

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3101	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Demolition of the existing dilapidated six garages and replacement with a two-unit 2 storey commercial property with a single parking space and associated bin and cycle storage.		
Site:	Rear Of 2-12 Railway Approach And 104-108 London Road, Railway Approach, East Grinstead, West Sussex, , , ,		
Validation Date	19 Dec 2024	Overall Expiry Date:	31 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Apr 2025
Target Date:	13 Feb 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3101

**Rear Of 2-12 Railway Approach And 104-108 London Road, Railway Approach, East Grinstead, West Sussex, , ,
Demolition of the existing dilapidated six garages and replacement with a two-unit 2 storey commercial property with a single parking space and associated bin and cycle storage.
Mrs Omur Salih**

SUMMARY OF REPRESENTATIONS

Two representations received which contain the following objections/points:

- Local business raises an objection.
- Another business has operated from a nearby address on Railway Approach for over 60 years.
- Objections on health and safety, access and parking grounds.
- The main entrance is on Railway Approach, with a goods in access to the rear.
- The rear access is also a designated fire escape.
- Over the last two years (with changed ownership) it has become impossible to police parking.
- It is not unusual for the rear access to be partially or completely blocked.
- The congestion will be worse with two new commercial properties.
- The access is used for deliveries and potential fire exit.

SUMMARY OF CONSULTEES

Flood Risk and Drainage:

No objection subject to a recommended condition.

The Planning Practice Guidance for Flood Risk and Coastal Change requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the National Planning Policy Framework. This means that surface water flood risk extents should be considered comparable to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

The site is within Flood Zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers).

The Environment Agency released updated flood risk mapping following the new National Flood Risk Assessment (NaFRA2) in early 2025. The updated mapping uses new and improved methods to assess flood risk. The Risk of Flooding from Surface Water mapping suggests that the entire site is at Very Low Risk of Flooding from surface water at the present day, and at Low Risk of Flooding from surface water between 2040 and 2060.

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

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

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site

may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

Surface water drainage will ultimately need to be designed to meet the latest national and local planning and drainage policies and guidance. The drainage system will need to consider climate change, the allowances for which should be based on the climate change guidance from the Environment Agency at the time of detailed design.

The recommendation for a drainage condition to be utilised for an application does not preclude the need for updated calculations or alterations to a drainage strategy. Recommendation for a drainage condition shows that the Flood Risk and Drainage Team are of the opinion that the development has shown that, in principle, drainage could successfully be provided on the site.

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will retain the existing surface water drainage around the property. Either permeable block paving or drainage channels will be utilised. A soakaway was ruled out it is proposed that the surface water will make use of the existing surface water drainage system that the main commercial properties currently utilise.

We would advise the applicant that the development is considered new build in terms of drainage potential. Therefore, surface water drainage which follows the drainage hierarchy will need to be designed to cater for the 1 in 100-year storm event, plus an allowance for climate change.

Information into our general requirements for detailed surface water drainage design is included within our 'General Drainage Information Guide'. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

No information has been provided on foul water drainage.

Information into our general requirements for detailed foul water drainage design is included within our 'General Drainage Information Guide'. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

Environmental Protection:

The proximity of the site to residential premises has potential to affect residential amenity by way of noise disturbance from construction, deliveries and from use. I therefore recommend conditions to protect residents.

WSCC Highways:

The site is located off Railway Approach, a C-classified road subject to a speed restriction of 20 mph in this location. Following a review of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility -The site is served by an existing vehicular access point on Railway Approach. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access onto the maintained highway. In addition, the proposed development would not be anticipated to give rise to a significant material intensification of use of the existing access point.

Parking and Turning -One car parking space has been shown on the plans, although there appears to be suitable space within the forecourt to accommodate additional off-street parking if required. Given the scale of the proposed units, the LHA is satisfied that there is suitable parking provision available for use by the proposed units. On-site turning appears achievable, allowing vehicles to exit in a forward gear. Provision for the secure storage of bicycles has also been demonstrated.

Six existing garages will be lost as part of the proposals. However, from inspection of the plans, the existing garages fall short of the minimum specifications for single-bay garages as outlined in Manual for Streets (MfS) - as such, the LHA would not consider them for parking provision as they may be too small to accommodate modern sized cars. It is not unreasonable for the LHA to assume they may be being used for other purposes, such as storage. Nevertheless, the displacement of up to six cars being parked on the maintained highway would not be anticipated to give rise to a highway safety concern or parking capacity issue in this location.

