

MID SUSSEX DISTRICT COUNCIL

Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

**East Grinstead**

**DM/21/2992**



© Crown Copyright and database rights 2021 Ordnance Survey 100021794

**78 LONDON ROAD EAST GRINSTEAD WEST SUSSEX RH19 1EP  
CONVERSION OF UPPER FLOORS TO PROVIDE 2 X 1 BEDROOM AND 8  
X 2 BEDROOM FLATS INCLUDING ROOF EXTENSIONS AND  
ALTERATIONS, CYCLE STORAGE, REFUSE PROVISION AND  
ASSOCIATED WORKS.  
HAWKEYE PROPERTY HOLDINGS LTD**

POLICY: Ashdown Forest SPA/SAC / Brownfield Land / Built Up Areas /  
Classified Roads - 20m buffer / Planning Agreement / Planning  
Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 24th November 2021

WARD MEMBERS: Cllr John Dabell / Cllr Neville Walker /

CASE OFFICER: Andrew Watt

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Full planning permission is sought for the conversion of the first and second floors of the existing building with roof extension and alterations and associated works to provide 10 flats (2 x 1-bed flats and 8 x 2-bed flats).

There is an extant planning permission for a scheme of 11 flats, which can be lawfully implemented and is a material consideration in considering this current application. This extant scheme retained the ground floor and basement levels but proposed the construction of 3 new floors above. By contrast, the current application seeks to remodel the roof level (albeit with an increased roof height) and improve the visual appearance of the existing building, so will be a storey lower than the permitted scheme within the rear-most section. Both schemes, however, retain the retail unit and basement storage area, so the viability of this unit will be maintained in this prominent town centre location.

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

National planning policy states that planning should be genuinely plan-led. The Council has 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.

The principle of this development is considered acceptable with sufficient residual floorspace for the existing retail unit being retained. The design and visual impact of the proposal would be deemed appropriate.

Weighing in favour of the scheme is that the development will provide 10 additional residential units in a highly sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the construction traffic and noise.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the development is deemed to comply with Policies DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP34, DP35, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG4, EG5, EG7, EG11, EG12, EG13 and EG16 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

If by 13 April 2022, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reasons:

*'The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 55 and 57 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'*

*'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 181 of the National Planning Policy Framework.'*

## **SUMMARY OF REPRESENTATIONS**

4 letters of objection:

- Significant overdevelopment of the town centre
- Although supposed to be car-free, the reality will be another potentially 20 cars on already crowded streets
- If genuinely car free, no street parking permits should be issued or electric parking spaces provided instead

- Not clear from plans where gas boilers will be installed and where external vents will be located
- Air Source Heat Pumps should be encouraged instead
- Single point of access looks a problem
- Access is on a road with double yellow lines, so problems for deliveries
- No other access/fire escape
- No provision for a lift, so access for disabled people impossible
- Is there a right of access for residents to the refuse and cycle storage from the courtyard
- Nothing in plans for broadband/satellite communications
- Will existing air-conditioning units remain or will they be repositioned
- Where will existing fire exit for Superdrug be located
- Concerns about air quality and pollution along Queens Road
- No adequate infrastructure being proposed, which is within a very busy town centre, so facilities will be overwhelmed
- Amenity of the Town Centre has been significantly degraded over the last 10 years by the number of offices converted into flats under permitted development without sufficient parking provisions
- At night, cars are parked on double yellow lines, in bus bays and pavement parking affecting disabled access
- This proposal would only add to the existing significant town centre parking issue

## **SUMMARY OF CONSULTEES**

(Full responses from Consultees are included at the end of this report as Appendix B)

### **MSDC Conservation Officer**

No objection.

### **MSDC Drainage Engineer**

No objection.

### **MSDC Leisure Officer**

Requests financial contributions towards local leisure infrastructure.

### **MSDC Street Naming and Numbering Officer**

Informative requested.

