

MID SUSSEX DISTRICT COUNCIL

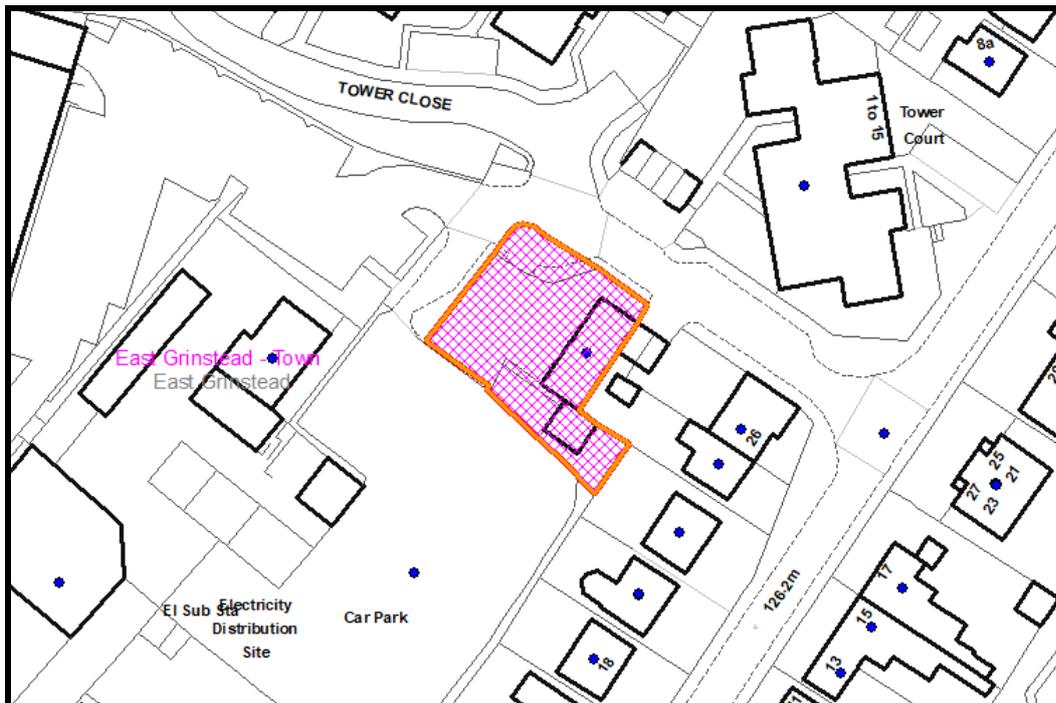
Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

East Grinstead

DM/21/3534



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**TOWER CAR SALES TOWER CLOSE EAST GRINSTEAD WEST SUSSEX
DEMOLITION OF CAR SALES OFFICE AND WORKSHOP AND ERECTION
OF PART 2/PART 3 STOREY BUILDING COMPRISING 8 APARTMENTS
WITH 8 PARKING SPACES. 'AMENDED PLANS RECEIVED 11TH
NOVEMBER SHOWING A REVISED DESIGN OF THE PROPOSED
BUILDING AND ONE ADDITIONAL FLAT (9 IN TOTAL).'
C/O AGENT**

POLICY: Ashdown Forest SPA/SAC / Brownfield Land / Built Up Areas /
Planning Agreement / Planning Obligation / Aerodrome
Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 11th February 2022

WARD MEMBERS: Cllr John Dabell / Cllr Neville Walker /

CASE OFFICER: Steven King

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

This application seeks full planning permission for the demolition of car sales office and workshop at Tower Car Sales and workshop, Tower Close, East Grinstead and the erection of part 2, part 3 storey building comprising 9 apartments with 8 parking spaces.

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.

It is considered that the principle of a redevelopment of this site for residential use is acceptable. The scheme would provide housing in a sustainable location which would assist the Council in meeting its housing requirements. The proposal would optimise the use of the site, which is a clear aim of both national policy and the development plan. There would be economic benefits from the proposal both during the construction phase and then from the additional spend in the local economy generated by the new residents of the development. All these matters weigh in favour of the proposal.

It is considered that the scheme could be satisfactorily drained and could also be suitably insulated to provide prospective occupier's an acceptable living environment in respect of noise. These matters are therefore neutral in the planning balance.

It is considered that the proposed access to the development is satisfactory and the proposal would not result in a severe impact on the local highway network. The level of car parking is sufficient for this sustainably located site. As such there is no conflict with policy DP21 in the District Plan (DP).

It is considered that the design of the proposed development is an improvement on the previously submitted schemes on this site. It is felt the scheme provides appropriately articulated facades that breaks down the scale of the building and suitably addresses the public realm. It also now incorporates a better internal layout that adequately addresses the difficulties associated with the deep floor plan and large undercroft. The scheme now sufficiently addresses the guidelines of the Council's Design Guide as well as policy DP26 of the DP and policy EG3 of the East Grinstead Neighbourhood Plan (EGNP). The contemporary form of the building will be softened by employing natural facing materials (multi stock brick and timber cladding).

The scheme will be clearly visible to the occupiers of the properties on Moat Road that adjoin the site. On balance, it is felt that both the separation distances between the new development and these properties, and the design and treatment of the elevations, mean that the proposal will not be so dominant or overbearing when viewed from the Moat Road properties that there would be a significant loss of residential amenity. There would be no harmful overlooking from the development because the windows facing towards Moat Road would either be high level secondary windows or would be obscure glazed. Therefore, on balance, it is felt that there would not be a significant loss of residential amenity to the occupiers of the properties on Moat Road and therefore, no conflict with policy DP26 of the DP on this issue.

Subject to the completion of a legal agreement to secure the necessary infrastructure payments to mitigate the impact of the development the proposal would comply with policy DP20 of the DP. In addition to this, subject to the completion of a legal agreement to secure the necessary SAMM and SANG payments the proposal will mitigate its impact on the Ashdown Forest Special Protection Area, in compliance with policy DP17 of the DP and policy EG16 of the EGNP.

Therefore, it is considered that the proposal complies with the development plan, when read as a whole, which is the proper basis for decision making. Subject to the completion of a legal agreement to secure both the required infrastructure contributions and the mitigation required for the Ashdown Forest, the application is recommended for approval.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and Ashdown Forest mitigation by the 10th March 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.
2. The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

SUMMARY OF REPRESENTATIONS

Original Plans

East Grinstead Society: Recommend refusal. Schemes to develop this small island site have been put forward and rejected on a number of occasions. We still consider the latest design to be too bulky, inappropriate, of poor design, and intrusive to the properties at 24 and 26 Moat Road.

1 letter of support:

- Site has been unused for several years
- Will provide 9 flats which are perfect for first timers and downsizers
- Design and layout is good

Amended plans

East Grinstead Society:

Recommend refusal. Schemes to develop this small island site have been put forward and rejected on a number of occasions. We still consider the latest design to be too bulky, inappropriate, of poor design, and intrusive to the properties at 24 and 26 Moat Road.

1 letter of objection:

- Will have a significant impact and cause a loss of outlook
- Will cause a highway safety problem as it is on the corner of a busy junction of Aldi's car park and the council car park
- The previous applications have always been refused

SUMMARY OF CONSULTEES

County Planning Officer

Requires the following infrastructure contributions:

Education Primary £5,368
Education Secondary £5,777
Education 6th Form £1,353
Libraries £2,430
TAD £5,488

Highway Authority

No objection subject to conditions

Natural England

To be reported

Southern Water

No objection subject to condition

Drainage Engineer

No objection subject to condition

Environmental Protection Officer

No objection subject to condition

Contaminated Land Officer

No objection subject to condition

Community Facilities Project Officer

Requires the following infrastructure contributions:

Play £7,790

Kickabout £6,544

Formal Sport £8,922

Community Buildings £5,522

Urban Designer

I am now satisfied the revised design has resolved the key problems with the previous refused applications and provides appropriately articulated facades that breaks down the scale of the building and suitably addresses the public realm. It also now incorporates a better internal layout that adequately addresses the difficulties associated with the deep floor plan and large undercroft.

The scheme now sufficiently addresses the guidelines of the Council's Design Guide as well as policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale vignette elevation and section(s) featuring an end bay of the front/north-west elevation showing the detailed treatment of the ground, first and second floors including: the junction detail of the brick and timber cladding; the relationship of the solar panels and the front of the roof; the Juliet balcony and tripartite windows/reveals.
- Details of the facing materials including the perforated metal screen.

TOWN COUNCIL OBSERVATIONS

Committee remain disappointed to see this back again with very little change to the plans. Committee reiterate the comments of 25th October: This application has been considered before (21/0659 29/03/2021 - Committee continue to reject these plans

as overdevelopment, unneighbourly as a 3 storey building sits behind a 2 storey. Overall poor design under EG3. A small development of 5/6 units would be favoured. There is also concern that these plans would have a significant safety issue as the built up kerb on the corner will be frustrating for delivery drivers to Aldi and have the risk of accident or incident for large lorries arriving.) Recommend Refusal the proposal is over-development of the site will contravene DP26 and EG3 as not being in line with good design.

INTRODUCTION

This application seeks full planning permission for the demolition of car sales office and workshop at Tower Car Sales and workshop, Tower Close, East Grinstead and the erection of part 2, part 3 storey building comprising 9 apartments with 8 parking spaces.

RELEVANT PLANNING HISTORY

Planning permission was granted on 13th July 2017 under reference number DM/17/1537 for the Demolition of car sales office and workshop building. Erection of 2 no. 3 bedroom houses, 1 no. 2 bedroom house, 1 no. 2 bedroom flat, 1 no. 1 bedroom flat, bike and bin store and 3 no. parking spaces. This planning permission has now expired.

A subsequent application (reference DM/19/4331) that sought consent for the erection of a three storey building comprising 10 apartments, 8 parking spaces and 10 cycle spaces was refused on 28th February 2020. An appeal against this decision was dismissed on 27th August 2020.

A subsequent full planning permission for the demolition of car sales office and workshop and erection of three storey building comprising 9 apartments with 7 parking spaces, 9 cycle spaces, waste and recycling enclosure (reference DM/20/1455) was refused on 10th July 2020 for the following reasons:

1. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.
2. The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.
3. The proposal is an unsatisfactory design that would provide a poor-quality living environment for prospective occupiers of the development. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy EG3 of the East Grinstead Neighbourhood Plan.
4. The proposed development would have a harmful impact on the residential amenities of the neighbouring properties on Moat Road. The proposed building

would be an unneighbourly and overbearing feature. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy EG3 of the East Grinstead Neighbourhood Plan.

An appeal against this decision was dismissed on 11th February 2021.

A subsequent application for the erection of part two/part three storey building comprising 8 apartments with 8 parking spaces, 10 cycle spaces and refuse store (reference DM/21/0659) was refused on 26th April 2021 for the following reasons:

1. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.
2. The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.
3. The proposal is an unsatisfactory design and would provide a poor-quality living environment for prospective occupiers of the development. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy EG3 of the East Grinstead Neighbourhood Plan.
4. The proposed development would have a harmful impact on the residential amenities of the neighbouring properties on Moat Road. The proposed building would be an unneighbourly and overbearing feature. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy EG3 of the East Grinstead Neighbourhood Plan.

This application is subject to an appeal with the Planning Inspectorate.

SITE AND SURROUNDINGS

The site of the application is a former car sales yard located on the south side of Tower Close in East Grinstead. There is a flat roofed single storey building on the eastern side of the site that was used as an office. There is a pitched roof building to the south-eastern corner of the site. Most of the site is given over to hard standing that was used for the display of cars for sale. The site is no longer being used for car sales.

To the east of the site are semidetached houses on Moat Road. To the south is a Council public car park. To the west there is the access to the public car park and beyond this is the car park for the nearby Aldi store. Directly to the north of the site there is a line of flat roofed garages. To the north east there is a fairly modern development of flats that are 3 and 4 storeys in height.

The site lies within the built-up area of East Grinstead as defined in the Mid Sussex District Plan (DP).

APPLICATION DETAILS

This application seeks full planning permission for the demolition of car sales office and workshop and erection of part 2, part 3 storey building comprising 9 apartments with 8 parking spaces.

The proposed building would be arranged over three storeys and would have a footprint measuring some 19m by 21m by some 10m in height. The building would have a flat roof with brick elevations at the ground floor level and first floor, with some vertical timber cladding to the first floor and vertical timber cladding to the second floor. The upper floors would be inset from the first floor.

The plans show that the vehicular access to the site would be from the southeast. This would take the form of an undercroft area that would serve 8 car parking spaces that would be on the northwest side of the site. This would also provide access to the bin store area which would be positioned adjacent to the vehicular access. Access would also be provided to the bike store and to the stairway that would serve the upper floors.

The accommodation would comprise 5 x 1 bed units, 3 x 2 bed units and 1 x 3 bed unit. The ground floor layout shows a 1-bedroom flat. The first floor would contain 3 x 2 bed flats and 1 x 3 bed flat and the second floor would contain 4 x 1 bed flats.

There is a dog leg to the southeast of the site. This area is shown as being a garden area for the ground floor flat. The secure cycle store would be within the ground floor of the building and provides 10 spaces which could be accessed via both a pedestrian route running along the south eastern side of the site and also from within the building.

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:

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

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

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

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 District Plan (DP) and East Grinstead Neighbourhood Plan (EGNP).

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

Mid Sussex District Plan

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

DP1 Sustainable Economic Development
DP6 Settlement Hierarchy
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP30 Housing Mix
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan (EGNP) was made on 2 November 2016 and forms part of the development plan for this part of Mid Sussex. Relevant policies:

Policy EG3 Promoting Good Design
Policy EG7 Housing Mix and Density
Policy EG11 Mitigating Highway Impacts
Policy EG12 Car Parking
Policy EG16 Ashdown Forest Special Area of Conservation and Special Protection Area

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (July 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.

National Planning Policy 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

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;
- Loss of employment floorspace
- Design/layout
- Neighbour amenity
- Noise
- Access and Transport
- Housing Mix
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

The views of the two Planning Inspectors who dismissed the two previous appeals on the site are material planning considerations in the determination of this planning application.

Principle of Development

The site lies within the built-up area of East Grinstead, which is categorised as a tier 1 settlement in the DP. Tier 1 settlements provide a comprehensive range of employment, retail, health, education, leisure services and facilities. As such, as a matter of principle, and in accordance with DP6 of the DP, the location of the site is considered to be acceptable for a residential redevelopment.

Policy EG7 in the EGNP 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.'*

The proposal represents a density of 180 dph and comprises one, two bedroom and three bedroom accommodation. As such policy EG7 is met.

Loss of employment floorspace

Policy DP1 in the DP relates to sustainable economic development. Part of this policy states that effective use of employment land and premises will be made by:

'Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use'

The DP does not define what is meant by 'employment land'. Car sales is classified as sui generis use within the Use Classes Order (it does not fall within any class of the Order). The lawful use of the site as a car sales business would provide employment. The former business no longer operates from the site and there is no realistic prospect of this former use returning. In this case it is felt that there is a clear case that the loss of the business floorspace is outweighed by the benefits of providing residential accommodation in this sustainable location. The Council has a challenging housing delivery target and the provision of a residential scheme on this site would assist in meeting the target and maintaining a 5-year housing land supply. As such there is no conflict with policy DP1 of the DP.

Design/layout

Policy EG3 in the EGNP seeks to promote good design. It states:

'Planning permission will 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.'

A similar aim is carried forward in policy DP26 of the DP which 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.'*

The NPPF makes it clear that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

The NPPF is also supportive of achieving appropriate densities on sites. Paragraph 124 states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

The National Design Guide advises that well designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: *'the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development'*. However, the design guidance also makes it clear that *'...well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.'*

This is a town centre site where there is a mixture of building types and styles from differing time periods. There are high density four storey flats to the northwest at Tower Close. As a matter of principle, it is considered that a contemporary high density scheme is acceptable in design terms for this location.

The full comments of the Council's Urban Designer are set out in the appendix to this report. He states *'The replacement of the unsightly Car Sales yard with a block of flats is supported in principle, as it also provides much needed street enclosure and natural surveillance in an area characterised by its fragmented townscape that is unfortunately dominated by car parking. A contemporary styled block in this location is also accepted because of the variety of the surrounding building forms which mostly date from the post-war period.'*

With regards to the layout of the proposed building, the Urban Designer states *'While it is still an unusual ground floor layout, the organisation of the entrance, communal area and ground floor flat has been significantly improved and is not now significantly impeded by the undercroft parking area. The residential amenity of the proposed ground floor flat has been addressed as it is now fully orientated towards the rear/garden and there are no rooms that are reliant on front windows into the undercroft parking area for their only source of natural light and air. There is also no need for residents arriving by foot to access the building via the undercroft as the main entrance is incorporated on the street elevation.'*

With regards to the elevations of the building, the Urban Designer states *'As with the DM/20/1455 and DM/21/0659 schemes, the north-west, north-east and south-west elevations that face the public realm benefit from a set-back top floor that models the roofline and facades (while this is more modestly set-back it is still considered sufficient). The long/prominent north-west elevation benefits from a more formalised / symmetrical façade and the introduction of vertical articulation breaks up its scale and avoids the building looking amorphous that was a problem with previous proposals. The shorter north-east and south-west elevations also have formal vertically articulated frontages with the former appropriately accommodating the main building entrance and vehicular access to the undercroft car park.'*

The contemporary form of the building will be softened by employing natural facing materials (multi stock brick and timber cladding) which are vertically aligned with the first-floor windows/ground floor voids to provide the necessary articulation. On the north-west elevation the ground floor void has been organised as a series of brick columns that align with the brick bays on the first floor.'

He also notes that *'The scheme can also be commended for incorporating solar PV panels on the large expanse of roof; the 1:200 section shows these will be screened by a parapet upstand.'*

Your Planning Officer agrees with the comments of the Urban Designer. There is a wide range of architectural style and buildings of differing scales in the immediate vicinity of the site. It is felt that the design of the building is a considerable improvement on the previously refused schemes. The elevations are better organised and the detailing helps to articulate the building and break down its scale. It is your Planning Officers view that the building would improve the public realm by

replacing a large area of hardstanding and buildings of no architectural merit with a modern development that would use traditional materials of multi stock brick and timber cladding. Given the variety of building heights in the locality, it is considered that a three storey building is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area, as set out in policy EG3 of the EGNP.

The proposal would provide street enclosure in an area that is dominated by car parking. This improvement to the public realm would accord with Principle DG13 in the Design Guide SPD. The proposal would represent an efficient use of the site, which would accord with the aims of local and national policy to optimise the use of sites such as this in sustainable urban locations.

It is therefore considered that the proposed design of the development is suitable for the site and accords with policy EG3 of the EGNP and policy DP26 of the DP.

The flats would comply with the dwelling space standards, thereby according with policy DP28 of the DP.

Sustainable Design

Policy DP39 in the DP relates to sustainable design and construction. The applicants have provided a Sustainability and Energy Statement with the application. It is proposed to enhance the fabric insulation standards of the building above the minimum required by the Building Regulations. The building would also have PV panels on its roof. The water efficiency standard of the apartments will achieve 110 litres per person per day. There would be 7 EV charging points.

It is considered that the applicants have had regard to policy DP39 in the DP and Principle DG37 in the Design Guide SPD and this element of the scheme is acceptable.

Neighbour amenity

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas Policy DP26 of the Mid Sussex District Plan states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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

On the previously refused scheme for 9 flats, the Inspector stated *'The building would dominate the rear outlook from these properties due to its size, height and close proximity. The design of this elevation, which necessitates high level windows to avoid overlooking effects, means that there would be large areas of unrelieved wall, exacerbating the dominant and overbearing appearance.'* He concluded that *'...the proposed development would be unacceptably harmful to the living conditions of the occupiers of Nos 24 and 26 Moat Road. The proposal would not accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031 (March 2018) or policy EG3 of the East Grinstead Neighbourhood Plan (November 2016), both of which seek to protect the living conditions of the occupiers of neighbouring properties. The proposal would also conflict with paragraph 127 of the Framework, which requires that developments create places with a high standard of amenity for existing occupiers.'*

The current plan shows that the ground floor of the proposed building would be set 20m from the rear elevation of 26 Moat Road. The upper floors would be stepped back 2.9m so that they would be some 22.9m away at their furthest point.

The floor plan of the proposed building steps forward on its southeast elevation by some 1.1m. Number 24 Moat Road has a single storey rear extension so at its closest point the ground floor of the proposed building would be some 16.5m away from this rear addition, with the first floor being some 19.1m away.

The windows facing the properties on Moat Road that would serve bedrooms would be secondary, high level and obscure glazed. As such there would be no direct overlooking. The windows that would serve the stairway would also be obscure glazed. There would be no harmful overlooking from the windows facing towards Moat Road because these would either be high level or obscure glazed.

The applicants have provided a section through the development that shows a 25 degree line drawn from the ground floor windows of the properties on Moat Road towards the application site. This 25 degree line is derived from research by the Building Research Establishment (BRE) Site layout planning for daylight and sunlight: a guide to good practice. This is a nationally used document that provides advice on achieving good sun lighting and daylighting, both within buildings and in the open spaces between them. If the proposed development crosses the 25 degree line it is a good indication that there will be an adverse impact in respect of daylight.

In this case the proposed development does not cross the 25 degree line. This provides a good indication that there will not be loss of daylight arising from the proposal. The southeast elevation will be clearly visible to the occupiers of the properties on Moat Road that back onto the site. However being able to see something does not equate to harm. The issue is whether the proposal is so overbearing or dominant that it would cause a significant loss of residential amenity, which is the test in policy DP26 of the DP.

Your officer has viewed the site from the rear garden of 24 Moat Road in relation to a previous application for a redevelopment of the site. It is your officers view, that on balance, the building is now sufficiently set back and the elevations articulated by the use of different materials, such that it would not be so dominant or overbearing as to

cause a significant loss of residential amenity to the occupiers of either 24 or 26 Moat Road. As such there would not be a conflict with policy DP26 in relation to residential amenity.

Noise

In relation to noise, 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 near 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;'*

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states *'Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.'*

The main sources of noise to the site are the adjoining roads and car parks and deliveries to the nearby Aldi food store. The Environmental Health Officer (EHO) has recommended that if approved, a condition be imposed requiring a scheme for protecting the residential units from noise generated by road traffic or other external sources to be submitted to and approved by the Local Planning Authority. In principle it is considered that there is no reason why such a condition could not be imposed.

The previous application was not refused on matters relating to noise and, on this basis, there is no conflict with policy DP29 of the DP in respect of noise.

Access and Transport

Policy DP21 in the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 111 of the NPPF, which states:

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

It is considered that the proposed access to the highway is safe and satisfactory. Vehicle speeds in the locality are low. The Highway Authority have not raised an objection to the application, stating that *'The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.'* There are no reasons to disagree with the Highway Authorities comments on this matter. It should also be noted that the previous applications have not been refused on matters relating to highway safety or the capacity of the highway network to accommodate the development and these have not been reasons why the previous appeals were dismissed. As such the proposal would comply with policy DP21 of the DP and policy EG11 of the EGNP with regards to the access to the site and the impact on the highway network.

The Highway Authority have noted that the access works will require a continuation of the footway around the perimeter of the site, on land which is part of the public highway. This will require a section 278 agreement to be completed with the Highway Authority. The Highway Authority also wish the applicant to apply for a Traffic Regulation Order to pay for the costs (£7,418) of extending the double yellow lines around the realigned highway. This can be secured via the section 106 legal agreement. The applicant will also need to apply to the Highway Authority to 'stop up' an existing area of highway that would be enclosed within the boundary of the site. This is a separate process that sits outside of the planning application.

With regards to car parking, the scheme provides for 8 car parking spaces. Parking is restricted off site on the highways immediately surrounding the site by double yellow lines. The County Council have new car parking guidance and have a car parking demand calculator that predicts likely parking demand for all the different parishes and wards within Mid Sussex. The District Council's car parking guidance that was in the Development and Infrastructure SPD has been updated to reflect this.

If all the proposed spaces are unallocated, the car parking demand calculator predicts that 11 on site car parking spaces would be required. The scheme is therefore 3 spaces short of what the car parking calculator predicts for this ward with East Grinstead. Whilst this is a shortfall, an assessment still needs to be made as to whether this results in any harm that would justify a refusal of planning permission on this ground.

This is a sustainably located site where there is a choice of modes of transport. It is also adjacent to a public car park that would provide an option for parking off the site. There are parking controls in place on the streets around the site so on street car parking is prohibited in areas where such parking could result in a highway safety hazard or obstruction. It should also be noted that the previous appeals were not dismissed on matters relating to car parking.

Policy EG12 in the EGNP allows for departures from WSCC adopted parking standards ... *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.* Whilst the application is accompanied by a Design and Access Statement and not a separate Transport Assessment, given the comments of the Highway Authority it is not considered that this is essential in this case. It is accepted that the site does have good accessibility to public transport, shops and services.

Taking all these points into account it is not felt that the level of car parking provision would be so deficient that it would result in a highway safety issue that would justify a refusal of planning permission on this ground and therefore there is no conflict with policy DP21 in the DP or policy EG12 in the EGNP in relation to car parking.

Housing Mix

Policy DP30 in the DP requires development to provide a mix of dwelling types and sizes that current and future housing needs to support sustainable communities. The proposal would provide smaller 1 and 2-bedroom flats and one 3 bedroom flat. In this town centre site, it is considered the proposed mix of dwellings is satisfactory and accords with policy DP30. The scheme would also accord with the housing mix required by policy EG7 in the EGNP.

Drainage

The whole site is currently covered by either buildings or hardstanding. The area is at a low risk of flooding being in Flood Zone 1.

There is no reason why surface water from the site cannot be satisfactorily drained and this can be controlled by a planning condition. Foul water is intended to connect to the existing sewer. Again, this can be controlled by condition, thereby complying with policy DP41 of the DP.

Infrastructure provision

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured using planning obligations.

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

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

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

'55 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:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below would need to be secured via a planning obligation.

West Sussex County Council Contributions:

Education Primary £5,368
Education Secondary £5,777
Education 6th form £1,353
Libraries £2,430
TAD £5,488

District Council Infrastructure Requirements:

Children's play space £7,790
Kickabout £6,544
Formal sport £8,922
Community buildings £5,522
Local community infrastructure £4,589

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts.

Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of the development that is proposed.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. Subject to the completion of a legal agreement to secure the necessary infrastructure payments (and the TRO contribution) the application would comply with policy DP20 of the DP.

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 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 9 dwellings, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £10,530, and if the approved scheme provides for a strategic SANG contribution, this would be £8,671.

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.

Natural England has been consulted on the appropriate assessment of this proposed development and whilst their response is awaited, it is expected that they will raise no objection to the application.

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.

CONCLUSION

To summarise it is considered that the principle of a redevelopment of this site for residential use is acceptable. The scheme would provide housing in a sustainable location which would assist the Council in meeting its housing requirements. The proposal would optimise the use of the site, which is a clear aim of both national policy and the development plan. There would be economic benefits from the proposal both during the construction phase and then from the additional spend in the local economy generated by the new residents of the development. All these matters weigh in favour of the proposal.

It is considered that the scheme could be satisfactorily drained and could also be suitably insulated to provide prospective occupier's an acceptable living environment in respect of noise. These matters are therefore neutral in the planning balance.

The scheme now sufficiently addresses the guidelines of the Council's Design Guide as well as policy DP26 of the DP and policy EG3 in the EGNP. The contemporary form of the building will be softened by employing natural facing materials (multi stock brick and timber cladding). It is considered that the design of the proposed development is an improvement on the previously submitted schemes on this site. It is felt the scheme provides appropriately articulated facades that breaks down the scale of the building and suitably addresses the public realm. It also now incorporates a better internal layout that adequately addresses the difficulties associated with the deep floor plan and large undercroft.

The scheme will be clearly visible to the occupiers of the properties on Moat Road that adjoin the site. On balance, it is felt that both the separation distances between the new development and these properties, and the design and treatment of the elevations, mean that the proposal will not be so dominant or overbearing when viewed from the Moat Road properties that there would be a significant loss of residential amenity. There would be no harmful overlooking from the development because the windows facing towards Moat Road would either be high level secondary windows or would be obscure glazed. Therefore, on balance, it is felt that there would not be a significant loss of residential amenity to the occupiers of the properties on Moat Road and therefore, no conflict with policy DP26 of the DP on this issue.

It is considered that the proposed access to the development is satisfactory and the proposal would not result in a severe impact on the local highway network. The level

of car parking is sufficient for this sustainably located site. As such there is no conflict with policy DP21 in the DP.

Subject to the completion of a legal agreement to secure the necessary infrastructure payments to mitigate the impact of the development the proposal would comply with policy DP20 of the DP. In addition to this subject to the completion of a legal agreement to secure the necessary SAMM and SANG payments the proposal will mitigate its impact on the Ashdown Forest Special Protection Area, in compliance with policy DP17 of the DP and policy EG16 of the EGNP.

In light of all the above, it is considered that the proposal complies with the development plan, when read as a whole, which is the proper basis for decision making. Subject to the completion of a legal agreement to secure both the required infrastructure contributions and the mitigation required for the Ashdown Forest, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre-commencement conditions

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

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied

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

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

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

a) A preliminary risk assessment which has identified

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

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 183 of the National Planning Policy Framework.

6. No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for external walls, perforated metal screen and fenestration of the proposed building has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

7. No development above ground slab level shall be carried out unless and until plans showing 1:20 scale vignette elevation and section(s) featuring an end bay of the front/north-west elevation showing the detailed treatment of the ground, first and second floors including: the junction detail of the brick and timber cladding; the relationship of the solar panels and the front of the roof; the Juliet balcony and tripartite windows/reveals has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

8. No development above slab level shall take place until a scheme for protecting the residential units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed

in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: To protect the amenity of future occupiers and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

9. Prior to the occupation of any dwelling subject of this permission, details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

10. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

11. 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

12. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

Construction Phase

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

14. Deliveries or collection of plant, equipment or materials for use during the demolition and construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs;

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

Post construction

15. The first and second floor windows on the southeast elevation of the building hereby permitted which serve the stairwell shall at times be fitted with obscure glass as indicated on the approved floor plans.

Reason: To protect the amenities of the neighbouring occupiers and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Approved plans

16. 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.

INFORMATIVES

1. The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk) The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

Accordingly, you are requested that:

- No burning of demolition/construction waste materials shall take place on site.
 - Measures be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning->

[conditions#discharging-and-modifying-conditions](#) (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
5. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	PL07	F	11.11.2021
Existing Floor Plans	PL.09	B	11.11.2021
Existing Elevations	PL.10	C	11.11.2021
Proposed Floor Plans	PL.03	D	11.11.2021
Proposed Floor Plans	PL04	C	11.11.2021
Proposed Floor Plans	PL05	C	11.11.2021
Proposed Roof Plan	PL06	D	11.11.2021
Location Plan	PL.01	B	11.11.2021
Planning Layout	PL.02	E	11.11.2021
Proposed Elevations	PL.08	D	11.11.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

06.12.21 - Committee remain disappointed to see this back again with very little change to the plans. Committee reiterate the comments of 25th October: This application has been considered before (21/0659 29/03/2021 - Committee continue to reject these plans as overdevelopment, unneighbourly as a 3 storey building sits behind a 2 storey. Overall poor design under EG3. . A small development of 5/6 units would be favoured. There is also concern that these plans would have a significant safety issue as the built up kerb on the corner will be frustrating for delivery drivers to Aldi and have the risk of accident or incident for large lorries arriving.) Recommend Refusal the proposal is over-development of the site will contravene DP26 and EG3 as not being in line with good design

Parish Consultation

25/10/2021 - This application has been considered before (21/0659 29/03/2021 - Committee continue to reject these plans as overdevelopment, unneighbourly as a 3 storey building sits behind a 2 storey. Overall poor design under EG3. . A small development of 5/6 units would be favoured. There is also concern that these plans would have a significant safety issue as

the built up kerb on the corner will be frustrating for delivery drivers to Aldi and have the risk of accident or incident for large lorries arriving.) and the committee are not minded that the resubmission is significantly different. Recommend Refusal the proposal is over-development of the site will contravene DP26 and EG3 as not being in line with good design.

County Planning Officer

Summary of Contributions

Education			
School Planning Area	0		
Population Adjustment	14.6		
	Primary	Secondary	6th Form
Child Product	0.0405	0.0405	0.0219
Total Places Required	0.2835	0.2025	0.0437
Library			
Locality	East Grinstead		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,430		
Population Adjustment	14.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	9		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	14.6		
Net Parking Spaces	-7		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£5,368
Education - Secondary	£5,777
Education - 6th Form	£1,353
Libraries	£2,430
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£5,488
Total Contribution	£20,417

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 9 net dwellings, and a net reduction of 7 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 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 additional facilities at Blackwell 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 providing additional facilities at East Grinstead Library.

The contributions generated by this proposal shall be spent on traffic management and pedestrian/cycling/public realm improvements in Railway Approach, East Grinstead.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2021/2022, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: **£18,933** per child
- Secondary Schools: **£28,528** per child
- Sixth Form Schools: **£30,939** per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,549** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2021/2022 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2021/2022 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

Highway Authority

Comments on original plans

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been consulted on full planning application DM/21/3534, with regards to any highway safety or capacity concerns.

Site Context and History

The application site is Tower Car Sales, presently a non-operating car sales office and workshop located along Tower Close, East Grinstead. WSSC were consulted previously for other applications on site, which were all for residential use. There was no objection on highway matters on any of these applications.

The current application is for the demolition of the existing car sales office and workshop buildings and construction of part two / part three storey building comprising 8 apartments with 8 parking spaces, cycle spaces and refuse store.

Parking

In line with WSSC's Guidance on Parking at New Developments (September 2020) a total of 8 parking spaces will be provided at 1 space per dwelling. Given that the site is located in a highly sustainable location this level of vehicle parking is considered acceptable by the Local Highway Authority (LHA). The site is in a controlled parking zone; hence, visitors could make use of the car park adjacent to the site.

Safe and secured cycle parking provision for 10 bicycles will be made within a bike store, on the ground floor.

In line with the WSSC's Electric Vehicle Charging Overarching Guidance, the development will be provided with a minimum of 20% 'active' charging points and the remaining with 'passive' charging points.

Trip Generation and Highway Capacity

There is no information provided with this application regarding the vehicular trip generation from the proposed development. The site was earlier operating as car sales showroom and workshop; hence, it is estimated that the future development trips will not be more than the existing trips. Therefore, there is no concern relating to highway capacity issues.

Servicing

Bin stores are located at the site entrance and servicing will be carried out from the kerbside, in line with the existing arrangements.

Sustainability

The site is within 500m distance of East Grinstead town centre with easy access to local facilities and services. Well-connected footways provided walking opportunities to public transport, shops and amenities. The LHA consider the site as highly sustainable.

Access / Off-site Highway Works (S278 works)

Access into the site will be taken from a similar location. It would seem the improvements require the extension of existing double yellow lines, continuation of footway around the perimeter, and a crossover access into the development. It is noticed the road outside is part of the public highway network where it then ceases, just before the access road into MSDC Norton House Car Park.

These works will require to be implemented via a S278 Agreement.

Traffic Regulation Order (TRO)

The off-site highways work will require the extension of existing double yellow lines, continuation of footway around the perimeter, and a crossover access into the development. The developer would be required to enter into a Section 106 Agreement to cover the costs of advertising and consulting on the TRO (currently £7,418.00). If successful, the developer will then be required to cover the costs of any signing and lining works.

It is important to note that the implementation of a TRO is a separate legal process, and the granting of planning approval does not guarantee that the TRO application will be successful. Including the TRO under a Section 106 Agreement means that the application will be bound to advertise and pay for the TRO process, but if the TRO application is unsuccessful the applicant will still be able to implement the planning approval without it.

Stopping Up

The proposed 'build out' of the footway and new site boundary results in an area of land currently considered to be public highway enclosed within the confines of the site. As such this enclosed area of land need to be Stopped Up, a process which extinguishes the highway rights.

It is important to note that the Stopping Up process is a separate legal process, and the granting of planning approval does not guarantee that the Stopping Up will be successful.

The Stopping Up can be sought under S247 of the Town and Country Planning Act 1990 and this process is administered by the DFT National Casework Team. Their contact details are as below:

National Transport Casework team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Email: nationalcasework@dft.gsi.gov.uk
Phone: 0207 944 4115

Websites:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>
<https://www.gov.uk/government/groups/national-transport-casework-team>

Conclusion

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Hence, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

CONDITION

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

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.

EVC Parking Spaces

No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

Construction Management Plan

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

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

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

Informative:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Comments on amended plans

West Sussex County Council (WSSCC), in its capacity as Local Highway Authority (LHA) have been reconsulted on full planning application DM/21/3534, with regards to any highway safety or capacity concerns.

The LHA was previously consulted on this application on the same application number DM/21/3534 and no objection was raised with regards to highway safety or capacity. The proposal was for the demolition of the existing car sales office and workshop and construction of part 2 / part 3 storey building comprising 8 apartments with 8 parking spaces.

This re-consultation on the same full planning application DM/21/3534 is for a revised design of the proposed building. The revised design would include an additional unit on the second floor bringing the total units from 8 nos. previously to 9 nos., with an additional 251sqm area. The number of parking spaces previously provided as 8nos. remains unchanged.

The site is in a highly sustainable location with East Grinstead town centre, bus stops and train station within walking distances. This additional unit with an increase of 251sqm floor area is not considered to cause any material impact on the local highway network. Therefore, there are no highway safety or capacity concerns associated with the revised design.

Conclusion

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Hence, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the conditions and the Traffic Regulation Order Cost: £7,418 + Implementation Costs as detailed within the Local Highway Authority's response dated 26th October 2021 should be applied.

Natural England

To be reported

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

www.developerservices.southernwater.co.uk and please read our New Connections Charging

Arrangements documents which are available on our website via the following link:

www.southernwater.co.uk/developing-building/connection-charging-arrangements

The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within exiting sewerage network.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents/

www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

We request that should this planning application receive planning approval, the following informative is attached to the consent:

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Drainage Engineer

FLOOD RISK

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

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

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. This will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will utilise surface water attenuation via permeable paving sub-base before discharging to the adjacent public surface water sewer at 1.7l/s.

Discharge to a surface water sewer may be acceptable if infiltration can be shown to be unsuitable on site. Discharge to a public sewer will need to be approved by Southern Water at a rate confirmed by them, or at the Greenfield QBar runoff rate.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will discharge to the existing public foul sewers. This approach is acceptable in principle.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

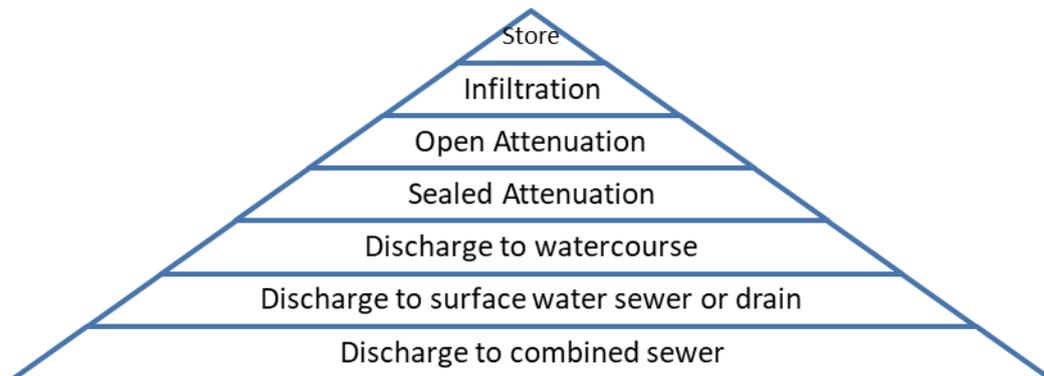
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using FEH or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.
<p>Multiple plot development</p>	<ul style="list-style-type: none"> A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.
<p>Public sewer under or adjacent to site</p>	<ul style="list-style-type: none"> Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<ul style="list-style-type: none"> Plan showing watercourse maintenance strip <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration e.g. Soakaways	<ul style="list-style-type: none"> Percolation test results Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
<p>Outfall to public sewer</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
SuDS and attenuation	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

Environmental Protection Officer

The proposed development is close to car parks and a busy road as well as a supermarket which can receive deliveries between 06:00 hours and 23:00 hours, Monday to Saturday and between 07:00 hours and 21:00 hours on Sundays. A condition has therefore been recommended to protect future residents of the development from noise. Given the potential for noise and dust disturbance to existing nearby premises during the demolition and construction phases of this development, should planning permission be granted, Environmental Protection recommends conditions and an informative to control noise and dust.

Conditions

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs;

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: To protect the amenity of local residents.

Informative:

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

Accordingly, you are requested that:

- No burning of demolition/construction waste materials shall take place on site.
- Measures be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

Contaminated Land Officer

Comments: Our records indicate that the site was historically a workshop until circa 1962 and is next to a historic gas works to the East.

Due to the above, and the sensitivity of the proposed end use, a phased contaminated land condition should be attached to ensure the site can be safely occupied by future residents.

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

Recommended conditions:

Recommendation: Approve with conditions

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

a) A preliminary risk assessment which has identified

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

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

Community Facilities Project Officer

Thank you for the opportunity to comment on the plans for the development of 8 residential dwellings at Tower Car Sales, Tower Close, East Grinstead RH19 3JX on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

King Georges Field and Mount Noddy, owned and managed by the Council, are the nearest locally equipped play areas, approximately 250m and 350m from the development site. These facilities will face increased demand from the new development and a contribution of £14,334 is required to make improvements to play equipment (£7,790) and kickabout provision (£6,544). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £8,922 is required toward sports facilities at King Georges Field and/or Mount Noddy and/or East Court and/or East Grinstead Sports Club.

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 £5,522 is required to make improvements to the Jubilee Community Centre and / or King Georges Church Hall and / or 1st East Grinstead Scouts 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 Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Play £7,790

Kickabout £6,544

Formal Sport £8,922

Community Buildings £5,522

Urban Designer

Summary and Overall Assessment

The replacement of the unsightly Car Sales yard with a block of flats is supported in principle, as it also provides much needed street enclosure and natural surveillance in an area characterised by its fragmented townscape that is unfortunately dominated by car parking. A contemporary styled block in this location is also accepted because of the variety of the surrounding building forms which mostly date from the post-war period.

While the principle of a 3-storey high residential building was established with the previous planning approval (DM/17/1537), there have nevertheless been three refused planning applications since (DM/19/4331, DM/20/1455, DM/21/0659) that have arisen because of the unsatisfactory quality of the elevations and the poor internal organisation arising from a different design approach (from the DM/17/1537 approval) that involves building over the

forecourt area that incorporates the underground electrical cable. This constraint has resulted in a more challenging development brief that incorporates an undercroft void (over the cable) for the parking within an appreciably bigger building envelope/footprint.

For the reasons set out below I am now satisfied the revised design has resolved the key problems with the previous refused applications and provides appropriately articulated facades that breaks down the scale of the building and suitably addresses the public realm. It also now incorporates a better internal layout that adequately addresses the difficulties associated with the deep floor plan and large undercroft.

The scheme now sufficiently addresses the guidelines of the Council's Design Guide as well as policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale vignette elevation and section(s) featuring an end bay of the front/north-west elevation showing the detailed treatment of the ground, first and second floors including: the junction detail of the brick and timber cladding; the relationship of the solar panels and the front of the roof; the Juliet balcony and tripartite windows/reveals.
- Details of the facing materials including the perforated metal screen.

Layout of the Proposed Building

While it is still an unusual ground floor layout, the organisation of the entrance, communal area and ground floor flat has been significantly improved and is not now significantly impeded by the undercroft parking area. The residential amenity of the proposed ground floor flat has been addressed as it is now fully orientated towards the rear/garden and there are no rooms that are reliant on front windows into the undercroft parking area for their only source of natural light and air. There is also no need for residents arriving by foot to access the building via the undercroft as the main entrance is incorporated on the street elevation.

Elevations

As with the DM/20/1455 and DM/21/0659 schemes, the north-west, north-east and south-west elevations that face the public realm benefit from a set-back top floor that models the roofline and facades (while this is more modestly set-back it is still considered sufficient). The long/prominent north-west elevation benefits from a more formalised / symmetrical façade and the introduction of vertical articulation breaks up its scale and avoids the building looking amorphous that was a problem with previous proposals. The shorter north-east and south-west elevations also have formal vertically articulated frontages with the former appropriately accommodating the main building entrance and vehicular access to the undercroft car park.

The contemporary form of the building will be softened by employing natural facing materials (multi stock brick and timber cladding) which are vertically aligned with the first-floor windows/ground floor voids to provide the necessary articulation. On the north-west elevation the ground floor void has been organised as a series of brick columns that align with the brick bays on the first floor. The gaps between them are alternatively left open and filled with a perforated metal screen that balances the need for a good level of natural light into the undercroft and the need for some level of enclosure / screening of the parking on the ground floor.

The deep windows on the three principal elevations gives the building an "open" appearance and provides good levels of natural light that is suitable for such a deep-planned building, and the first floor Juliet balconies facilitate this and provide additional elevational interest,

while avoiding looking cumbersome (which was a problem with the proposed balconies that featured in the DM/19/4331 scheme).

The rear/south-east elevation has a contrastingly different / introverted appearance that is characterised by its repeated horizontally slit windows that have been designed to limit overlooking across the properties that the building backs on to. The larger expanse of solid face inevitably generates a blander façade; however, this has been mitigated by again breaking up the expanse of brick with timber cladding. While this might have been further improved with the employment of a small set-back on the top floor (that would marry it better with the other elevations particularly if it was timber clad), this is a secondary elevation that is not as prominent from the public realm as the other elevations.

The scheme can also be commended for incorporating solar PV panels on the large expanse of roof; the 1:200 section shows these will be screened by a parapet upstand. However as this is only an illustrative drawing, I am recommending that a further section drawing is provided (through a condition) that demonstrates this relationship in detail.