roost and evidence of this licence has been submitted to the local planning authority.

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

Comments

Whilst the supporting bat survey information is now several years old and I would consider its acceptance to be borderline, taking into account the site, location and previous findings, I would consider it unlikely that there will be any fundamental changes sufficient to alter the principle of development. Update surveys will be required in any case to support the licence application, ensuring that mitigation is based on the current situation. Therefore, in this case I am of the view that the information is adequate to support my recommendation.

MSDC Urban Designer

This appears to be much the same design as the DM/18/3261 scheme for which you have my previous comments. As the design appears to have been accepted by the inspector there is nothing for me to say!

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Lingfield Road Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £13,285 is required to make improvements to play equipment (£7,220) and kickabout provision (£6,065).

FORMAL SPORT

In the case of this development, a financial contribution of £8,269 is required toward Senior pitch drainage at King Georges Field, East Grinstead.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £4,742 is required to make improvements to the Age UK centre.

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

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

MSDC Drainage

Recommendation:

No objection subject to conditions.

Advice.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The proposed development is not within an area identified as having possible surface water (pluvial) flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The application is supported by a flood risk statement dated July 2018. Whilst a flood risk statement of this date would not usually be acceptable, due to the low flood risk on the site this report has been considered acceptable for this application.

The flood risk statement recommends finished floor levels to be a minimum of 150mm above external levels to mitigate the residual surface water flood risk on site. The development also incorporates a basement level car park. We would advise that appropriate mitigation should be utilised to ensure surface water cannot enter the basement.

SURFACE WATER DRAINAGE

It is proposed that the development will manage surface water drainage using soakaways and an existing connection to a combined/ foul sewer.

We would advise the applicant that the Flood Risk and Drainage Team would consider this application to be new build in terms of surface water drainage. As such we would expect surface water drainage to follow the drainage hierarchy and utilise the principle of SuDS. The use of an existing connection to a foul sewer is unlikely to be considered acceptable where more sustainable options are possible.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul drainage to the main foul sewer. It is understood that the existing connection on site would be utilised.

We would advise the applicant to discuss the proposed development with the local sewerage undertaker to ensure any sewer buffer zones are considered.

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.

WORKS WITHIN 8M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

MSDC Tree Officer

This is the same Arboricultural report (dated October 2017) as was submitted with the last application DM/19/1016, so there is no change to the impact on the surrounding trees.

I have forwarded Irene's comments below and therefore I have no objection provided the report is fully adhered to as requested by Irene below.

Previous comments to DM/19/1016

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

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

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

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

MSDC Environmental Protection

Given the potential for noise and dust disturbance to existing nearby premises during the demolition and construction phases of this development, should planning permission be granted, Environmental Protection recommends the following conditions. In addition, given that this development proposes the provision of 10 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development.

Conditions:

Construction and demolition: Works of demolition and construction, 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.

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

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

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

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

Informative:

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

Accordingly, you are requested that:

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

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

MSDC Contaminated Land Officer

The application looks to demolish an existing residential unit and a construct a replacement residential building, comprising of 10 residential units with associated landscaping works.

Having looked at the site I can see that it is adjacent to historic railway land to the west, and roughly 10 metres from a telephone exchange to the east. Both sites are considered to be potentially contaminated, and applications for sites within the near vicinity have found contaminants that required remediation.

While construction of a basement will remove a large portion of land from the site, and reduce potential risks, given the size of the project and sensitivities of the end use a phased contaminated land condition is recommended.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in

writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Street Name & Numbering

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

Informative: Info29

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