### **WSCC Highways**

No objection, subject to conditions.

## **WSCC Infrastructure**

Requests financial contributions towards county infrastructure.

## **TOWN COUNCIL OBSERVATIONS**

Strongly recommend refusal: Overdevelopment not supported by DP26 and EG3. If this or any other application came forward for this site we would require the properties to be excluded for awarding of parking permits. Concerns over car parking excess in the area would be exacerbated. The loss of the larger retail unit would be regretted by the Committee. The loss of the feature windows would also be regretted.

---

## **INTRODUCTION**

Full planning permission is sought for the conversion of the first and second floors of the existing building with roof extension and alterations and associated works to provide 10 flats (2 x 1-bed flats and 8 x 2-bed flats).

## **RELEVANT PLANNING HISTORY**

In March 2016, planning permission was granted for the change of use and renovation of the upper floors over the existing shop premises, including a second floor rear extension, to form 7 no. new flats (3 x 1-bed and 4 x 2-bed) (DM/15/4265). This permission has lapsed.

In July 2017, planning permission was granted for alterations to the first and second floors of the building in order to facilitate a change of use of these floors, including formation of a mezzanine level above the second storey, to create 9 no. flats (6 x 2-bed and 3 x 1-bed) as a revised proposal to planning permission DM/15/4265 (DM/17/1017). This permission has lapsed.

In February 2020, planning permission was granted for the demolition of the first and second floors of this building (retaining the ground floor and basement) and construction of new upper floors to form 11 flats (6 no. 1-bed flats and 5 no. 2-bed flats) arranged over three new floors (DM/18/0285). This permission has not been implemented but is extant.

## **SITE AND SURROUNDINGS**

The site is located within the town centre of East Grinstead on a corner plot fronting onto London Road with its lengthy flank elevation along Queens Road. It consists of a Superdrug retail store on the ground floor and vacant retail space on the two floors above and part of a basement level to the rear. To the front, the building is 2-storeys in height, whereas further back, it rises to 3-storeys then 4-storeys at the rear when the basement becomes visible. A shared car parking area is accessed from the rear along Dallaway Gardens, and although the occupiers of the premises have the right to use 4 of these car parking spaces, they do not own them. The building exhibits a

mix of architectural styles and materials, with 4 such styles being visible along Queens Road alone.

To the north-west and opposite to the north-east are retail units, generally arranged over 2-storeys. To the south-east on Queens Road is the 3-storey Royal Mail delivery office, the front of which is a Grade II listed building with a much later (and unlisted) extension and service yard at the rear. Further to the south-west is the modern 4-storey Brookland House block of flats. Immediately flanking the other side of the service yard is the 2-storey detached house at 15A Dallaway Gardens.

## **APPLICATION DETAILS**

Full planning permission is sought for the conversion of the first and second floors of the existing building with roof extension and alterations and associated works to provide 10 flats (2 x 1-bed flats and 8 x 2-bed flats).

The existing roof form will be altered and raised to accommodate this development. The existing building has been extended in a piecemeal fashion and consequently the roof form is inconsistent. The proposal maintains the stepped approach back from the frontage in 3 sections: a small flat-roofed section above the entrance to Superdrug to form a roof terrace for Flat 10; then a middle section with a lowered ridge to the front; and finally a rear section with the highest ridge level. This reflects the form of the extant permission, but is lower in height throughout.

This development also proposes to unify the fenestration throughout the building along the upper floors with a consistent style including Juliet balconies on the second floor. Two rooflights are proposed on the NW elevation (facing Dallaway Gardens), to serve the hallway and the second bedroom of Flat 8.

The entrance to the flats will be gained from the rear elevation (off Dallaway Gardens) with the basement cycle parking (20 spaces) and refuse and recycling storage area accessed via the existing car parking yard to the north-west elevation. This area is not within the application site (although there is a right of access), and therefore no car parking spaces are proposed.

The ground and part of the basement floors will continue to be occupied by the existing retail unit (Superdrug). The first floor will contain 5 flats, as will the second floor.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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:*

- *The provisions of the development plan, so far as material to application,*

- *Any local finance considerations, so far as material to the application, and*
- *Any other material considerations.'*

Section 38(6) of the 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.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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 for this part of Mid Sussex consists of the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan (Mar 2018)**

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP2: Town Centre Development  
 Policy DP4: Housing  
 Policy DP6: Settlement Hierarchy  
 Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
 Policy DP20: Securing Infrastructure  
 Policy DP21: Transport  
 Policy DP26: Character and Design  
 Policy DP27: Dwelling Space Standards  
 Policy DP28: Accessibility  
 Policy DP29: Noise, Air and Light Pollution  
 Policy DP30: Housing Mix  
 Policy DP34: Listed Buildings and Other Heritage Assets  
 Policy DP35: Conservation Areas

Policy DP39: Sustainable Design and Construction  
Policy DP41: Flood Risk and Drainage

### **East Grinstead Neighbourhood Plan (Nov 2016)**

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies:

Policy EG3: Promoting Good Design  
Policy EG4: Designated and Non Designated Heritage Assets  
Policy EG5: Housing (full weight for applications within the defined built-up area boundary)  
Policy EG7: Housing Mix and Density  
Policy EG11: Mitigating Highway Impact  
Policy EG12: Car Parking  
Policy EG13: Modern Technology  
Policy EG16: Ashdown Forest SAC and SPA

### **Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)**

### **Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)**

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Relevant design principles include:

Principle DG1: Character Study  
Principle DG2: Site appraisal  
Principle DG9: Reduce reliance on the private car  
Principle DG11: Respond to the existing townscape, heritage assets and historic landscape  
Principle DG21: Consider and allow for servicing, refuse collection and deliveries  
Principle DG22: Integrate refuse and recycling into the design of new development  
Principle DG24: Plan for cyclists  
Principle DG31: Focus development in sustainable locations  
Principle DG32: Managing increased density in town centres  
Principle DG37: Deliver high quality buildings that minimise their environmental impact  
Principle DG38: Design buildings with architectural integrity and a sense of place  
Principle DG39: Deliver appropriately scaled buildings

Principle DG40: Design buildings that respond to and animate the street scene  
Principle DG45: Privacy of existing and future residents  
Principle DG47: Provide homes with sufficient daylight and sunlight  
Principle DG48: Design to minimise the impact of noise, air and light pollution

## **Waste Storage and Collection Guidance for New Developments (May 2015)**

### **National Planning Policy Framework (NPPF) (Jul 2021)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is *'significantly boosting the supply of homes.'*

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

Paragraph 38 of the NPPF states: *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking, paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

In addition, paragraphs 54, 55 and 56 (use of conditions), 104 (promoting sustainable transport), 110, 111 and 112 (highways matters), 126 and 130 (design), 134 (design guidance), 152 (transition to low carbon future), 157 and 158 (sustainability), 181 (habitats sites), 185 (noise and light pollution), 186 (air quality), 187 (integration of new development with existing businesses and community facilities) and 194-208 (heritage assets) are considered to be relevant to this application.

## **National Planning Practice Guidance**

## **National Design Guide**

## **Ministerial Statement and Design Guide**

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

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

## **West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)**

## **Air quality and emissions mitigation guidance for Sussex (Jan 2020)**

## **ASSESSMENT**

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The principle of development;
- The design and visual impact on the character of the area and setting of Listed Buildings and Conservation Area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- Habitats Regulations;
- Infrastructure contributions;
- Housing mix;
- Standard of accommodation;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

## Principle of development

Policy DP6 of the Mid Sussex District Plan states (in part):

*'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 growth of settlements will be supported where this meets identified local housing, employment and community needs.'*

East Grinstead is categorised as a Category 1 settlement in Policy DP6 of the Mid Sussex District Plan, i.e. a 'Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements.' It is the most favourable category in the Mid Sussex District, and the majority of housing developments are expected to be provided in these areas over the Plan period.

The site is considered suitably sustainable in location and therefore the proposal accords with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, Policy EG5 states:

*'The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and 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 subject to the criteria below and compliance with other policies within the plan.'*

*Other proposals for new housing development will only be supported if:*

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*
- f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*

g) *The proposal meets its own infrastructure needs.*

*Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.'*

As can be seen, Policy EG5 is not compliant with District Plan Policy DP6 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. The policy criteria themselves are acceptable (as set out in the following sections), but it is the overall principle of allowing development anywhere which conflicts with Policy DP6. However, as the application site is within the built-up area, the principle of the development complies with both Policies DP6 and EG5.

Overall, therefore, it is considered that the current Development Plan is fully supportive of the principle of housing development in sustainable locations such as this. Accordingly, the above policies are considered to be met.

### **Design and visual impact on the character of the area and setting of Listed Buildings and Conservation Area**

The site is located opposite the former Post Office (76 London Road), a designated heritage asset, a Grade II listed building. The site is potentially visible from the Grade II\* listed St Swithun's Church and from the East Grinstead Conservation Area, which incorporates the High Street some 200m to the south-east.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Policy DP34 of the Mid Sussex District Plan states (in part):

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*

- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Policy DP35 of the Mid Sussex District Plan states (in part):

*'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:*

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*

*Development will also protect the setting of the conservation area and in particular views into and out of the area.'*

Policy DP26 of the Mid Sussex District Plan 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 East Grinstead Neighbourhood Plan 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.'*

Policy EG4 of the East Grinstead Neighbourhood Plan states:

*'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'*

Paragraphs 199-202 of the NPPF are relevant, as follows:

*199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*

*This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The existing building is made up of a number of sections, styles and heights, giving an incoherent appearance to what is a highly prominent corner building in the centre of East Grinstead. All the previously approved applications on this site have sought to improve the roof form and fenestration, and this proposal is no different. It will result in a more unified and simplified roof form, which together with a more consistent and ordered fenestration arrangement, will improve the visual amenities of the area, when viewed from London Road, King Street, Queens Road and Dallaway Gardens.

It is recognised that the street scene along London Road is highly varied and hence a more obviously 3-storey building when viewed from the front would not be out of keeping with the street scene - due to being a corner property and there being a 3-storey building opposite at 65 London Road, within a grouping of 2-storey buildings.

As set out above, there are 2 lapsed planning permissions for additional development on this site, albeit through conversion rather than rebuild, plus an extant permission through rebuild (the largest of these approvals). The proposed changes in relation to both lapsed schemes would not be greatly significant in design

terms and would be smaller in scale than that of the extant scheme. Therefore, the proposed changes would be deemed appropriate to the public realm and would therefore comply with the criteria set out in Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the Neighbourhood Plan.

In respect of heritage assets, the council's Conservation Officer notes the similarity of the current proposal to the existing 2020 planning permission, which was not considered to harm the setting of the above mentioned heritage assets. She considers that the differences in form and detailed design between the current proposal and the previous permission will not materially affect its impact on the settings of these assets and the proposal is therefore considered acceptable.

Your officers agree with this assessment (made in full in Appendix B) and accordingly it is considered that the proposal meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF in respect of heritage assets.

Overall, therefore, the design of the proposed development, in relation to its scale, height, roof form, fenestration and materials, is considered acceptable in accordance with Policies DP26, DP34 and DP35 of the Mid Sussex District Plan, Policies EG3 and EG4 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

### **Impact on neighbouring amenity**

Policy DP26 of the Mid Sussex District Plan states (in part):

*'All applicants will be required to demonstrate that development:*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

Policy DP29 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:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless*

*adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

*Light pollution:*

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

*Air Pollution:*

- *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.'*

Although the East Grinstead Neighbourhood Plan requires development not to harm adjoining amenity, the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: 'policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.' As the Mid Sussex District Plan is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

It is understood that 80 London Road has a residential use above the retail unit, but it is considered that the windows serving the communal corridors and staircase and hallway of Flat 6 will not have an adverse impact on the privacy of these occupants, so there would be no conflict with this policy.

## Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

*'... 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 East Grinstead Neighbourhood Plan states:

*'Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:*

*Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a*

*zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements  
Include access arrangements that are appropriately designed and include adequate visibility splays.'*

Policy EG12 of the East Grinstead Neighbourhood Plan states:

*'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.'*

*In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'*

The Highway Authority has raised no objection to the proposal, subject to a condition securing cycle storage and an informative regarding the temporary construction related works which may obstruct or affect the normal operation of the public highway.

This development is located in the heart of the town centre of East Grinstead and is proposed to be car-free. Given the highly sustainable location of this site, such a proposal would be acceptable, and as cycle parking is proposed within the basement, it is considered that this alternative transport provision to the car is acceptable in line with the above policy and consistent with the guidance in the NPPF and Design Guide.

## **Drainage**

Policy DP41 of the Mid Sussex District Plan states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood*

*risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

The council's Drainage Engineer has confirmed that there is no need for a planning condition to be imposed, as drainage matters can be dealt with under Building Regulations, and hence the proposal would not conflict with Policy DP41 of the Mid Sussex District Plan.

## **Sustainability**

Policy DP39 of the Mid Sussex District Plan 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.'*

Policy EG13 of the East Grinstead Neighbourhood Plan states:

*'All new business and residential development will be required to include details of how the provision of modern technology interfaces, including broadband connection and other digital connections, can be incorporated into the development.'*

*'On major business and housing schemes, proposals will be expected to include measures such as solar generation, ground source heat pumps, and home electric charging points where practical.'*

Principle DG37 of the Council's Design Guide SPD deals with 'sustainable buildings' and states:

*'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'*

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 154 of the NPPF seeks to ensure new development helps *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications, paragraph 157 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The proposal aims to reduce the predicted carbon dioxide emissions by a minimum 10% below the current Building Regulations. This reduction could be achieved fundamentally through the incorporation of high-quality energy efficient building standards and design; high performance and thermal efficient insulation to the floor, walls and roof; high performance thermally efficient external windows and doors; and low energy light and electrical fittings.

The following sustainability measures are set out in the Sustainability Statement:

- The above proposal aims to achieve 10% improvement of the dwelling Emission Rate (DER) over the Target Emission Rate (TER) based on SAP 2010 or any subsequent amendment in effect at the time of implementation of the scheme.
- The scheme aims to use space and water heating system with NO<sub>x</sub> emission of less than 40 gm/Kwh. or a high efficiency Class 5 boilers with low NO<sub>x</sub> burners will be installed with 90% efficiency.
- The proposed scheme will have good natural lighting within all occupied areas, which will improve comfort and reduce the requirement for artificial lighting.
- Any mechanical ventilation units will have an efficiency rate of 85%, 1W/(ls) specific fan power.
- We would look to achieve an air-tightness rate of between 5-7m<sup>3</sup>/hr.m<sup>2</sup>.
- Efficient appliances will be installed in order to reduce the energy and water demands of the proposed development.

- All building materials where possible will be sourced locally to reduce transportation pollution & support the local economy. Any timber used will be purchased from responsible forest sources.
- Recycling facilities will be provided to reduce waste during operation.
- Water use will be minimised by the specification of water efficient taps, shower heads, dual flush toilets and low water use appliances such as washing machines.
- The water consumption will be a maximum of 110litre/person/day using the appropriate fittings as set out in the Building Regulations Approved Document G.
- We decided upon using Gas as the main heat source due to a higher performance than electric and a more cost-effective option for future residents. Other options were looked at, however, also not viable for a development of this size.

Through the use of thermally efficient M&E and high-performance insulation, it is our intention that the proposals could achieve a minimum improvement of over 10% on the currently required Building Regulations requirements.

The submitted Sustainability Statement is therefore considered acceptable in meeting the terms of the above policies and guidance. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

Having regard for all the above, and given the context of the application, it is considered that the application complies with Policies DP26 and DP39 of the Mid Sussex District Plan, Policy EG13 of the East Grinstead Neighbourhood Plan, the Design Guide SPD and paragraphs 154, 157 and 158 of the NPPF.

### **Impact on 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 10 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £11,972, and if the approved scheme provides for a strategic SANG contribution, this would be £11,700.

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 have been 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 has been completed so 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.

Comments are awaited from Natural England and will be reported to committee.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are

acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a **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. 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.

### **Infrastructure contributions**

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57. Respectively, these paragraphs state:

*'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:

*'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.'*

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

On 25 July 2018 the Council adopted a Supplementary Planning Document on Development Infrastructure and Contributions.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

*County Council Contributions:*

- Education - Primary: £10,072 (on the new primary school to the west of Imberhorne Lane or, if this does not go ahead, then the contribution shall be spent on additional facilities at Estcots Primary School)
- Education - Secondary: £10,841 (additional facilities at Sackville School)
- Education - 6th Form: £2,537 (additional facilities at Sackville School Sixth Form)
- Libraries: £2,941 (additional facilities at East Grinstead Library)
- Waste: N/A
- Fire & Rescue: N/A
- No. of Hydrants: 0
- TAD: £12,887 (A22 Corridor improvements, to include junction improvements and a new bus lane on London Road)

*District Council Contributions:*

- Equipped play: £7,220 (at Orchard Way, the Kings Centre, Brooklands Park or Mount Noddy play areas)
- Kickabout facilities: £6,065 (at Orchard Way, the Kings Centre, Brooklands Park or Mount Noddy Recreation Ground)
- Formal sport: £8,269 (at Mount Noddy Recreation Ground and / or the Kings Centre and recreation ground)
- Community Buildings: £5,554 (improvements to St Swithuns community facilities and / or Moat Church hall)
- Local Community Infrastructure: £6,304 (towards 4 artworks associated with the new East Grinstead Railway Station and Bluebell Railway)

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

## Housing mix

Policy DP30 of the Mid Sussex District Plan states:

*'To support sustainable communities, housing development will:*

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

*Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'*

Policy EG7 of the East Grinstead Neighbourhood Plan states:

*'Planning permission will be granted for new housing schemes where they meet the following criteria:*

- 1) Achieve a minimum density of 30 dwellings per hectare unless local character indicates a different density level and this justification is provided;*
- 2) On sites of 5 or more dwellings, provide a minimum of 20% small family accommodation in the form of 2 and 3 bedroom units;*
- 3) Variations in the above mix will only be considered where a viability assessment has been provided to justify a departure from this policy or there are clear design and location reasons which indicate a higher density is appropriate; and*
- 4) Provides affordable housing in accordance with District policy.'*

Based on an application consisting of 10 flats (2 x 1-bed and 8 x 2-bed), it is considered that the proposal would comply with these policies.

## Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

*'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'*

The proposed schedule of accommodation is as follows:

### First Floor:

Unit 1 - 2 bed 3 person - 62 sqm

Unit 2 - 2 bed 3 person - 61 sqm

Unit 3 - 2 bed 3 person - 61 sqm

Unit 4 - 1 bed 1 person - 40 sqm

Unit 5 - 2 bed 3 person - 62 sqm

### Second Floor:

Unit 6 - 2 bed 3 person - 61 sqm

Unit 7 - 1 bed 1 person - 39 sqm

Unit 8 - 2 bed 3 person - 61 sqm

Unit 9 - 2 bed 3 person - 61 sqm

Unit 10 - 2 bed 3 person - 61 sqm

The proposed units would therefore achieve or slightly exceed the government's Technical Housing Standard of 61 sq m for a 2-bed, 3-person unit and 39 sq m for a 1-bed, 1-person unit. The Standards advise that a double bedroom must have a floor area of at least 11.5 sq m and a single bedroom must have a floor area of at least 7.5 sq m. The submitted plans show the individual floor areas for each bedroom, demonstrating that these standards are met.

Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

## **Accessibility**

Policy DP28 of the Mid Sussex District Plan states (in part):

*'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*

*With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.*

### *Accessible and Adaptable Dwellings*

*Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:*

- Where new dwellings are created by a change of use;*
- Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.'*

As the scheme is for a flatted development resulting from a change of use, the requirement to make provision for 20% Category 2 accessible and adaptable dwellings does not apply. Otherwise, however, it is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

## **Other matters**

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

## **CONCLUSION**

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

National planning policy states that planning should be genuinely plan-led. The Council has 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.

The principle of this development is considered acceptable with sufficient residual floorspace for the existing retail unit being retained. The design and visual impact of the proposal would be deemed appropriate.

Weighing in favour of the scheme is that the development will provide 10 additional residential units in a highly sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the construction traffic and noise.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the development is deemed to comply with Policies DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP34, DP35, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG4, EG5, EG7, EG11, EG12, EG13 and EG16 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

---

## **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 until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed extensions/buildings have been submitted to and approved in writing by the Local

Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing 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 development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

*This pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period.*

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

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of highway safety and to accord with Policy DP21 of the Mid Sussex District Plan and Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan.

*This pre-commencement condition is necessary as it requires approval of details concerning of the construction phase of the development.*

### **Construction phase**

5. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

### **Pre-occupation conditions**

6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

7. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

8. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy EG13 of the East Grinstead Neighbourhood Plan.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. 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](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. 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.

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

5. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

### 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
Block Plan	LR/BP/01	-	17.08.2021
Location Plan	LR/LP/01	-	17.08.2021
Existing and Proposed Elevations	LR/E/03	A	17.08.2021
Existing Floor Plans	LR/EXP/02	-	17.08.2021
Existing Floor Plans	LR/EXP/02	-	17.08.2021
Existing and Proposed Elevations	LR/E/02	-	17.08.2021
Existing and Proposed Elevations	LR/E/01	A	17.08.2021
Proposed Floor Plans	LR/P/01	-	17.08.2021
Proposed Floor Plans	LR/P/02	A	17.08.2021
Existing and Proposed Floor Plan	LR/P/03	-	17.08.2021

## APPENDIX B – CONSULTATIONS

### MSDC Conservation Officer – Emily Wade

The application site is an unlisted building fronting on to London Road at its junction with Queens Road. The site is within the setting of the Grade II listed building at 76 London Road, which is a former post office of 1896. The listed building is of three storeys with an ornate red brick façade. To the rear the building is of two storeys and a more functional appearance.

It is also arguably within the setting of Grade II\* listed St Swithun's which is located a short distance to the south east- due to the height and prominence of the spire to this building views of it can be obtained from some positions looking south east along London Road- development on the site could affect these views depending on its scale and nature.

Furthermore although outside the East Grinstead Conservation Area, the boundary of which lies a short distance to the south east along London Road, development on the site may affect the setting of the Area and in particular the character of the approach to it along London Road.

The existing building on the proposed development site is a fairly non-descript building dating probably from the late 19th/early 20th century and is of two storeys to the London Road frontage, with three storeys to the rear. The building makes a neutral contribution to the setting of the listed building. The current proposal is for the conversion of the upper floors of the building with alterations and extensions to provide a number of flats. This

proposal follows the granting of planning permission in 2020 for a similar proposal- this permission in itself followed other permissions for scheme for alteration and extension and roof level.

Given the similarity of the current proposal to the existing permissions and in particular the 2020 planning permission, which was not considered to harm the setting of the above mentioned heritage assets, it is considered that in terms of the impact on the settings of these assets the principle of the development is established. The differences in form and detailed design between the current proposal and the previous permission will not, in my opinion, materially affect its impact on the settings of these assets and the proposal is therefore considered acceptable.

This meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

### **MSDC Drainage Engineer**

The development does not alter the build footprint of the structure and no landscaping / development works are proposed outside the existing building.

We are content to allow drainage to be managed via Building Regulations.

### **MSDC Leisure Officer**

Thank you for the opportunity to comment on the plans for the development of 10 residential dwellings at 78 London Road, East Grinstead RH19 1EP on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

#### **CHILDRENS PLAYING SPACE**

Orchard Way, the Kings Centre, Brooklands Park and Mount Noddy, all owned and managed by the Council, are the nearest locally equipped play areas within walking distance of the development site. These facilities 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) at any of these sites.

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £8,269 is required toward formal sport facilities at Mount Noddy Recreation Ground and / or the Kings Centre and recreation ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,554 is required to make improvements to St Swithuns community facilities and / or Moat Church hall.

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 and Infrastructure 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 Parking Services**

As you will be aware, parking in central East Grinstead is in high demand. However the planning process cannot prescribe eligibility for a residents permits in the Controlled Parking Zone managed by West Sussex County Council. It is likely this development will qualify for resident permits but there is no guarantee that permits will be issued due to capacity within the zone. It should be noted that there is no residents parking permitted on London Road itself, so any permits would be issued for the wider zone A surrounding streets with no parking guaranteed in close proximity - this will need to be a consideration for the developer and future residents.

Alternative pay and display parking would be available in the nearby car parks which are currently operational between 8am - 6pm Monday - Saturday.

## **MSDC Street Naming and Numbering Officer**

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative: Info29

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 advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

## **WSCC Highways**

The above proposal for 2 x 1 bedroom and 8 x 2 bedroom flats with basement cycle storage facilities has been considered by WSCC as the CHA. No objection is raised.

The site is located above Superdrug on the corner of London Road and Queens Road in the heart of East Grinstead shopping area. London Road is a 'c' classified road with a 20mph speed limit given its location in the Town Centre. Enforceable parking restriction are along the main lengths of both roads and as such any parking for construction reasons will need to get prior approval, as will the placing of any skips or scaffolding which may affect the use of the footways.

The development is car free, and this is acceptable due to the sites close proximity to alternative transport modes such as walking, cycling, bus and train. The development will also encourage cycle use by providing storage areas for 10 cycles in the basement.

No OBJECTION

Cycle parking

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

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

## Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

## WSCC Infrastructure

### Summary of Contributions

<b>Education</b>			
School Planning Area	East Grinstead		
Population Adjustment	17.8		
	Primary	Secondary	6th Form
Child Product	0.0760	0.0760	0.0410
Total Places Required	0.5320	0.3800	0.0821
<b>Library</b>			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,963		
Population Adjustment	17.8		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	10		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	17.8		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
<b>Summary of Contributions</b>			
<b>S106 type</b>	<b>Monies Due</b>		
Education - Primary	£10,072		
Education - Secondary	£10,841		
Education - 6 <sup>th</sup> Form	£2,537		
Libraries	£2,941		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	secured under Condition		
TAD	£12,887		
<b>Total Contribution</b>	<b>£39,278</b>		

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 firefighting 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 CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 10 net dwellings and no car parking spaces being provided.

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 2022. 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 the new primary school to the west of Imberhorne Lane or, if this does not go ahead, then the contribution shall be spent on additional facilities at Estcots Primary School.

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

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

The contributions generated by this proposal shall be spent on 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.