

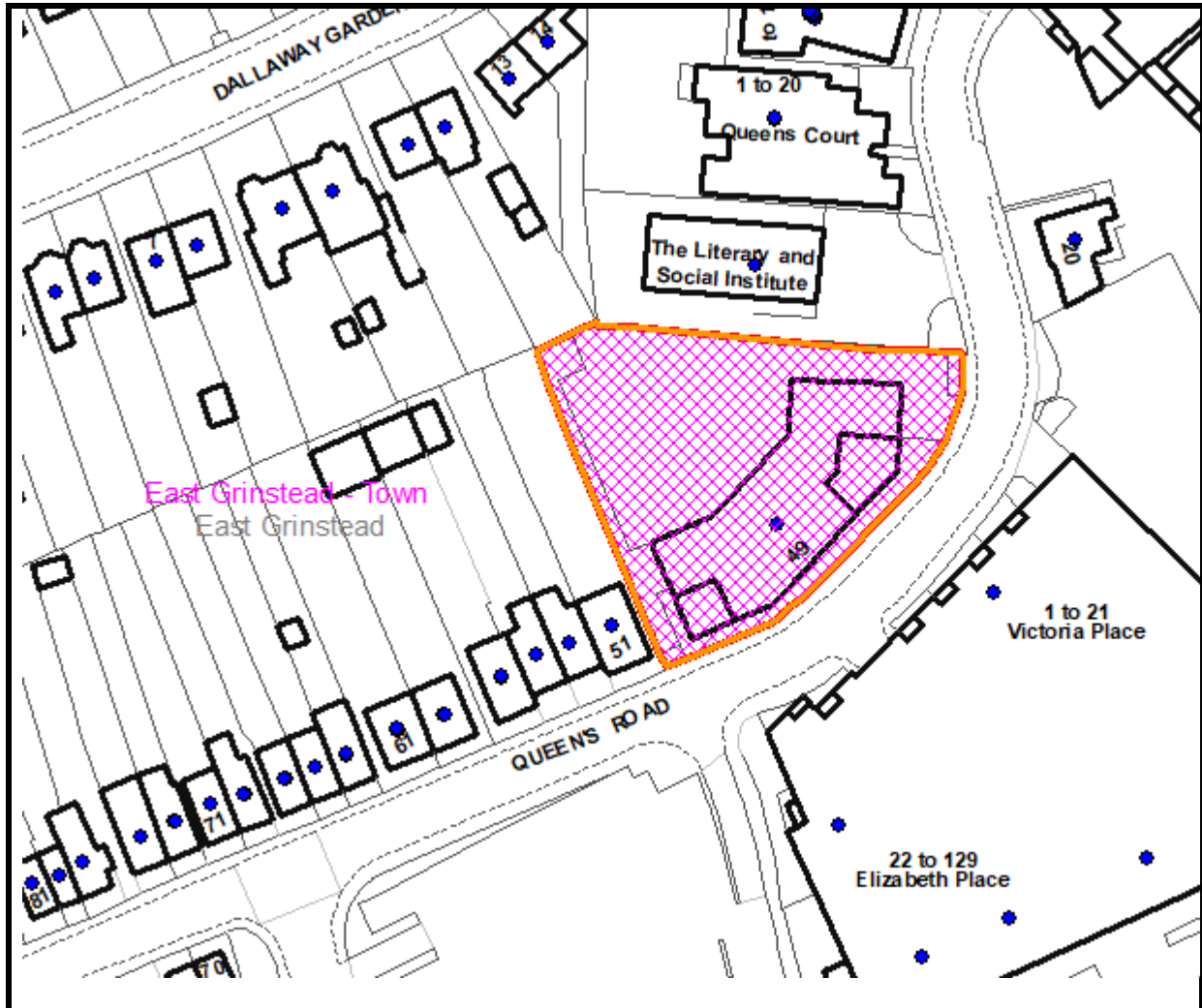
Planning Committee



Recommended for Permission

12th February 2026

DM/25/0388



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Site:	Central Sussex College Queensmere House 49 Queens Road East Grinstead West Sussex
Proposal:	Conversion of a D1 Educational Building to 24no. Residential Apartments (32 Bedrooms) with infilling of existing undercroft areas, associated car parking, landscaping, cycle spaces, amenity areas, 1.1m high metal fence and new ramp.
Applicant:	RH19 Estates Ltd
Category:	Smallscale Major Dwellings

Target Date:	23rd January 2026
Parish:	East Grinstead
Ward Members:	Cllr John Dabell / Cllr Jacquie Russell /
Case Officer:	Andrew Watt

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SRMRJMKT04L00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 Full planning permission is sought for the conversion of a D1 Educational Building to 24 no. residential apartments (32 bedrooms) with infilling of existing undercroft areas, associated car parking, landscaping, cycle spaces, amenity areas, 1.1m high metal fence and new ramp.

2.2 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.

2.3 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

2.4 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP2, DP4, DP6, DP17, DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 and Neighbourhood Plan Policies EG3, EG5, EG7, EG11, EG12, EG13 and EG16.

2.5 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

2.6 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or

specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 2.7 Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.
- 2.8 In terms of the scheme's further benefits, the proposal would provide 24 new dwellings in a highly sustainable location, which should be given significant weight. The development will bring back to life a vacant building in a highly prominent location, which currently acts as an eyesore. The design and landscaping will enhance the street scene and the building's re-use should be commended. The development will result in construction jobs over the life of the build. The development will also result in an increased population for the area, which will allow more spending on services in the surrounding area. The proposal will deliver greater than 10% Biodiversity Net Gain. These benefits would be considered as significant.
- 2.9 A Viability Report and Appraisal was submitted alongside the planning application to support the applicant's position that the scheme cannot currently viably sustain the provision of any infrastructure contributions or affordable housing. An independent viability consultant has assessed the applicant's Viability Report and Appraisal on behalf of the Council and confirmed that the scheme is unlikely to be sufficiently viable to support a contribution towards affordable housing in addition to supporting the necessary s106 contributions for other matters.
- 2.10 Although the lack of affordable housing and contributions towards infrastructure provision is regretted, it is nonetheless policy-compliant, subject to an Advanced Stage Viability Review mechanism. It is not considered that there are any other negative impacts, save for 3 of the proposed units falling below the government's space standards on a technicality.
- 2.11 There will be a neutral impact in respect of a number of issues such as the neighbouring amenity, highways, parking and drainage.
- 2.12 There will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.13 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.14 In these circumstances the NPPF states that permission should be granted.
- 2.15 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

3.1 Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and

SANG contributions and biodiversity net gain contribution, together with a review mechanism, planning permission be granted subject to the conditions set out in Appendix A.

3.2 **Recommendation B**

If by 12 May 2026, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:

'The application fails to comply with Policies DP20, DP31 and DP38 of the Mid Sussex District Plan, Policies EG3, EG5, EG7 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 56 and 58 of the National Planning Policy Framework in respect of the infrastructure and affordable housing viability review and biodiversity net gain required to serve the development.'

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 193 of the National Planning Policy Framework.'

4.0 **Summary of Representations**

4.1 1 letter of objection:

- Welcome the redevelopment of the site but concerned about the small number of parking spaces
- Increased pressure on Queens Road parking which could lead to less visibility and more collisions
- Access is very close to Victoria/Elizabeth Place car park entrance, in constant use, with further likelihood of collisions

4.2 2 letters of comment:

- Have seen bats around the building, so cannot fully support proposal until a bat survey is undertaken and mitigations followed
- Concerned if drainage is sufficient, particularly during heavy rains
- May impact negatively on outlook and light to flats opposite if existing height of building is exceeded

5.0 **Summary of Consultees (full responses can be viewed on the planning file)**

MSDC Consultant Ecologist

No objection, subject to conditions.

MSDC Contaminated Land Officer

Conditions requested.

MSDC Environmental Health Housing Standards

Detailed comments in respect of room sizes, means of escape, heating, ventilation and lighting.

MSDC Environmental Protection Officer

Conditions and informative requested.

MSDC Housing Enabling Officer

Agreed it is not currently viable to provide a commuted sum towards the cost of any off-site affordable housing provision, so viability of scheme will need to be re-assessed at a later stage in the project when actual build costs and values can be provided. This Advanced Stage Viability Review will be undertaken on the sale or letting of 75% of the units.

MSDC Infrastructure

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection, subject to condition.

MSDC Waste Services

No comments received.

WSCC Local Lead Flood Authority

No objection, subject to conditions.

WSCC Highways

No objection, subject to conditions.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

WSCC Minerals and Waste Safeguarding

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale.

West Sussex Fire & Rescue Service

Providing the dry riser is provided it will comply with AD-B Volume 1 B5 requirements.

NatureSpace Partnership – West Sussex Newt Officer

Consider there would be no likely impact on great crested newts or their habitats.

Southern Water

Informative requested.

6.0 East Grinstead Town Council Observations

- 6.1 Committee felt this was a good use of the site and were pleased to note 15 parking spaces were being provided. Committee requested the planning officer was mindful of ensuring the external design was in keeping with other buildings within the immediate area. This site was allocated for development within the EGNP. Concerns regarding traffic access were flagged due to excessive parking already occurring alongside the increase in traffic volume. WSCC Highways should investigate these issues further and consider implementation of parking restrictions on Queens Road prior to approving the application. Bats had been seen at the site, along with a large sycamore tree which should be protected from removal. Hedgehog tunnels should also be incorporated into the design. The new annual pass for CPZ residents would have the opportunity to purchase a pass to use Queensway car park from 5pm to 9am. A Community Highways Scheme could be requested for double yellow lines in this area.

7.0 Introduction

- 7.1 Full planning permission is sought for the conversion of a D1 Educational Building to 24 no. residential apartments (32 bedrooms) with infilling of existing undercroft areas, associated car parking, landscaping, cycle spaces, amenity areas, 1.1m high metal fence and new ramp.

8.0 Relevant Planning History

- 8.1 In December 2000, planning permission was granted for the change of use of the building from offices to educational purposes with ancillary offices (00/01931/FUL).
- 8.2 In January 2018, planning permission was granted for the conversion of a D1 educational building to 14 no. residential apartments (13 x 3-bed and 1 x 2-bed) with new additional set back third floor and infilling of existing undercroft areas, associated car parking, landscaping, cycle space, amenity areas, 1.1m high metal fence and new ramp (DM/17/2725). Conditions 2, 3, 4, 5, 6, 7 and 10 were discharged under ref: DM/19/4314; condition 9 under ref: DM/19/4826; and condition 8 under ref: DM/20/4528, all before the time period lapsed. Following submission of evidence that commencement of works took place in January 2021 just before the time period expired, it is considered that the planning permission has been lawfully implemented – although this has not been formally confirmed by way of a Lawful Development Certificate.
- 8.3 In April 2018, a Non-Material Amendment application was approved to alter the internal layout of the approved apartments (DM/17/2725) and one additional balcony to the rear elevation (DM/18/1272).
- 8.4 In January 2021, an application was approved for the Modification of the Planning Obligation for application DM/17/2725 to change the payment triggers of the SANG (Condition 8) and SAMM as referred to in Sections 4 and 5 of the Section 106 Agreement dated 25 January 2018 (DM/20/4504).

9.0 Site and Surroundings

- 9.1 The site is located on Queens Road in the centre of East Grinstead. There is an existing Use Class F1 building (non-residential institution) on the site arranged over 3-storeys plus undercroft basement and ancillary car parking, supported by brick pillars. Brick elevations are combined with elements of timber cladding with brown timber windows throughout and plain concrete roof tiles on two tiered sections of pitched roofs above, both with deep eaves and a flat crown roof at the top. The building was occupied by Central Sussex College until July 2016 and has been vacant since.
- 9.2 There is one vehicular access point onto Queens Road which is located towards the east of the site. This leads to a car parking area located beneath and to the rear of the existing building. The land drops down from south to north and from east to west.
- 9.3 Being located in the town centre there is a mixture of commercial and residential properties surrounding the site: a social club to the north with residential dwellings on Dallaway Gardens beyond; Victorian dwellings to the west, with 2 flats in the building immediately adjacent – 51 Queens Road; the Martell’s redevelopment to the south and east (mixed commercial and 129 residential flats – Victoria Place and Elizabeth Place being 4/5-storeys facing the site); and a 2-storey non-residential building to the east – 20 Queens Road.
- 9.4 In policy terms, the site is located within the built-up area of East Grinstead as defined by the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan, and within 7km of the Ashdown Forest. It is designated as a Great Crested Newt – Impact Risk Zone (Amber/Green). Parts of the eastern side of the site are at risk of surface water flooding (climate change).
- 9.5 In addition, the site is allocated in the Neighbourhood Plan as being within the Town Centre Boundary of East Grinstead, although it is not within any designated retail areas. The Mid Sussex District Plan Review proposes to exclude this site from both the Town Centre Boundary and Primary Shopping Area (the boundary being directly opposite to the south-east).

10.0 Application Details

- 10.1 Full planning permission is sought for the conversion of a D1 Educational Building (1,367 sqm gross internal floorspace) to 24 no. residential apartments (32 bedrooms) with infilling of existing undercroft areas, associated car parking, landscaping, cycle spaces, amenity areas, 1.1m high metal fence and new ramp.
- 10.2 The existing access onto Queens Road will be retained to the far east of the site but with a redesigned crossover adjacent to the existing one and the current crossover reinstated as pavement. The existing access within the site to the car parking at the rear is currently through part of the undercroft; the proposal will provide a new ramp on existing hardstanding beyond the building envelope to the far northern boundary instead.
- 10.3 Within the rear of the site (which slopes downwards to the northern boundary) will be a reconfigured car parking area with 15 spaces (reduced from 42), turning area, cycle storage area (for 24 cycles, currently 0), landscaping and access to the lower

foyer and private accesses to 3 of the lower ground floor flats, all 5 of which will benefit from private gardens, enclosed by hedging.

- 10.4 These lower ground floor flats will be dual aspect to the front and rear elevations, with the former lit by lightwells. Above will be private entrances (directly off the street) to 2 flats, plus the main ground floor entrance, together with the emergency exit and the access to the refuse store (on a lower level), all interspersed with landscape planting and 1.1m high metal fencing enclosures.
- 10.5 Elevationally, the somewhat uniform windows will be enlarged to provide floor-to-ceiling heights on the front elevations at ground and first floor levels, set within projecting bays. The window sizes will be retained at second floor level. The bays and the second-floor level will be clad with aluminium boarding and the roofs black slate effect tiles. The remaining elevations will be of the existing red-toned brick. The entrance will be enlivened further by a large expanse of glazing in a void directly above, with an even larger area of glazing adjacent to the main staircase.
- 10.6 At the rear, the main elevations will remain as brick with only the second floor clad with aluminium boarding and only some of the windows will be enlarged to floor-to-ceiling height. The new roof material will be continued around the entirety of the building and gardens front and rear enclosed with metal fencing and planting.
- 10.7 Materials will be red brick (to match existing) with aluminium PPC cladding on the projecting window surrounds (RAL colour 1020 olive yellow), slate effect roof tiles and light grey windows and doors (RAL colour 7035), with dark grey canopies and rainwater goods, with 1.1m high metal railing to the front elevations and rear garden enclosures and close boarded fence panels elsewhere.

11.0 Legal Framework and List of Policies

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

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

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

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

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

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

11.4 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.

- 11.5 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.
- 11.6 Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 Mid Sussex District Plan (Mar 2018)

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

Relevant policies:

Policy DP2: Town Centre Development
 Policy DP4: Housing
 Policy DP6: Settlement Hierarchy
 Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
 Policy DP20: Securing Infrastructure
 Policy DP21: Transport
 Policy DP25: Community Facilities and Local Services
 Policy DP26: Character and Design
 Policy DP27: Dwelling Space Standards
 Policy DP28: Accessibility
 Policy DP29: Noise, Air and Light Pollution
 Policy DP30: Housing Mix
 Policy DP31: Affordable Housing
 Policy DP37: Trees, Woodland and Hedgerows
 Policy DP38: Biodiversity
 Policy DP39: Sustainable Design and Construction
 Policy DP41: Flood Risk and Drainage
 Policy DP42: Water Infrastructure and the Water Environment

11.11 Site Allocations DPD

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

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

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

Relevant policies:

Policy EG3: Promoting Good Design
Policy EG5: Housing
Policy EG7: Housing Mix and Density
Policy EG11: Mitigating Highway Impact
Policy EG12: Car Parking
Policy EG13: Modern Technology
Policy EG16: Ashdown Forest SAC and SPA

11.13 **Other Material Considerations**

11.14 **Mid Sussex District Plan 2021-2039 - Submission Draft (Regulation 19)**

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021-2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the Stage 1 hearings were concluded on 31 October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPN6: Pollution
DPN7: Noise Impacts
DPN8: Light Impacts and Dark Skies
DPN9: Air Quality
DPN10: Land Stability and Contaminated Land
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPE4: Town and Village Centre Development
DPE5: Within Town and Village Centre Boundaries

DPH1: Housing
DPH3: Sustainable Development – Inside the BUA
DPH7: Housing Mix
DPH8: Affordable Housing
DPH11: Dwelling Space Standards
DPH12: Accessibility
DPI1: Infrastructure Provision
DPI2: Planning Obligations
DPI6: Community and Cultural Facilities and Local Services
DPI8: Viability

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

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

Relevant design principles include:

Principle DG5: Water features and sustainable drainage systems
Principle DG6: Design to enhance biodiversity
Principle DG9: Reduce reliance on the private car
Principle DG13: Provide positive frontage to streets
Principle DG14: Provide enclosure
Principle DG18: Integrate parking to support attractive streets and spaces
Principle DG19: Provision of off-street parking
Principle DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG22: Integrate refuse and recycling into the design of new development
Principle DG24: Plan for cyclists
Principle DG27: Integrate tree planting and soft landscape
Principle DG31: Focus development in sustainable locations
Principle DG32: Managing increased density in town centres
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG41: Addressing sloping sites
Principle DG42: Consider the location and design of services and external pipes
Principle DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight
Principle DG48: Design to minimise the impact of noise, air and light pollution
Principle DG54: Converting office buildings to residential

11.16 *Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)*

11.17 *Affordable Housing Supplementary Planning Document (Jul 2018)*

11.18 *Development Viability Supplementary Planning Document (Jul 2018)*

- 11.19 National Planning Policy Framework (NPPF) (Dec 2024)
- 11.20 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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.
- 11.21 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*
- 11.22 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.
- 11.23 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.'
- 11.24 Paragraph 39 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.'
- 11.25 With specific reference to decision-taking, paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 11.26 Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should:

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...'
- 11.27 In addition, the National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 56 and 57 (planning conditions), 58 (planning obligations), 59 (viability), 64, 65 and 66 (affordable housing), 90 (ensuring the vitality of town centres), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 98 (social, recreational and cultural facilities and services), 101

(public service infrastructure), 102 (public safety), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 124 and 125 (making effective use of land), 129 and 130 (achieving appropriate densities), 131 and 135 (design), 136 (trees), 139 (design guidance), 161 (transition to net zero by 2050), 163 (planning for climate change), 166, 167 and 168 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland), 194, 195 (habitats sites), 196 and 197 (land instability and contamination), 198 (noise and light pollution), 199 (air quality), 200 and 201 (integration of new development with existing businesses and community facilities) are also considered to be relevant to this application.

11.28 *National Planning Practice Guidance*

11.29 National Design Guide

Published in 2021, the National Design Guide illustrates how the government considers well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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

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

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

12.0 Assessment

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

- Loss of education use
- New residential use
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highways
- Flood risk and drainage
- Land contamination
- Sustainability
- Impact on trees
- Ecology
- Biodiversity Net Gain
- Ashdown Forest
- Infrastructure
- Affordable housing
- Housing mix
- Housing standards
- Accessibility
- Other matters
- Planning Balance and Conclusion

Loss of education use

12.2 Policy DP25 of the Mid Sussex District Plan refers to education facilities and states in part:

12.3 *'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.'*

12.4 As noted above the facility is currently vacant with the previous occupier, Central Sussex College, having moved out of the building in July 2016. The previous committee report for application DM/17/2725 stated the following:

'Addressing the loss of the educational facility the applicant has commented as follows:

"The office building has been vacant since July 2016 and has been unable to attract a tenant for education purposes. It has been actively marketed for 1 year. Central College Sussex are also vacating to two other buildings at Burgess Hill + Haywards Heath in order to centralise at their Crawley and Chichester buildings. It is the intention of the application to change the use from education to residential."

Planning officers consider that whilst the loss of the educational facility is regrettable, there appears to be little realistic prospect of the building being used for its current purpose given that the applicant has confirmed that an educational provider could not be attracted. The building has been vacant since July 2016 and it is considered that it is better to have the building redeveloped and occupied rather than left vacant for any longer. It also appears that duplicate facilities will be provided in Crawley by the previous occupier and this addresses the requirements of both the above highlighted policies.'

12.5 The building has not been in use since the educational use vacated, and because it has been subject to some vandalism and is currently surrounded by hoardings, does not contribute positively to this town centre location. As noted above in the planning history section, planning permission has been granted to change the use of the building into residential, and all pre-commencement conditions and initial building works took place within the necessary time period. While no Lawful Development Certificate has been submitted to formalise the lawful implementation of the planning permission, it would be considered informally that the educational use has fallen away. Nonetheless, there is no conflict with the above policy due to the necessary criteria being met at the time of granting the previous planning permission. Accordingly, the loss of the educational use, such as it currently is, is not considered contentious.

New residential use

12.6 Turning to the proposed residential use, as noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 12.7 In terms of policy designations, the starting point for this assessment is that the application site falls within the built-up area of East Grinstead as defined by the District Plan.
- 12.8 East Grinstead is defined under Policy DP6 of the Mid Sussex District Plan as a Category 1 settlement, i.e. a *'settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements.'*
- 12.9 Policy DP6 of the District Plan states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'
- 12.10 In principle, the proposed residential development is supported by this policy; however, the detail is assessed under the following sections.
- 12.11 As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.
- 12.12 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.
- 12.13 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.14 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or
ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.15 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.16 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75% of) the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.17 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.18 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.19 As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.20 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.21 Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.
- 12.22 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF, in order to undertake the necessary tilted balance assessment outlined above.

Design and impact on the character and appearance of the area

- 12.23 Policy DP26 of the Mid Sussex District Plan states:

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

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

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

12.24 Policy EG3 of the East Grinstead Neighbourhood Plan states:

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

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

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

- 12.25 Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design and Design Principle DG38 notes that good architecture involves the successful co-ordination of proportions, materials, colour and detail.
- 12.26 The existing building appears somewhat monolithic in the street scene, which is emphasised by its dark palette of materials and identically proportioned windows. The proposal seeks to break up this expanse of brickwork by enlarging the proportions of the ground and first floor windows on the front elevation (some of which are continued on the rear elevation) and highlighting the projecting bays by joining each pair, enlarging them and re-cladding in a lighter material. This material is carried through on the second floor between the two roof slopes. The window surrounds are a light grey colour, and it is considered that this palette is a vast improvement than currently and will constitute a visual enhancement to the street scene and the area more generally.
- 12.27 The re-use of the building is to be commended in sustainability terms, and its angled design ensures that it turns the corner effectively. The re-positioning of the access from beneath the undercroft to outside it will enable the undercroft to be infilled and used as accommodation, rather than parking and storage as currently. The formation of lightwells to the front elevation, together with new planting, enclosure fencing and footways will enliven the frontage to the street, complimenting the modern building opposite. Additional shadow detailing from the bay windows and canopies beneath will add to those of the deep roof eaves and the vertical channels in the brickwork between the bays, enhancing the façade further.
- 12.28 For these reasons, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on residential amenity

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

'All applicants will be required to demonstrate that development:

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

- 12.30 Policy DP29 of the District Plan states:

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

Noise pollution:

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

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

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

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

Light pollution:

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

12.31 Policy SA38 of the Site Allocations DPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate

how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

12.32 Design Principle DG48 of the Mid Sussex Design Guide states:

'Noise disturbance and air/light pollution can be reduced through careful design including the following measures:

- *Orientating or organising buildings so that the principal habitable rooms and sitting-out areas face away from the source of the pollution;*
- *Incorporating design features such as recessed balconies and acoustic lobbies;*
- *Constructing barriers such as garages or walls between the source of the pollution and dwellings;*
- *Using landscape features (including trees and earth mounding) to absorb noise/air pollution and deflect light; and*
- *Avoiding parking where it will create noise and headlight nuisance from vehicle movements.'*

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

12.34 The main properties affected by the proposal would be 51/51A Queens Road adjacent to the west; flats on Elizabeth Place and Victoria Place opposite to the south; and 12 Dallaway Gardens to the north-west. The adjoining building to the north (Literary and Social Institute) and opposite to the north-east (20 Queens Road) are both in non-residential use.

12.35 As the proposed development does not involve extending the footprint of the building outwards or upwards (only within), it is not considered that it would have any detrimental impact on neighbouring occupants in terms of being overbearing

12.36 In terms of overlooking and loss of privacy, the side elevation facing no. 51 will continue to have no windows other than an existing door at ground floor level (which will act as a fire escape) and a new entrance door at lower ground floor level to one of the new flats. To the other side, there will be 4 new side windows at ground floor and lower ground floor, but these will face onto a non-residential use, and be separated by the driveway and the boundary. To the rear, there is a good boundary screen separating the car park from the neighbouring garden at 12 Dallaway Gardens (on lower ground and in excess of 50m away), and the use of this area as a car park and the window placement will be little changed (other than made larger). To the front a similar window arrangement is proposed, and while there would potentially be mutual overlooking between the windows of the flats opposite on Elizabeth Place and Victoria Place, it would not be introducing a new

feature (they would simply be enlarged and changed use to residential). As this would be a front-to-front relationship whereby these windows already overlook the street, it is not considered that the proposal would result in significantly harmful overlooking to existing or future occupants.

12.37 The Council's Environmental Protection team noted that the Acoustic Report concluded that the measured noise levels meant that with the proposed design/layout, most windows would need to be kept closed, both day and night, to avoid adverse noise impacts. They further stated that closed window solutions should be considered only as a last resort and should incorporate an appropriate Overheating Assessment. In addition, an air quality damage cost calculation and mitigation scheme should also be submitted.

12.38 The acoustic reports finds:

- External Noise levels exceed BS8233:2014 and WHO NNGL threshold for open-window compliance.
- Internal bedroom levels with windows open at night exceed the WHO limit of 42 dB LAFmax.
- To achieve compliance, bedroom windows must remain closed overnight.
- Good Acoustic Design principles were followed, but even with enhanced façade insulation, compliance cannot be met with open windows.

12.39 Given the need to keep windows closed, alternative ventilation solutions were assessed:

- Natural Ventilation: Rejected due to acoustic and security constraints.
- Passive Cooling Strategies (E.g. cross ventilation): explored but not sufficient to meet overheating limits.
- MVHR Systems (Mechanical Ventilation with Heat Recovery): Selected for ability to maintain internal noise standards while meeting ventilation needs.

12.40 The MVHR system:

- Provides background and boost ventilation (Approved Document Part F)
- Includes summer bypass for cooling.
- Operates quietly targeting ≤ 30 dB LAeq in bedrooms.

12.41 Advantages of MVHR:

- Ensures continuous fresh air supply without reliance on opening windows – critical in a noisy urban setting.
- Maintains excellent indoor air quality year-round.
- Reduces energy loss typically associated with natural ventilation – helping lower running costs and improve building energy efficiency.
- Avoids condensation and mould risk by controlling internal humidity.
- Is suitable for tight building layouts and retrofits, making it an ideal solution for this constrained conversion scheme.

12.42 The Overheating Assessment notes that all units fail under natural ventilation scenarios, due to acoustic requirements (mandating closed windows at night) and window restriction heights (due to safety / falls from height) and therefore concludes that mechanical systems are required to prevent overheating.

- 12.43 Passive alternatives were considered but all other than MVHR were unviable due to fixed architectural restraints.
- 12.44 The Council's Environmental Protection Officer has accepted the conclusions of this report and considers that this can be secured through condition.
- 12.45 In addition, a condition can be imposed to provide mitigation measures to improve air quality.
- 12.46 Accordingly, the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy SA38 of the Site Allocations DPD and the Mid Sussex Design Guide.

Highways

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

'... Decisions on development proposals will take account of whether:

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

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

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

- 12.48 Policy EG11 of the East Grinstead Neighbourhood Plan states:

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

- *Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements;*
- *Include access arrangements that are appropriately designed and include adequate visibility splays.'*

12.49 Policy EG12 of the East Grinstead Neighbourhood Plan states:

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

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

12.50 Paragraph 116 of the NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

12.51 The Highway Authority has raised no objection to the application, following submission of a Stage 1 Road Safety Audit and Designers' Response, agreeing to the auditor's recommendations. This includes ensuring an appropriate gradient for the new access ramp, details of which can be secured via a levels condition in any case.

12.52 The Highway Authority also advised that they are satisfied with the proposed access arrangements (subject to a condition securing the visibility splays in line with the RSA recommendation). They did not consider that the proposal would give rise to an increase or material change in the character of traffic in the vicinity of the site, compared to the previous educational use. The site is well located to encourage travel by sustainable modes, including walking, cycling and public transport, and in the town centre there are a number of retail and employment facilities that can be accessed via sustainable means. The resultant parking provision is also deemed acceptable, given the highly sustainable nature of the site, and the car parking provision and cycle parking facilities (adjacent to the car parking area at the west of the site) can both be secured by condition.

12.53 The Highway Authority has recommended that the applicant should provide a Travel Plan Statement, including a monitoring fee of £1,695, which would be

secured respectively via a condition and a legal agreement. As such, the proposal would comply with paragraph 109 of the NPPF.

12.54 The Highway Authority also recommended a condition securing a Construction Management Plan. The applicant has subsequently submitted this, and the Highway Authority have confirmed their agreement to the content. The CMP commits to:

- Encouraging construction workers to travel to the Site by non-car modes;
- Avoiding queueing and disrupting traffic along the High Street where possible;
- A contact board will be erected on the site hoarding at the front of the property, providing the contact details of the liaison officer.
- Leaflet drops will be undertaken to neighbouring properties by enclosing leaflets within local papers or by hand delivery giving two weeks' notice prior to commencement of works. The leaflets will include contact details and a brief description of the project.
- Construction traffic will be required to use strategic roads and minimise the use of local roads where possible.
- Construction vehicles will use Queen's Road then London Road to the A22 or A264 and then join the M23 or M25. This route will be used by inbound and outbound construction vehicles.
- Construction vehicles will be forbidden from arriving at or departing from the site during morning and evening peak periods, 07:00 – 10:00 and 15:00 – 18:00. No construction vehicles will be permitted to wait on-street.
- There will be a need to ensure that the designated lorry route is kept clear of potential debris, vehicle tyres will be clean before they leave the site.
- Smaller sized construction vehicles (<7.5t) will be used to facilitate deliveries and minimise any disruption to the neighbouring highways.
- Construction materials and plant will be stored in designated areas within the site as indicated on the site logistics plan. Separate bin stores will be provided for recyclable and non-recyclable items.
- The site will be fully secured with solid plywood hoarding or Heras fencing. The hoarding will display visible notices indicating that on-going works are being carried out and the contact details of the logistics manager.
- A site office and welfare facilities will be set up.
- Scaffolding may be implemented to facilitate the works.
- During construction hours a banksman will be appointed to assist delivery trucks with loading and unloading at the site.
- Estimated vehicle movements will be 1 per day for enabling works/site set-up (scaffolding); 2 per day for super-structure works (new walls, floor structures, glazing and roof structure); and 2-3 per day for internal fit out works (partitions, staircase, bathrooms, kitchens, flooring, doors, electrics, plumbing, plastering and decoration).

12.55 An advisory condition is recommended to secure compliance with this CMP.

12.56 Overall, it is considered that the scheme would comply with Policy DP21 of the Mid Sussex District Plan, Policies EG11 and EG12 of the East Grinstead Neighbourhood Plan and the NPPF.

Flood risk and drainage

12.57 Policy DP41 of the Mid Sussex District Plan states:

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

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

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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

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

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

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

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

12.58 Design Principle DG5 of the Mid Sussex Design Guide states:

'Whenever possible applicants should retain, enhance or re-establish watercourses and other surface waterbodies as positive features contributing to the character, sense of place, ecological value and biodiversity of new development.

Applicants should consider how to manage surface water to minimise flood risk and flows to watercourses. Development proposals should normally incorporate sustainable urban drainage (SuDs) as an integral part of the landscape structure.

SuDs should be positively designed into schemes from the outset as public realm features. These features can include ponds, infiltration basins, swales/rain gardens and wetlands as they:

- Help manage the risk of flooding and climate change;*
- Reduce demand on the sewer network;*
- Manage some pollutants and improve the quality of water going back into the environment; and*

- *Can make a positive contribution to the biodiversity, character appearance and sustainable performance of development.*

Swales and attenuation ponds should be designed so that water features and plants are visible from the surrounding area and should avoid unattractive boundary treatments or engineered surrounds. Attenuation ponds on slopes should be avoided if they need deep embankments or bunding.

Consideration must be given to the future management and maintenance of sustainable drainage otherwise flood risk could increase.

The choice of surface materials and the balance of hard and soft landscaping should be considered in terms of the impact upon the drainage system. Where hard landscaping is needed, porous materials should normally be maximised to enable infiltration and manage rainfall at source.'

- 12.59 The application form states that both surface water and foul sewage will be disposed of via the main sewer and a connection will be made to the existing drainage system.
- 12.60 The Local Lead Flood Authority has reviewed the Flood Risk Assessment and Drainage Strategy, which were submitted to account for the local flood risk issues and surface water drainage at this location. They raise no objection to the proposal and, subject to conditions being attached to any consent, it would comply with the above policy and NPPF requirements.

Land contamination

- 12.61 Paragraphs 196 and 197 of the NPPF state:

'196. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

197. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'

- 12.62 The NPPF Glossary defines Site investigation information as:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).'

12.63 The Council's Contaminated Land Officer has made the following comments:

'As part of the application, a desk study, ground investigation and risk assessment report has been undertaken by Southern Testing Ltd, dated 7th of November 2024, reference: J15841.

The report has not identified any contaminants above the screening levels adopted for residential use without homegrown produce. Additionally, preliminary gas monitoring on-site from three monitoring wells suggests that soil gas protection should not be required. However, the report notes that the previous gas testing on-site only included two visits, whereas guidance would require six. As such, they recommend that a soil gas monitoring program should be completed, with four additional rounds being undertaken, particularly as there are now residential units proposed at ground level.

Additionally, the report notes that organic contaminants in the soil could affect plastic underground service pipes. It should be confirmed with the local water company whether barrier piping is required.

As such, a phased contaminated land condition should be attached to the application. Further intrusive investigation, in the form of gas testing, will be part of a phased approach, whereby, if contamination is found above the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. If no unacceptable risk is found during the intrusive investigation, the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event contamination not already identified through the desktop study or site investigation is found, works will cease until further assessment has been carried out and additional remediation methods are implemented, if necessary.'

12.64 Having regard to the above, it is considered that conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

Sustainability

12.65 Policy DP39 of the Mid Sussex District Plan states:

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

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

12.66 Policy EG13 of the East Grinstead Neighbourhood Plan states:

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

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

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

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

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

12.68 Paragraph 164 of the NPPF seeks to ensure new development helps *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications, paragraph 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.69 The proposal has been accompanied by an Energy Strategy, which in summary sets out the following sustainability measures:

- Fabric first strategy, to minimise the energy consumption of the dwellings;
- Space and water heating provided via gas combi boilers;
- Installation of photovoltaic panels across the site to deliver at least 10% energy saving (at least 17.5kWp will be installed on site, with detail to be confirmed); and
- Water consumption target of 110 litres of water per person per day or better.

12.70 In addition, the Highway Authority has requested that 25% of the car parking spaces should be 'active' Electric Vehicle (EV) spaces, and this is sought through condition.

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

12.72 Having regard for all the above, and given the context of the application, it is considered that the application complies with Policies DP26 and DP39 of the Mid Sussex District Plan, Policy EG13 of the East Grinstead Neighbourhood Plan, the Design Guide SPD and paragraphs 161, 164 and 166 of the NPPF.

Impact on trees

12.73 Policy DP37 of the Mid Sussex District Plan states (in part):

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.74 The council's Tree Officer has reviewed the Arboricultural Impact Assessment and Preliminary Tree Protection Method Statement and notes that all the trees are Category C and not a constraint to development and that much of the existing surfacing is already in place. Consequently, no objection is raised to the proposal, subject to a condition securing the work in accordance with this information. The proposed detailed landscaping, as shown in the Hard Landscape Plan and Soft Landscape Plan is also considered acceptable, and hence the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Ecology

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

species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

12.76 Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.77 Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 states:

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

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

12.78 The Council's Ecological consultant has made the following comments:

'We have reviewed the Daytime Walkover to Assess Hibernation Value (Arbtech Consulting Ltd, November 2025), the Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) and Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Biodiversity Net Gain Feasibility Stage Report (Practical Ecology, January 2025), Statutory Biodiversity Metric V2 Feasibility (January 2025) and Statutory Biodiversity Metric V2 Feasibility with Recommendations (January 2025).

The Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) [identified] that no bats were observed emerging from Building B1 (four storey brick building and undercover car park). In addition, the Daytime Walkover to Assess Hibernation Value (Arbtech Consulting Ltd, November 2025) confirms that the risk upon hibernating bats is unlikely, as the potential roost features with hibernation value will be retained as part of the development.

As a result, we are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

Therefore, as recommended within the Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024), a non-licensed Precautionary Method

Statement for Hazel Dormouse should be secured for this application, which should be secured prior to commencement of development.

In addition, we recommend that Wildlife Friendly Lighting Strategy is implemented for this application (Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) and Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024)), to avoid impacts from light disturbance. However, on further reviewed of the Lighting Assessment (ATP, June 2017) we are satisfied that appropriate lighting proposals are recommended to ensure that impacts will be minimised on foraging and commuting bats.'

- 12.79 These comments are agreed with and subject to the recommended conditions, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

Biodiversity Net Gain

- 12.80 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

- 12.81 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13(2). It states:

'The condition is that the development may not be begun unless—

- a. a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- b. the planning authority has approved the plan (see paragraph 15).'*

- 12.82 The application has been accompanied by a Biodiversity Net Gain Feasibility Stage Report which, in summary, makes recommendations to plant 5 additional small trees with the grassland; plant grassland of moderate condition; and plant mixed scrub, which could result in a net change of 0.09 habitat units, or 10.70% net gain, thus satisfying the trading rules.

- 12.83 The Council's Ecological consultant has made the following comments:

'With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Feasibility Stage Report (Practical Ecology, January 2025) and Statutory Biodiversity Metric V2 Feasibility with Recommendations (January 2025). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)*
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*

- c) *Pre and post development habitat plans.*
- d) *Legal agreement(s)*
- e) *Biodiversity Gain Site Register reference numbers (if using off-site units).*
- f) *Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.'

- 12.84 In addition, there is a BNG monitoring fee for major applications of £12,000 plus £1,000 inspection fee for checking the initial BNG set up in Year 0, which is to be secured via legal agreement.
- 12.85 Subject to the recommended conditions, it is considered that the proposal is acceptable in compliance with biodiversity legislation, policy and guidance.

Ashdown Forest

- 12.86 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).
- 12.87 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.
- 12.88 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.89 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.
- 12.90 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.91 This planning application is within the 7km zone of influence and generates a net increase of 24 dwellings, and as such, mitigation is required.
- 12.92 An appropriate scale of SAMM mitigation for the proposed development is £28,080, and if the approved scheme provides for a strategic SANG contribution, this would be £126,072.
- 12.93 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.94 The strategic SANG is located at Hill Place Farm 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 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.
- 12.95 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').
- 12.96 Natural England has been consulted on the appropriate assessment of this proposed development and raised no objection, subject to securing the appropriate mitigation set out above.

Atmospheric pollution

- 12.97 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.
- 12.98 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

- 12.99 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.
- 12.100 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.
- 12.101 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.102 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Infrastructure

- 12.103 Policy DP20 of the Mid Sussex District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.104 The Council approved a Development Infrastructure and Contributions Supplementary Planning Document (SPD) in July 2018, which sets out the overall framework for planning obligations. Although this SPD was revoked in July 2025 due to build costs having risen substantially since its adoption, this application was submitted prior to this revocation and therefore has been assessed against the SPD.
- 12.105 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:
- '56 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:
- '58 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.'
- 12.106 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

- 12.107 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.
- 12.108 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.
- 12.109 Consultation responses from West Sussex County Council and Mid Sussex District Council's Infrastructure teams requested the following financial contributions towards local and county infrastructure, as set out below:

County Council Contributions:

Education – Primary £26,758 (additional facilities at Halsford Park Primary Academy, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made)

Education – Secondary £28,798 (additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made)

Education - 6th Form £6,746 (additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made)

Libraries - £8,231 (additional facilities at East Grinstead Library)

Waste - N/A

Fire & Rescue - N/A

Total Access Demand - £12,970 (improvements to the A22 Corridor and/or Pedestrian improvements at Railway Approach, East Grinstead)

Auditing Fee for Travel Plan Statement £1,695

District Council Contributions:

Equipped play - £16,530 (improvements to play equipment at The Dakins, Orchard Way and Kings Centre play areas)

Kickabout facilities - £13,885 (improvements to kickabout provision at The Dakins, Orchard Way and Kings Centre play areas)

Formal sport - £23,174 (East Court (target shooting and football) and/or Mount Noddy and/or East Grinstead Rugby Football Club)

Community Buildings - £13,291 (improvements to community buildings at Meridian Hall and/or East Grinstead Museum and/or St Swithuns Church Hall)

Local Community Infrastructure - £15,086 (car parking at East Grinstead Sports Club and/or public conveniences (toilets) in King Street, East Grinstead and/or

signage, improved routes for pedestrians/cyclists, traffic calming and street furniture in East Grinstead Town Centre)

TOTAL £167,164

12.110 However, a Viability Report and Appraisal has been submitted alongside the planning application to support the applicant's position that the scheme cannot currently viably sustain the provision of any infrastructure contributions.

12.111 An independent viability consultant has assessed the applicant's Viability Report and Appraisal on behalf of the Council and confirmed the following:

'Overall ... the proposed scheme appears to be relatively marginal ... To conclude, our view is that the scheme is unlikely to be sufficiently viable to support a contribution towards affordable housing in addition to supporting the necessary s106 contributions for other matters.'

12.112 The consultant caveats this advice that it is based on current day costs and values, which may not be accurate once a scheme is built and sold. Accordingly, it is necessary to incorporate a later stage review mechanism into the legal agreement.

12.113 Subject to such a clause in the draft undertaking, currently being progressed, the scheme would meet the above policies and guidance.

Affordable Housing

12.114 Policy DP31 of the Mid Sussex District Plan states:

'The Council will seek:

- *the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- *for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 –10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- *on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- *a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- *free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including 'optional requirements' set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on

terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

12.115 The Council has approved two Supplementary Planning Documents (SPDs) in relation to this policy. The SPDs are:

- a) Affordable Housing SPD
- b) Development Viability SPD

12.116 Based on this policy and guidance, the proposal would be required to provide 8 affordable housing units (2 x 1-bed/2-person and 6 x 2-bed/4-person flats), although due to the nature, design and proposed mix, the Council advised at the pre-application stage it would be prepared to accept a commuted sum of £488,000 towards the provision of off-site affordable housing units.

12.117 However, a Viability Report and Appraisal was submitted alongside the planning application to support the applicant's position that the scheme cannot currently viably sustain the provision of any affordable housing/commuted sum.

12.118 The Council's Housing Enabling team has advised that:

'Following an assessment of the information provided and assumptions used in the applicant's submitted Viability Report and Appraisal by an independent viability consultant it has now been agreed that it is not currently viable for the applicant to provide a commuted sum towards the cost of off-site affordable housing provision, either in full or in part.

In accordance with our Development Viability SPD the viability of the scheme will however need to be reassessed at a later stage in the project when accurate information about actual build costs and values will be able to be provided. This Advanced Stage Viability Review will be undertaken on the sale / letting of 75% of the units. It will determine whether or not any additional value has been generated since the current viability assessment was undertaken, which would enable a contribution to be paid towards the cost of off-site affordable housing provision. The contribution would be based on 60% of any additional value generated and would be capped at £488,000. Additional value would result from an increase in the Gross Development Value or a reduction in the Build Costs or from the Gross Development Value increasing by more than any increase in Build Costs. The relevant GDV and Build Cost figures, together with the Council's Standard Review Formula and viability clauses, will be included in the Section 106 agreement.'

12.119 As such, while it is regrettable that no provision is being made for affordable housing, the proposal does meet the above policy, and the Advanced Stage Viability Review will be secured through a legal agreement (as set out above).

Housing mix

12.120 Policy DP30 of the Mid Sussex District Plan states (in part):

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;*

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

12.121 The proposed schedule of accommodation is as follows:

- 6 x 1-bed flats
- 17 x 2-bed flats
- 1 x 3-bed flat

12.122 It is considered that the proposed mix would comply with this policy and guidance.

Housing standards

12.123 Policy DP27 of the Mid Sussex District Plan states:

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

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

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

12.124 The proposed development would provide the following:

- 3 x 1-bed, 1-person flats (between 37.4 sqm and 44 sqm (meeting the standard of 37 sqm – but see next paragraph)
- 14 x 1-bed, 2-person flats (between 50 sqm and 53.3 sqm (meeting the standard of 50 sqm)
- 3 x 2-bed, 3-person flats (61 sqm and 61.1 sqm) (meeting the standard of 61 sqm)
- 3 x 2-bed, 4-person flats (between 70 sqm and 73 sqm (meeting the standard of 70 sqm)
- 1 x 3-bed, 5-person flat (86 sqm) (meeting the standard of 86 sqm)

12.125 However, it should be noted that the bedrooms for the 1-bed, 1-person flats all exceed the size for double bedrooms, so should in reality be assessed against the standard for 1-bed, 2-person flats instead. As such, the 3 flats are short of the 50 sqm standard. Nevertheless, the above District Plan policy is one of many material considerations to be weighed up in the planning balance. It is your officers' view that a shortfall for 3 flats would not prevent a high-quality environment being created for prospective occupiers. Every flat would benefit from dedicated internal

storage and 5 of the 24 from private gardens/patios. Given that the conversion of this building makes use of a fixed area (with awkward angles), then it is considered that the proposal would constitute the exceptional circumstances set out in Policy DP27 of the Mid Sussex District Plan.

Accessibility

12.126 Policy DP28 of the Mid Sussex District Plan states:

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

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

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

Accessible and Adaptable Dwellings

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

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

Wheelchair-user dwellings

Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.127 The government's Planning Practice Guidance says in part:

'What accessibility standards can local planning authorities require from new development?'

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished

layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body...'

- 12.128 Firstly, it is noted that the proposal is for a change of use, so is exempt from the requirements to provide accessible and adaptable dwellings or wheelchair-user dwellings.
- 12.129 Nonetheless, the development will make use of 2 existing stair cores at each end of the building, together with a lift. Two of the ground floor flats will be directly accessible from the street, and the main entrance will also be directly accessible from the street, leading straight into a foyer with the existing lift within. Two of the lower ground floor flats will be accessed via the lower/rear foyer, which also connects with the existing lift. Three of the remaining lower ground floor flats will be accessed directly from the car park at the rear.
- 12.130 Based on the above, it is considered that the proposal would provide a high standard of accessibility for the occupiers, thereby complying with this policy.

Other matters

- 12.131 Southern Water has commented on the application and requests an informative is placed on any planning permission in respect of details of the proposed means of foul sewerage and surface water disposal.
- 12.132 In respect of fire safety, the applicant has confirmed that the dry riser would be positioned on the external façade of the building next to the main entrance, within 18m of the pump vehicle and within line of sight. West Sussex Fire and Rescue Service has confirmed that this will meet their requirements.
- 12.133 The site is located within a designated Great Crested Newt – Impact Risk Zone (Amber/Green). The West Sussex Newt Officer has not raised any concerns, considering that there would be no likely impact on great crested newts or their habitats. Accordingly there would be no conflict with biodiversity legislation, policy and guidance.
- 12.134 A dedicated refuse storage area for the entire building (7 x 1100 litre bins) is to be provided adjacent to the main foyer, accessed via external doors with a footway to the street immediately next to the main vehicular access. It is considered that a condition can be applied to any planning permission to ensure that these facilities are implemented and made available for use prior to first occupation of the dwellings at all times thereafter, thus complying with Policy DP26 of the Mid Sussex District Plan.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the East Grinstead Neighbourhood Plan.
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP2, DP4, DP6, DP17,

DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 and Neighbourhood Plan Policies EG3, EG5, EG7, EG11, EG12, EG13 and EG16.

- 13.3 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.4 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.5 Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.
- 13.6 In terms of the scheme's further benefits, the proposal would provide 24 new dwellings in a highly sustainable location, which should be given significant weight. The development will bring back to life a vacant building in a highly prominent location, which currently acts as an eyesore. The design and landscaping will enhance the street scene and the building's re-use should be commended. The development will result in construction jobs over the life of the build. The development will also result in an increased population for the area, which will allow more spending on services in the surrounding area. The proposal will deliver greater than 10% Biodiversity Net Gain. These benefits would be considered as significant.
- 13.7 A Viability Report and Appraisal was submitted alongside the planning application to support the applicant's position that the scheme cannot currently viably sustain the provision of any infrastructure contributions or affordable housing. An independent viability consultant has assessed the applicant's Viability Report and Appraisal on behalf of the Council and confirmed that the scheme is unlikely to be sufficiently viable to support a contribution towards affordable housing in addition to supporting the necessary s106 contributions for other matters.
- 13.8 Although the lack of affordable housing and contributions towards infrastructure provision is regretted, it is nonetheless policy-compliant, subject to an Advanced Stage Viability Review mechanism. It is not considered that there are any other negative impacts, save for 3 of the proposed units falling below the government's space standards on a technicality.
- 13.9 There will be a neutral impact in respect of a number of issues such as the neighbouring amenity, highways, parking and drainage.
- 13.10 There will be no likely significant effect on the Ashdown Forest SPA and SAC.

- 13.11 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.12 In these circumstances the NPPF states that permission should be granted.
- 13.13 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

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.

2. Approved Plans

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.

3. Pre-commencement conditions

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA/Drainage Statement (Rev P02, ACIES, April 2025) and Drawing Proposed Drainage Plan Dwg. 0118-ACS-XX-XX-DP-9200 Rev P02 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

4. No development shall take place until details of the existing and proposed site levels (in particular relating to the new ramp) have been submitted to and approved in writing by the Local Planning Authority, including where necessary proposed contours and finished landscaping, such as retaining walls or raised terraces. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan.

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

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

6. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

7. A Precautionary Working Method Statement for Hazel Dormouse shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

8. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

9. 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 each be submitted to and approved, in writing, by the local planning authority:

- a) a further site investigation, based on the desk study, ground investigation and risk assessment report undertaken by Southern Testing Ltd, dated 7th of November 2024, reference: J15841, 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,

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

Reason: 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

10. Construction phase

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

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

11. The development hereby permitted shall be implemented in accordance with the Construction Management Plan (Dewside, v.1.1 dated 11 August 2025) and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area and to comply with Policies DP21 and DP26 of the Mid Sussex District Plan.

12. Pre-occupation conditions

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect

III. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect

IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Policy DP41 of the Mid Sussex District Plan.

13. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 3. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried

out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with the NPPF and Policy DP41 of the Mid Sussex District Plan

14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Queens Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan.

15. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan.

16. 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: 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

17. Prior to the occupation of the residential units, the developer shall submit to the local Planning Authority a technical specification of the installed MVHR systems, along with a noise assessment demonstrating that the internal noise levels within the bedrooms do not exceed 30 dB LAeq,8hr (in accordance with BS8233:2014). Should the specification deviate from the pre-commencement submission a post installation compliance report shall also be submitted prior to occupation. The development shall be carried out and maintained thereafter in accordance with the approved details.

Reason: To protect the amenity of future residents from noise and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan.

19. No part of the development shall be first occupied until 24 covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

20. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

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

21. Post-occupation monitoring / management conditions

The materials and finishes of the external walls, windows and roofs of the development hereby permitted shall be implemented in accordance with the submitted schedule specified in the application form and on the approved drawings.

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

22. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Preliminary Tree Protection Method Statement (by ACS Consulting, 3 December 2024), Hard Landscaping Plan PL09 and Soft Landscaping Plan PL08. The works shall be carried out prior to the first usage of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

23. The proposed boundary screen walls/fences/hedges shall be implemented in accordance with the approved drawings unless otherwise agreed in writing with the Local Planning Authority. These boundary treatments shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan

24. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Scoping Report (Practical

Ecology, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

25. 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: 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

26. The development shall be carried out in accordance with the Energy Strategy (by Stroma, ref: OP-C943 V1 Draft Issue 15/01/2025) submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

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

27. This permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition)

because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
 2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
 3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
 4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800-1800hrs; Saturdays 0900-1300hrs; No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.
- If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
5. Your attention is drawn to the comments of Southern Water dated 4 March 2025
 6. You are advised that this planning permission requires financial contributions to be made towards SANG and SAMM to mitigate the impact of your development on the Ashdown Forest Special Protection Area and Special Area of Conservation. These payments **MUST** be made before the commencement of the development. You should also provide the case officer with 7 days' notice of the commencement of development.

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
Drainage Details	0118-ACS-XX-XX-DD-9210	P01	13.02.2025
Drainage Details	0118-ACS-XX-XX-DD-9211	P01	13.02.2025
Drainage Details	0118-ACS-XX-XX-DP-9200	P01	13.02.2025
Other	0118-ACS-XX-XX-LS-9230	P01	13.02.2025
Design and Access Statement	-	-	13.02.2025
Lighting Layout/Light Pollution	-	-	13.02.2025
Location Plan	24152_PL01	-	13.02.2025
Existing Floor Plans	24152_PL02	-	13.02.2025
Existing Elevations	24152_PL03	-	13.02.2025
Proposed Floor Plans	24152_PL04	A	13.02.2025
Proposed Floor Plans	24152_PL05	-	13.02.2025
Proposed Floor Plans	24152_PL06	-	13.02.2025
Proposed Elevations	24152_PL07	-	13.02.2025
Proposed Elevations	24152_PL08	-	13.02.2025
Landscaping Details	24152_PL09	-	13.02.2025
Landscaping Details	24152_PL10	-	13.02.2025
Block Plan	24152_PL11	-	13.02.2025
Planning Statement	24152	-	13.02.2025
Air Quality Assessment	446006-01 (00)	-	13.02.2025
Sustainability Checklist/Energy Statement	OP-C943	V1	13.02.2025
Noise Impact Assessment/Sound	-	-	13.02.2025