Sustainability -The site is situated in a sustainable location within East Grinstead's town centre that is well accessible on foot or by cycle. The site location also benefits from regular bus services available from nearby London Road, and East Grinstead Railway Station located approximately 450m west of the site.

Conclusion -In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Southern Water:

The applicant has not provided details of the proposed means of disposal of foul/surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided.

Naturespace Newt Officer:

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on Great Crested Newts or their habitats. I therefore have no comments to make

TOWN/PARISH COUNCIL OBSERVATIONS

East Grinstead Town Council: Committee considered the application and felt this would be an improvement, but would note it would be slightly higher compared to adjacent buildings. Access would not be difficult. This area was identified for commercial development within the Neighbourhood Plan, and committee voted to support approval.

INTRODUCTION

This application seeks planning permission for the demolition of a row of six garages and their replacement with a new two storey building to accommodate two new commercial units and associated cycle storage, bin and recycling facilities, with a single parking space, on land located at the rear of commercial premises located at Nos 2-12 Railway Approach and 104-108 London Road in East Grinstead.

RELEVANT PLANNING HISTORY

DM/22/3536. Demolition of existing garage/storage block and erection of 2-storey block comprising 2no. garages, 1no. Studio unit and 1no. 2-bedroom unit, with Refuse Stores. Withdrawn December 2022.

GR/220/75. Erection of seven garages. Approved October 1975.

SITE AND ITS SURROUNDINGS

The site is located at the rear of commercial premises sited on the road junctions of London Road and Railway Approach in the centre of East Grinstead. The site is sited within the designated Town Centre boundary, close to the central focus for pedestrian activity and an identified area of 'opportunity for pedestrian enhancement', as defined in the East Grinstead Neighbourhood Plan.

The site is accessed off a shared vehicular access point from Railway Approach, which is sited opposite The Railway Tavern between No 12 Railway Approach and the Thai Siam restaurant.

The single width access point serves the six garages on the site. These are constructed in concrete and are of a prefabricated design with a flat roof.

The red line boundary includes the garage building, the access and part of the rear access yard, all of which is built over land or hardstanding area. The blue line on the submitted plans indicates that the applicant also owns a number of commercial properties extending from No 108 London Road around to 4 Railway Approach.

The access also leads into a rear service yard, which is an irregular shape and extends to the east of the garage block. This yard serves the rear entrances to various adjacent commercial units. There is also restricted off road parking space, and the area also accommodates waste bins serving the commercial units and associated first and second floor residential flats.

To the south of the site the land level falls. The garage block is sited on a higher level to the adjoining rear gardens that serve houses located on Dallaway Gardens. The immediate neighbouring houses at Nos 22 and 23 Dallaway Gardens are sited some 20m away. Public views through to the site from that road are limited due to the proximity of the houses to each other.

To the west of the site there are residential units sited at the rear of the Thai restaurant and in a separate two storey brick building, which has a traditional gabled roofline. That building is located on lower ground to the garage block and extends up to the western site boundary.

The site is located within the Built up Area boundary of East Grinstead. There is an area of the site which falls within an identified area of 1 in 1000 year surface water flooding, which also extends to the west at the rear of the adjacent restaurant. The site also lies within a Red Zone for Great Crested Newts.

APPLICATION DETAILS

This application seeks planning permission to demolish the existing block of six garages on the site and to construct a new two storey commercial building, with one new parking space and associated bin and cycle storage provision, and an electrical cupboard on land at the rear of commercial premises with access from Railway Approach.

The existing garage block measures 15.4m wide by 5.4m deep and contains six single garages, each with an internal measurement of 4.8m deep by 2.4m wide. The site inspection found one in use as a garage to store a car, but it is unclear whether the others are in current use.

The proposed plans show the new building would measure 10.6m wide by 5.2m deep. This would be located on the eastern side of the existing garage footprint. On the western side of the new building an enclosed side yard area is proposed to accommodate a single car parking space, cycle parking and storage space for electrics and bins/recycling.

At ground floor level the proposed building would accommodate two 19.8 square metre areas served by a front (north) facing pedestrian door and a 2.3m wide grey roller door. Internal stairs are proposed in the centre of the building for each unit, leading to the first floor which is partly sited within the roof space of the building.

Two pairs of dormer windows are proposed in the front elevation of the building to increase the useable first floor floorspace. For each unit it is proposed that the first floor will accommodate 11.9 square metres of floorspace, not including the area of the stairs, and any floor sited below 1.8m in height. The total floorspace in each proposed unit will total 31.7 square metres.

Externally the new building would have a rendered finish at ground floor level, finished in off white, with grey concrete boarding above and to clad the dormers. The eaves height on the building would be 3.2m and the roof ridge height is 5.8m. The front facing dormers are 1.5m and 2.2m in width and would extend up to the ridge height, being set 0.5m above the eaves level on the building. The roof is of a half hipped gabled form and is shown to be tiled. In the rear (south) facing roof slope each unit would have three rooflights, sited 1.75m above the finished first floor level.

The application has been supported by a combined Design and Access Statement, Sustainability Statement, Planning and Flood Risk Assessment, which is available to view on the planning file. This contains the following points:

- The garages are becoming more dilapidated and susceptible to anti-social behaviour, therefore the applicant has the aim of bringing the area back into a purposeful usage and make the area safer for those using the yard.
- The site is the area where the garages are positioned and not the remaining yard. The garages cover the entirety of the proposed site.
- The applicant owns some of the other properties in the area and wants to make further efforts to eliminate anti-social behaviour.
- The garages are unsightly and offer little economic value. It is not economically viable to make any upgrades to the existing structure.
- The proposed building will accommodate two small commercial units. Each of these units will have its own entrance and a separate roller-shutter door to allow for vehicular access or access for larger items.
- The rooflights are positioned high to eliminate the potential for overlooking of the properties to the rear. The ceiling heights have been set to provide a suitable ceiling height for racking, etc.
- It is proposed both units will use the ground and first floors.
- The roof is designed to reduce the height of the building to reduce any potential visual impact. The main bulk of the building is sited away from the western boundary with the neighbouring properties to the west.
- The rear elevation is respectful to the neighbouring properties with a simple palette of materials and no windows to eliminate the potential for overlooking.
- It is proposed that the lower element of the building has a rendered finish with any doors, roller shutters or windows being charcoal grey. The space between the lower level and the roof is proposed to be a cement board cladding, to ease the transition between the ground floor element and the lower roof. A tiled roof is proposed, the finish to be in keeping with the surrounding properties.
- The applicant is keen to provide a space for commercial units that can be adaptable and used for storage space, offices, or another use for their needs.
- The majority of the property is on the ground floor and therefore access in terms of Part M can be easily maintained.
- There is a limited amount of landscaping. The surfaces will ensure a safe access to the proposed building.
- It is proposed that the boundary treatments under the applicant's control will be maintained and repaired where required. In addition, a wall to the existing height of the garages, will be constructed to maintain the separation from the yard to the residential properties to the rear and the neighbouring property to the west.

Sustainability - High levels of insulation are proposed.

- It is proposed to utilise natural light at first floor and reduce the need for lighting during the day. Any lighting will be proposed to be low energy fittings such as LED bulbs.
- The use of solar PV has been considered, but is not of significant/sufficient value in this case.

Bio-Diversity Net Gain- As the host building accounts for 100% of the site area and proposed building is constrained by this it is proposed that any requirement of Biodiversity Net Gain is not required as the existing site is completely covered with buildings.

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.

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

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

Mid Sussex District Plan

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

Relevant policies:

DP1 Sustainable Economic Development
DP6 Settlement Hierarchy
DP21 Transport
DP26 Character and design
DP29 Noise, Air and Light pollution
DP38 Biodiversity
DP41 Flood Risk and Drainage

Site Allocations DPD

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

There are no relevant policies.

Other Material Considerations

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 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:

DPS2 Sustainable Design and Construction
DPS4 Flood Risk and Drainage
DPS6 Health and Wellbeing
DPN1 Biodiversity, Geodiversity and Nature Recovery

DPN2 Biodiversity Net Gain
DPB1 Character and Design
DPT4 Parking and Electric Vehicle Charging Infrastructure
DPH3 Sustainable Development - Inside the Built up Area

Neighbourhood Plan

East Grinstead Neighbourhood Plan, made November 2016.

Relevant policies:

Policy EG3 Promoting Good Design
Policy EG10 Employment provision
Policy EG12 Car Parking
Policy EG16 Ashdown Forest Protection

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)

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.

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.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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 Design Guide

ASSESSMENT

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

- Principle of the development
- Design
- Impact on residential amenities
- Access and Parking provision
- Ecology
- Flooding and Drainage
- HRA assessment
- Biodiversity Net Gain

Principle of the development

The proposal will allow the redevelopment of an area currently occupied by a garage block to create two new smaller commercial units, on a town centre site.

District Plan Policy DP1 supports the development and expansion of existing and new businesses in Mid Sussex.

East Grinstead is recognised in the MSDC District Plan as a Category 1 settlement, which provide: '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 centres for the smaller settlements.'

District Plan Policy DP6 is relevant in determining this application, which states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- o The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- o A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

On of the stated aims within the Core Objectives of the East Grinstead Neighbourhood Plan is to:

'Promote development that will provide sustainable economic growth, including business and tourism related development and maintain a prosperous town centre;'

Policy EG10 (Employment Provision) of the Neighbourhood Plan states that:

'Planning permission will be granted for the redevelopment, extension or alteration of existing B use category business premises.

Applications will be granted where they:

- (1) Are on a site defined as previously developed land;*
- (2) Meet the parking requirements of the adopted Development Plan;*
- (3) Provide a high quality landscape setting;*
- (4) Demonstrate that the residual cumulative impacts of development on the transport network are not severe;*
- (5) Meet their own infrastructure needs; and*
- (6) Are in a location and of a scale, form and design which is in character with its surroundings.*

Proposals for mixed-use redevelopment of 'previously developed' business sites will be permitted providing the proposal includes a qualitative enhancement in the business floorspace being provided.

Policy EG10a The loss of lawful business premises and sites within the existing settlement confines will be generally resisted. Planning permission will only be granted if it can be demonstrated that the site has been unsuccessfully marketed for employment/business re-use for a period of at least 6 months; the building is unsuitable or unviable for continued business use; there is no reasonable prospect of the take up or continued use for business use at the site/premises in the longer term; and the proposal meets other policies of the Development Plan.'

The proposal is for the provision of two smaller commercial units, on an underused previously developed brownfield site. The proposal will result in a new centrally located business development. This accords with the aims of District Plan Policies DP1 and DP6 for commercial and employment facilities to be provided within the accessible town centre of East Grinstead. The proposal also accords with the stated Neighbourhood Plan objectives and the aims of Neighbourhood Plan Policy EG10. The principle of the proposed development is therefore acceptable.

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. The wording of Policy DP26 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.'*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which 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.'

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.

The Design Guide refers to High Quality Building Design - Architectural Integrity in Chapter 6. Principle DG38 refers to principles of architectural integrity, and 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:

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

The proposed new building is located on a back land site, at the rear of the terraced premises which are located on the corner of Railway Approach and London Road. The vehicular access serving the site is narrow, and therefore the proposed building will not be highly visible in the street scene and from vantage points from the public highway.

From the south of the site the site is largely obscured from public vantage points by the height and proximity of the houses located on Dallaway Gardens.

The submitted plans show the new building will be sited 5m to the east of the adjacent two storey building which accommodates residential units 16d and 16e Railway Approach, at the rear of the Thai Restaurant. The proposed eaves height of the new building will be approx. level with that building and the ridge height, and the ridge height would be approx. 0.6m higher.

The proposed materials, scale and roof form of the proposed building will not be out of keeping at the rear of the other nearby commercial buildings.

It is considered that the proposed building represents an appropriate, contemporary styled business premises, which will be subordinate in form to other three storey buildings on the road frontage and will not be out of keeping in the appearance of the area.

The proposed building is considered appropriate in scale and design for the site. The proposal will therefore accord with Policy DP26 and Policy EG3 of the East Grinstead Neighbourhood Plan and accords with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 requires 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.*' Neighbourhood Plan Policy EG3 refers to the requirement for development not to harm adjoining amenity.

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

In addition, Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents.

With regards to potential noise impacts from a more intensive use of the site, reference is made to District Plan Policy DP29. This 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:

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o 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:

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

Light pollution:

- o 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;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- o It does not cause unacceptable levels of air pollution;*
- o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- o Development proposals (where appropriate) are consistent with Air Quality Management Plans. The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

The nearest neighbouring properties to the garage site are located above the commercial premises on Railway Approach and on London Road, to the side and rear of the Thai restaurant and at the rear on Dallaway Gardens. The flats at the Thai restaurant are a minimum of approx. 8m away, the London Road properties approx. 14m away and the Dallaway Gardens houses some 20m to the south, on lower ground.

The new building has been designed to include windows and door openings located only on the northern facing elevation, with the exception of the four rear facing, high level, roof lights. There are no west facing windows in the elevation of the building that is sited 5m away from the blank side wall of the building containing 16d and 16e Railway Approach.

Consideration has been given to the proposal in terms of the construction and use of the two commercial units upon on the living conditions of any nearby residents. The MSDC Environmental Protection Officer has been asked to comment on the proposal and recommends two planning conditions to limit the construction and demolition hours to protect the amenity of local residents and to require the submission of a Noise Management Plan prior to the initial, and subsequent occupation of each unit.

These conditions are considered appropriate to safeguard residential amenities, due to the layout of the site and the relative positions of the neighbouring buildings to the development. With such restrictions in place the proposal will not harmfully impinge on the living conditions of any nearby residents. The construction of the new building will not cause significant harm to the amenities, privacy or light received by the existing neighbouring residents. The use for commercial purposes will accord with the location of the site within the town centre.

The proposal therefore accords with the requirements of Policies DP26 and DP29 of the District Plan and with the relevant principles of the Design Guide.

Access and Parking provision

The existing garages have been considered by WSCC Highways as substandard in size as single garages. It is unclear how much use the garages have but they are in a poor condition.

The site is located in a sustainable location, close to the station and public transport options. There are also town centre parking opportunities in walking distance of the site and limited on street parking options.

The relevant District Plan Policy is Policy DP21, which states:

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

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

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

- o 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);*
- o 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;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages*
- o 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;*
- o 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;*
- o 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;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so'.

Policy EG12 of the East Grinstead Neighbourhood Plan states:

'Policy EG12 - Car Parking

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

In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the

development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'

The West Sussex County Council Guidance on Parking at New Developments provides guidance on non-residential development by use category. For Commercial, Business and Service - Business (office, research and development and light industrial process) 1 space per 30sqm is recommended, but for this site no specific users have been identified in the application.

West Sussex Highways Authority raise no transport grounds to resist the proposal. They advise that there is suitable parking provision available for use by the proposed units, given their scale. They also consider that the displacement of up to six cars being parked on the maintained highway would not be anticipated to give rise to a highway safety concern or parking capacity issue in this location, and confirm that the site is situated in a sustainable location town centre, accessible on foot or by cycle. The site location also benefits from regular bus services available from nearby London Road, and East Grinstead Railway Station located approximately 450m west of the site. They conclude that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and is therefore not contrary to the National Planning Policy Framework (paragraph 116).

The proposal is therefore considered acceptable with regards to the WSCC parking guidance, and the aims of District Plan Policy DP21 and Neighbourhood Plan Policy EG12.

Ecology

The site falls within the Red Impact Risk Zone for Great Crested Newts.

The relevant District Plan Policy with regards to biodiversity and its protection is DP38. This states:

'Biodiversity will be protected and enhanced by ensuring development:

- o 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*
- o 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*
- o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- o Promotes the restoration, management and expansion of priority habitats in the District; and*
- o 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.'

An Informative is recommended regarding the potential for the development to affect Great Crested Newts to accord with the aims of District Plan Policy DP38.

Flooding and Drainage

The site lies within an identified area of 1 in 1000 year surface water flooding, which also extends to the west at the rear of the adjacent restaurant. The application has been accompanied by a Flood Risk Assessment and has been assessed by the MSDC Drainage Engineers and by Southern Water.

The relevant District Plan Policy is DP41, which 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 development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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

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

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

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers. Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

The new National Flood Risk Assessment (NaFRA2) indicated that the risk of flooding surface water at the present day over the entire site is at Very Low Risk, and at Low Risk of Flooding from surface water between 2040 and 2060.

Both MSDC Drainage Engineers and Southern Water request the submission of details of the proposed means of disposal of foul/surface water drainage from the site prior to the commencement of the development.

With this condition in place it is considered that the proposal will accord with the aims of District Plan Policy DP41.

HRA assessment

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

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

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

It is considered the provision of two new smaller commercial units, on an underused previously developed brownfield site, is in principle acceptable. The proposal will accord with the aims of District Plan Policies DP1 and DP6 for new business premises to be provided within the accessible town centre of East Grinstead. The proposal also accords with the stated Neighbourhood Plan objectives and the aims of Neighbourhood Plan Policy EG10.

The design and appearance of the proposed building is considered to accord with the aims of District Plan Policy DP26, Policy EG3 of the East Grinstead Neighbourhood Plan and with the relevant Design Guide principles.

Subject to appropriate conditions to control the demolition and construction works, and to ensure that a Noise Management Plan is submitted to control future users of the two new commercial units, it is considered that the proposal will not cause significant harm to the neighbouring amenities, or negatively impact upon their privacy. The proposal accords with the aims of District Plan Policies DP26 and DP29 in this regard and the relevant principles of the Design Guide.

The proposal is considered acceptable with regards to the WSCC parking guidance, District Plan Policy DP21 and Neighbourhood Plan Policy EG12.

The proposal would accord with the aims of District Plan Policy DP38 with regards to the impact of the proposed development upon Great Crested Newts.

The HRA screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC. A full HRA of the proposed development is not required.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey