

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0396	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed development of a single storey Community Diagnostic Centre (CDC) at the existing Queen Victoria Hospital with associated car and cycle parking, landscaping and ancillary development.		
Site:	Queen Victoria Hospital, Holtye Road, East Grinstead, West Sussex, RH19 3DZ, , ,		
Validation Date	19 Feb 2025	Overall Expiry Date:	20 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Apr 2025
Target Date:	16 Apr 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	16 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0396

**Queen Victoria Hospital, Holtye Road, East Grinstead, West Sussex, RH19 3DZ, ,
Proposed development of a single storey Community Diagnostic Centre (CDC) at the existing
Queen Victoria Hospital with associated car and cycle parking, landscaping and ancillary
development.**

James Lowell

SUMMARY OF REPRESENTATION

Two letters of representation have been received which raised the following comments:

- Old tennis court on the site could be alternative site
- Loss of open space to front of hospital
- Request planting to soften appearance
- Increased traffic but no additional parking provision
- Existing parking arrangement is insufficient, on street parking within the locality resulting highway safety issues, restricting access and illegal parking
- Limited public transport options
- Noise and disturbance during construction works, along with noise and pollution from additional traffic
- Potential radiation from medical machines

SUMMARY OF CONSULTEES

MSDC Tree Officer - no objection

Flood Risk and Drainage - No objection, recommend condition

Ecologist - No objection, recommend conditions

Nature Space - No objection, recommend informative

Environmental Health Officer - no objection, request conditions

Southern Water - information provided

WSCC Highways Authority - No objection, recommend condition

MSDC Urban Designer - No objection, recommend conditions

TOWN COUNCIL OBSERVATIONS

Committee felt this was a sustainable, welcome development to the town, although the loss of green space was unfortunate the rationale was understood with a sensitive design, and the public benefit outweighed the impact of the new build within the environment. Committee resolved to recommend approval.

INTRODUCTION

The application seeks planning permission for a single storey Community Diagnostic Centre (CDC) at the existing Queen Victoria Hospital with associated car and cycle parking, landscaping and ancillary development.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

The site comprises of the large lawned area to the front of the original hospital building and is to the northern side of Holtye Road, within the built up area boundary of East Grinstead.

The site forms a prominent open area within the streetscene which allows views from the highway towards the historic hospital building. This is also compounded by the elevated position of this area above the highway, which rises as the road continues to the north-east, and provides a verdant separation between the hospital buildings and the highway. This is considered to contribute to the character of the area.

Aside from the hospital campus, the locality has a residential character with properties of varying forms and designs set back from the highway with off street parking and soft landscaping.

APPLICATION DETAILS

The proposal relates to the erection of a single storey building to the front of the hospital campus to provide a Community Diagnostics Centre, which will support the demand of the existing facilities within the hospital campus. The building would have an overall width and depth of approximately 40 metres and 24 metres. The building would have a flat roof with a perimeter parapet wall which would have an overall height of some 5.3 metres. Within the roof would be a metal balustrade and ladder to allow safe access to the roof of the building. To the front of the building would be a front porch and pergola.

To the western side of the building would be a timber plant enclosure, which would have a height of approximately 3 metres.

The building would be constructed in brick and aluminium fenestration.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, East Grinstead Neighbourhood Plan and the Site Allocation DPD.

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

Mid Sussex District Plan

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

Relevant policies:

DP1 - Sustainable Economic Development
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Mid Sussex Site Allocations Document (DPD)

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

No relevant policies.

Mid Sussex District Plan 2021-2039 Consultation Draft

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 stage 1 hearings were concluded on the 31st 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 Drainage

DPN2 - Biodiversity Net Gain
DPN4 - Trees, Woodland and Hedgerows
DPN7 - Noise Impact
DPB1 - Character and Design
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPE1 - Sustainable Economic Development
DPI4 - Community and Cultural Facilities and Local Services

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design
EG10 - Employment Provision
EG12 - Car Parking
SS6 - Queen Victoria Hospital

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

Paragraph 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.'*

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.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on neighbour amenities
- Impact on Highway
- Impact on Trees
- Biodiversity
- Flood Risk and Drainage
- Sustainability
- Biodiversity Net Gain
- Other Matters

Principle of Development

Policy DP1 of the Mid Sussex District Plan refers to sustainable economic development and states, in part;

'Effective use of employment land and premises will be made by:

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*
- Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'*

This ethos is echoed in Policy EG10 of East Grinstead Neighbourhood Plan.

Policy DP25 of the Mid Sussex District Plan relates to community facilities and local services and states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

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.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

Policy SS6 of the East Grinstead Neighbourhood Plan specifically relates to Queen Victoria Hospital and states:

'The loss of the hospital use will be resisted.

Proposals for new and extended hospital facilities and general practitioners services will be supported, including ancillary uses, subject to:

- (1) The design conserving and complementing the historic and architecturally significant elements of the hospital and protecting the character of the cottage hospital, tower and World War Two additions;*
- (2) The new buildings of up to four storeys in height subject to design justification and protecting the character of the cottage hospital, tower and World War Two additions;*
- (3) Appropriate landscaping with native species;*
- (4) Provision of adequate parking, drop off and pick up facilities, public transport infrastructure such as bus stops, taxi rank facility and travel plans for staff will need to be implemented.'*

The application property is located with the built up area of East Grinstead and within the existing campus of the Queen Victoria Hospital. The proposed building would support the demand of the existing facilities provided within the hospital and would result in an improvement to the existing community facility. An assessment has been provided which demonstrates that alternate positions within the

hospital campus would not be appropriate for the operations of the hospital and the future master plan. As such the proposed building is considered acceptable, subject to consideration of the below sections of the report, and complies with policies DP1 and DP25 of the Mid Sussex District Plan and policies EG10 and SS6 of the East Grinstead Neighbourhood Plan.

Design and Character

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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

Policy EG3 of the Neighbourhood Plan 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.'

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

135. Planning policies and decisions should ensure that developments:

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

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- The elevational treatment and overall façade design;*
- The placement, proportions and design of windows, doors and balconies;*
- A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- The appropriate incorporation of dormer windows and chimneys;*
- An appropriate palette of good quality materials that are preferably locally sourced.'*

The Council's Urban Design has provided the following comments on the proposal:

'This is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultations.

The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application.

Layout and Massing:

The site predominantly features mid-20th century architecture, with significant modern additions and refurbishments enhancing its facilities. The site is located within a predominantly suburban setting.

The existing hospital campus appears as if it has grown in an ad hoc way with little underlying design strategy. The existing buildings appear to trip over each other, resulting in an unattractive and incoherent jumble that lacks legibility.

The single storey Community Diagnostic Centre is designed prior to finalizing the Masterplan for the hospital site.

There are great advantages of keeping this building and associated landscaping closer to the main road and separate to the hospital complex.

- *Locating CDC in front of the main building, between the existing hospital and Holtye Road, where there is a large undeveloped, sloping green area is well-suited for both functionality and accessibility (by bus, foot or car).*
- *It's important to emphasise that the proposed location will not jeopardize the future masterplan or planned site renovations.*
- *Additionally, the Jubilee Building's setback from Holtye Road seems too big in this urban context and as a result it fails to adequately define the street. Positioning a new development of this scale and massing closer to Holtye Road seems appropriate in this setting and will enhance street enclosure.*

Elevations:

The proposed QVH CDC building is easily identifiable as a separate unit. It's designed to be simple in form, which is hugely dictated by how it will operate.

A clean, crisp, and contemporary approach with material choices and brick detailing that echo those used on the wider site is welcomed.

Deep reveals with portrait-oriented window and panel above, add interest and rhythm to the elevations through the play of light and shade.

Pergolas, canopies, railings, and landscape treatments enhance the layout's legibility.

Summary:

I have no objections to this application. To secure the quality of the design, I would nevertheless recommend conditions'

The proposed building would be positioned within a prominent position to the front of the original hospital building in close proximity to the highway. The design of the building has a simple contemporary design which would appear separate from the rest of the hospital campus, which comprises of numerous buildings and extensions which are in close proximity to each other. The proposal also includes a landscaping scheme which would soften the appearance of the building from the highway. Due to this, although the loss of the open frontage of the hospital is regrettable, it is considered that the proposal would comply with policy DP26 of the Mid Sussex District Plan, policy EG3 of the Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do "...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".

Policy DP29 of the Mid Sussex 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;*

...

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

The Council's Environmental Protection Officer has been consulted on the application and recommends conditions due to the proximity of the proposal to the existing hospital and residential dwellings. The conditions relate to construction and delivery hours, a Construction Environmental Management Plan and a control to the level of noise generated from fixed plant and equipment, to ensure that the proposal would not cause significant harm to the amenities of neighbouring properties.

The closest neighbouring properties consist of properties to the southern side of Holtye Road which face towards the hospital. There are also two properties to the east, The Mews and Appleby, which face towards the site. The proposal would be visible from these neighbouring properties, however, would be seen against the existing the hospital campus and its context. It is therefore considered that the proposal would not cause significant harm to the amenities of the neighbouring property.

Impact on the Highway

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

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 115 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'WSCC in its role of Local Highway Authority (LHA) has been consulted on the proposals for highway safety, capacity and access.

The proposed Queen Victoria Hospital (QVH) Community Diagnostic Centre (CDC) will be a single storey structure located on land at the existing QVH site to the south of the Jubilee Centre. The applicant engaged in pre-application advice with the LHA in December 2024 and the highway aspects have formed the Transport Statement (TS) for the formal application.

Access:

No new vehicle accesses are proposed for the Proposed Development, with vehicles trips associated with the CDC anticipated to use the Main Entrance (for patient and staff parking). The vehicular access onto the A264 Holtye Road has been in operation for some time and appears to be operating safely according the latest LHA road traffic collision information.

In terms of pedestrian access this is taken from the A264 Holtye Road. A shared-use pedestrian / cycle path runs the western boundary of the QVH site at Meridian Way to Elizabeth Crescent, providing connections to residential areas to the west of the Proposed Development.

Network Capacity:

It is expected that the proposed QVH CDC will see a peak of approximately 37 two-way patient trips per hour. Some of the associated movements will already be combined trips within the overall hospital site. Therefore, the small increase in movements is not likely to see a 'severe' impact on the highway network in accordance with National Planning Policy Framework (NPPF) 116.

Layout and Parking:

Swept Path diagrams have been provided demonstrating that parking for all vehicles including a refuse and fire tender can be achieved within the parking areas.

No additional vehicle parking will be provided and will utilise the site's parking arrangements although the parking area overall will be re-configured. The TS provides some additional clarity on how this will be factored into the overall development. The expected trip demand for both staff and visitors has been assessed based on information provided by QVH Foundation Trust, patient surveys undertaken at the existing QVH site which shows the likely parking should be workable.

A total of 10 cycle parking spaces will be provided for the Proposed Development. This provision will in the form of five Sheffield stands in a covered shelter within the existing car park

Accessibility:

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for staff and visitors to travel to the site as outlined within the TS. The closest bus stops to the Proposed Development are on the A264 Holtye Road, with a northbound bus stop located directly south of the Proposed Development and a southbound bus stop located approximately 220m from the Proposed Development. Both stops provide access to two bus services providing onward connections to East Grinstead town centre, allowing for onward bus and rail journeys from East Grinstead station.

Travel Plan:

It is currently anticipated that there will be 21 staff associated with the CDC at any one time. A Staff Travel Plan (STP) has been provided within the formal TS. The submitted STP is noted. This accords with the requirements of the LHA. The applicant should note that the LHA apply an auditing fee to all new travel plans. The travel plan and associated auditing fee would be secured via a s106 agreement. The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to be proportionate and reflective of the costs incurred.

Conclusion:

Having regard for the current usage and the supporting information within the TS the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 116), and that there are no transport grounds to resist the proposal.'

Given these comments it is considered that subject to the recommended conditions the proposal would meet the requirements of policy DP21 of the Mid Sussex District Plan.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'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.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

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.'

The existing site includes a number of trees and planting and the proposal would result in the loss of 10 No. trees. The proposed landscaping plan includes non-native plants, however this has been done to provide appropriate screening from the highway, which is considered to be appropriate in this instance. The Council's Tree Officer has been consulted on the application and given the limited alternative locations for the proposal and the justification for the proposed planting, no objection is raised in this instance. The proposal is therefore considered to comply with policy DP37 of the Mid Sussex District Plan and is acceptable.

Ecology

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.'

Paragraph 193 of the NPPF states:

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

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

The Council's Ecologist has been consulted on the application and has provided the following comments:

'We have reviewed the Preliminary Ecological Appraisal (Mott MacDonald, October 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Statutory Biodiversity Metric (January 2025), Biodiversity Net Gain Design Stage Report (Mott MacDonald, January 2025), UKHab Baseline Map Rev 01 (Mott MacDonald, submitted February 2025) and Photos to Support Planning Application (Mott MacDonald, February 2025) relating to mandatory biodiversity net gains.

We note from the Preliminary Ecological Appraisal (Mott Macdonald, October 2024) that there are no buildings on site and there are no impacts predicted on the building immediately adjacent to the north of the site. In addition, an Oak tree adjacent to the site has Potential Roost Features for multiple bats, but this tree is off site and no works are predicted to impact the tree. Therefore we agree that no further surveys for bats are required.

As there may be mobile protected species onsite (including Common Toad and Hedgehog (which is a Priority and threatened species)), we support the Precautionary Method Statement in Section 5.4 of the Preliminary Ecological Appraisal (Mott Macdonald, October 2024). This should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available for determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

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 and enhancement measures identified in the Preliminary Ecological Appraisal (Mott Macdonald, October 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. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Mott Macdonald, October 2024), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- o Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- o All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- o Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- o Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- o Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- o Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed submitted Statutory Biodiversity Metric (January 2025), Biodiversity Net Gain Design Stage Report (Mott Macdonald, January 2025), UKHab Baseline Map Rev 01 (Mott Macdonald, submitted February 2025) and Photos to Support Planning Application (Mott Macdonald, February 2025). We note the habitat condition sheets are presented in Appendix B of the Biodiversity Net Gain Design Stage Report (Mott Macdonald, January 2025). We also note from the Statutory Biodiversity Metric (January 2025) that there is a -100% loss of habitat units on site and therefore the applicant intends to purchase the necessary units to achieve a 10% biodiversity net gain from a habitat bank (Biodiversity Net Gain Design Stage Report (Mott Macdonald, January 2025)). We are satisfied that appropriate information has been provided prior to determination.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- *The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- *Pre and post development habitat plans.*
- *Legal agreement(s)*
- *Biodiversity Gain Site Register reference numbers (if using off-site units).*
- *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). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and secured by 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.'

Nature Space Partnership have been consulted on the application and considers that the proposal is unlikely to have an impact on great crested newts and their habitats.

It is therefore considered that the proposal is acceptable on ecology terms subject to conditions. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Flood Risk and Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection to the proposal subject to a condition.

Southern Water have also provided comments on the application advise that a formal application for a connection to the public sewer would be required.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

Paragraph 161 of the NPPF states:

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

Paragraph 166 states:

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

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

A Sustainability Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- Use of recycled materials where appropriate
- Locally sourced materials to minimise transport emissions
- High level of air tightness
- PV solar panels
- Air Source Heat Pump
- Passive design to reduce heating and cooling

- Water and energy meters to reduce consumption
- Water flow devices
- High performance fenestration glazing
- LED lighting

The site is located within the built up area of East Grinstead and is in close proximity public transport routes and the town centre. The proposal also provides cycle storage for the building. It is therefore considered that the proposal complies with policy DP39 of the Mid Sussex District Plan.

Biodiversity Net Gain

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.

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)'.

Other Matters

Concerns have been raised regarding potential radiation from hospital equipment within the building. The building will be constructed to meet the Building Regulations and any equipment within the building meet the relevant Government regulations.

CONCLUSION

In conclusion, the proposal is considered to be appropriate in terms of principle of development, character and appearance of the area, would not cause significant harm to the amenities of neighbouring properties and acceptable in terms of highway impact and parking, flood risk and drainage, biodiversity and sustainability . Therefore, the proposal complies with Mid Sussex District Plan policies DP1, DP21, DP25, DP26, DP28, DP29, DP37, DP38, DP39 and DP41 East Grinstead Neighbourhood Plan policies EG3, EG10, EG12 and SS6, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams