

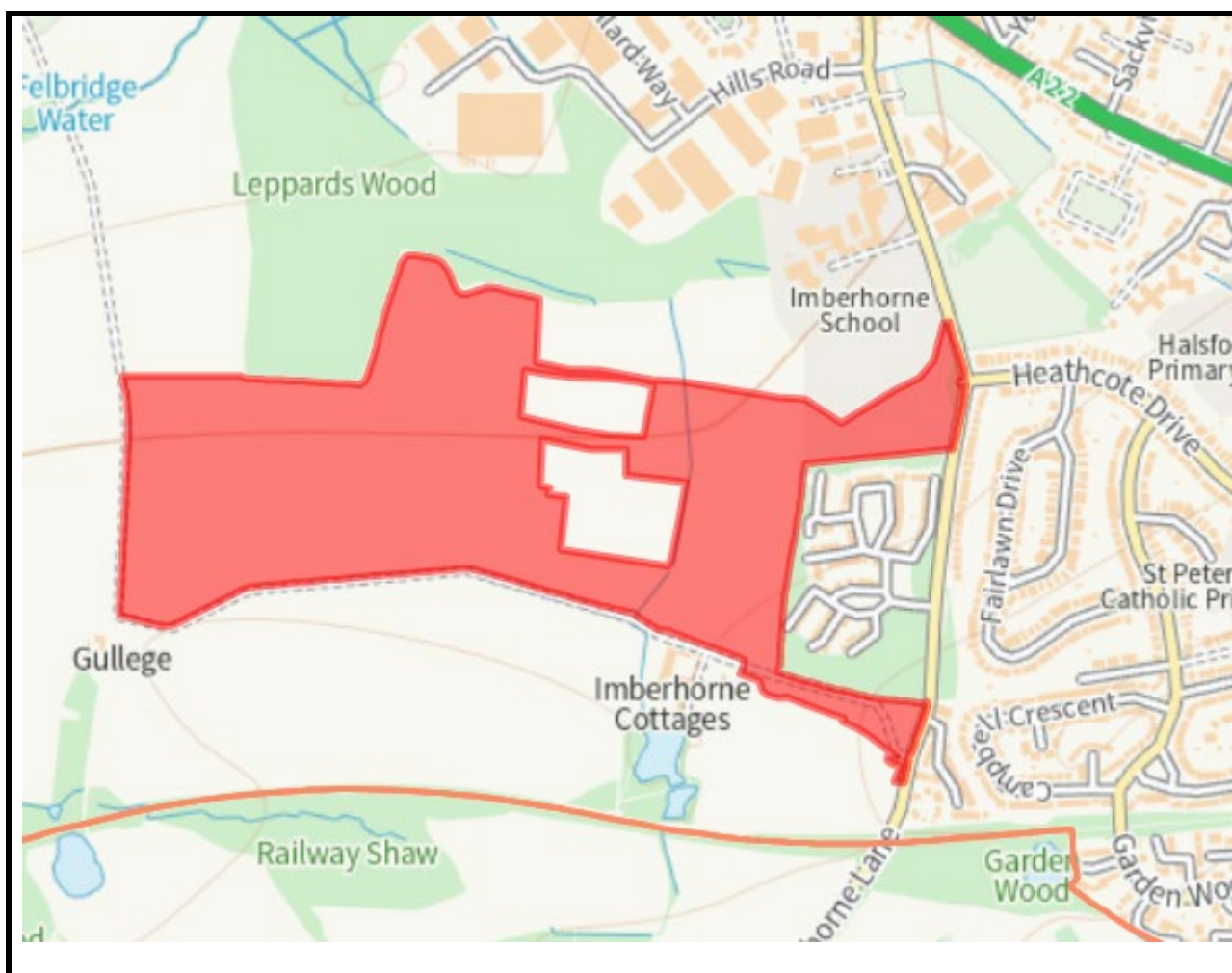
District Planning Committee



Recommended for Permission

17th September 2026

DM/26/0131



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Site:	Land South And West Of Upper Imberhorne School Imberhorne Lane East Grinstead West Sussex
Proposal:	Approval of Reserved Matters following Outline Planning Permission (Ref. DM/23/2699) relating to appearance, landscaping, layout and scale for 550 no. new residential units. (Drainage addendum received 02/04/2026). (Amended plans and information received 20th to 27th May showing revisions to the proposed design, landscaping, highways, housing and sustainability measures) (Surface water calculations received 24/06/2026). (Amended plans received 27th July showing design changes to some units and lighting to the pedestrian link to the northeast onto Imberhorne Lane).
Applicant:	Charlotte Handscomb And Etelle Hutchinson

Category:	Largescale Major Dwellings
Target Date:	21st April 2026
Parish:	East Grinstead
Ward Members:	Cllr Lee Farren / Cllr Rex Whittaker /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T95SB8KT0D200>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for reserved matters consent as detailed above.

2.0 Executive Summary

- 2.1 A hybrid application on land south and west of Imberhorne School, Imberhorne Lane, East Grinstead granted consent for a major development on 23rd December 2025. The outline elements consisted of the provision of up to 550 dwellings, a care village consisting of 150 dwellings (C2 Use), provision of land for a 2-form entry (FE) entry primary school, a mixed-use neighbourhood centre, allotments and associated open space and infrastructure. The full element consisted of the site access, spine road, provision of an on-site Suitable Alternative Natural Greenspace (SANG) and new playing fields and sports facilities for Imberhorne School.
- 2.2 This application seeks reserved matters consent for the provision of 550 dwellings. The matters to be determined in this reserved matters application are the appearance, landscaping, layout and scale of the dwellings. Separate reserved matters applications will need to be submitted for the neighbourhood centre, school and care village.
- 2.3 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the East Grinstead Neighbourhood Plan (EGNP).
- 2.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

- 2.5 The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan and other material planning considerations.
- 2.6 The proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by the Council's Urban Designer. The large area of central open space will be a focal point for the development and is well integrated into the heart of the development. In addition to the central area of open space, there are other significant areas of amenity space within the site that will provide a high quality environment for future occupiers of the development. Overall, it is felt that the scheme will provide good quality accommodation for future residents in respect of the layout of the scheme and quality of design and of the proposed buildings.
- 2.7 The proposed landscaping is acceptable and well-integrated into the overall layout of the site, with sufficient space for good quality landscaping along the southern boundary of the site, which will help soften the development from the bridleway to the south. The proposed layout also retains an existing hedgerow that runs north/south through the site.
- 2.8 The access into the site and the position of the spine road through the site were approved in the hybrid application, so these elements are fixed. It is considered that the internal layout within the site is satisfactory, resulting in well-formed streets that will encourage low vehicle speeds. There is good pedestrian connectivity through the site and onto the adjacent public rights of way. There have been no objections raised by the Local Highway Authority (LHA) to the internal layout of the site. Planning conditions are recommended to secure the required cycle and parking provision.
- 2.9 The affordable housing provision of 165 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements. The general mix of accommodation is also considered acceptable.
- 2.10 Matters associated with drainage, ecology and air quality were considered at the hybrid application stage and are already subject to conditions attached to that permission. The Lead Local Flood Authority (LLFA) are satisfied with the layout in respect of drainage matters.
- 2.11 It is not considered that the proposal would cause significant harm to the amenities of any of the existing neighbouring properties around the site.
- 2.12 The timing of the payment of infrastructure contributions for the development is set out in the section 106 legal agreement that was completed when the hybrid application was approved. The legal agreement also contains clauses limiting the number of dwellings that can be occupied before the neighbourhood centre, or alternatively if the District Council confirms that the Community Space shall not be provided as part of the Development, infrastructure monies are paid to the District Council. The legal agreement also controls the transfer of the allotment land to the Town Council and the provision of the SANG. A planning condition on the hybrid consent controls the number of units that can be occupied before the new/replacement playing field and sports facilities comprising the grass pitches, the 3G Artificial Grass Pitch, athletics track, cricket nets, sports pavilion and ancillary facilities including parking and sports lighting have been completed and made available for school and community use and the northern pedestrian / cycle link is completed and open for public use. This application is not an opportunity to revisit those matters, which have already been determined by the Local Planning Authority (LPA).

- 2.13 Your Planning Officer considers that the proposed development will result in harm to several heritage assets to the south of the site, which would result in a conflict with policy DP34 of the MSDP and policy EG4 of the EGNP. Your Planning Officer considers that this harm will not fall into the 'substantial' category as defined by the NPPF. A finding of harm to the significance of a designated heritage asset requires a balance under policy HE6 of the NPPF between the harm and the public benefits of the proposal. In enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. In this case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the harm to the settings of the heritage assets identified.
- 2.14 In light of all the above, this reserved matters application is considered to comply with policies DP21, DP22, DP26, DP27, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the MSDP, policies SAGEN, SA20 and SA38 of the SADPD and policies EG3, EG7, EG11, EG12 and EG16 of the EGNP, the Mid Sussex Design Guide SPD, the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is considered that there is a conflict with policy DP34 of the MSDP and policy EG4 of the EGNP as there would be harm to the setting of several heritage assets as detailed in this report.
- 2.15 The NPPF is a material planning consideration of critical importance. It is considered that the application complies with the presumption in favour of sustainable development that is set out in national decision-making policy S4 in the NPPF. This states that *'Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.'*
- 2.16 Overall, it is considered that this is a sustainable form of development. Having considered all the above, it is your Planning Officers view that this application complies with the development plan when read as a whole. There are not considered to be any other material planning considerations that would indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, it is recommended that reserved matters consent is granted.

3.0 Recommendation

It is recommended that reserved matters consent is granted subject to the conditions set out in Appendix A.

4.0 Summary of Representations

Original plans

12 letters of objection:

- Concerns over lack of infrastructure water supply in and drainage out
- Local area already subject to flooding.
- Biggest concern is of the increase of Traffic on already congested roads in East Grinstead
- Will remove only green space left in East Grinstead and spoil surroundings

- In an unnecessary development in a town where resources are already stretched
- Would want guarantees that the surrounding farmland will not be developed
- Dark corridors for wildlife should be created
- Concerned that infrastructure won't be delivered
- Suggest changes to speed limits on Imberhorne Lane and off site highway works
- Only one access is insufficient for such a large development
- Concerned over the impact light pollution on wildlife from the proposed sports facilities development
- Unacceptable Highway Safety Risks and Traffic Impact
- Significant Harm to the Character and Appearance of the Area
- Harmful Loss of Green Space and Ecological Value
- Unacceptable Harm to Residential Amenity
- Harm to Heritage Setting
- The addition of 550 more dwellings is a huge risk to a water service which is already struggling to serve existing residents
- The concentration of residents across 550 dwellings on the proposed site will inevitably result in increased levels of anti-social behaviour, crime and disorder
- Plan should move the roundabout westwards leaving the current verges intact
- Insufficient noise mitigation measures for properties on Ardingly Lane
- Inadequate consultation for this application
- Layout, density and urban form fail to respond to surrounding area
- Development creates additional permeability that will generate significant increases in footfall in surrounding streets, resulting in disturbance' loss of amenity, noise and potential anti-social behaviour
- Insufficient car parking
- Adverse impacts from being under flightpath for Gatwick airport
- Object to any form of development on the Care Village that will impact our amenity

Amended plans

3 letters of objection:

- Previously proposed highway improvement works have not been delivered
- Does not appear to be enough car parking for school
- Nothing being done in relation to habitat that would be lost

- New controlled crossing should be put onto Imberhorne Lane
- Vistry Homes appear to be in financial distress, what will Mid Sussex do to prevent corners being cut
- It should be confirmed if the application is in conformity with the plans submitted at the outline stage
- Plans do not demonstrate that the high density development will sit acceptably next to the existing lower density development
- Landscaping should be structurally integrated into the development
- Parking, refuse access, emergency access and highway safety are not adequately demonstrated
- Final highway design should be retested
- No works should affect existing school fields until replacement facilities are complete and available
- Housing should not all come before infrastructure is in place
- Should not be approved until drainage is addressed
- Future occupiers should not be exposed to noise from aircraft, including nighttime operation and noise levels should be demonstrated for each plot
- Pedestrian and cycle paths should be lit and well overlooked
- Bird compensation strategy should be secured before any works that would displace farmland birds
- Impacts on heritage assets should be reviewed
- A robust construction management plan should be in place
- Reserved matters should not be approved until WSCC have confirmed that adequate school places are available

5.0 Summary of Consultees

Local Highway Authority (LHA)

No highway objection subject to conditions

WSCC Public Rights of Way Officer

I endorse my Highways colleague's comment regarding increasing access on to the bridleway to include cyclists.

WSCC Lead Local Flood Authority

Following a review of the additional information, we now have no objection to the application.

WSCC Fire and Rescue Service

Requests conditions regarding the provision of fire hydrants

Sussex Police

No objections. Detailed comments regarding lighting, access to flats, surveillance, walking and cycling routes

Ecological Consultant

It is recommended that the applicant will still need to submit a formal application to discharge the Biodiversity Gain Condition. Further details to support conditions attached to the hybrid application will need to be submitted.

Historic England

We recommend that a wide landscape buffer is provided for the full extent of the southern boundary of the development area and which is the same width as that proposed for the eastern and western ends. This should be planted as densely as possible (with appropriate native Wealden species) to help to reduce the harm to the listed building caused by the proposals and to maintain a semblance of their rural setting.

Design Review Panel (DRP)

Improvements to the layout from the previous scheme were supported, particularly the re-alignments of blocks to terminate vistas on trees and the more generous play space and perimeter around the open space. That said, greater detail was required to demonstrate that the play space would be both level and kept as naturalistic as possible, including minimising cut-and-fill.

The Panel urged the developers to commit to Future Homes Standard. The Panel felt that the landscaping has the potential to be a real positive asset of this scheme. The play and open spaces are considered to be really well thought through and commendably reflect climate resilience, particularly in terms of their water demand.

Overall Assessment: Support with amendments.

NB: It should be noted that the DRPs comments are on the original plans before further amendments were made.

Urban Designer

Support the proposal. Suggest conditions regarding details of materials, elevations and sustainability.

Conservation Officer

Proposal will cause harm to the setting of several heritage assets which need to be balanced against the public benefits. I consider the proposal has failed to minimise the harm arising to heritage assets.

Environmental Health Officer

I don't consider there to be a significant unresolved noise or overheating concern that would justify preventing discharge.

Housing Officer

I am now in a position to support this application.

Tree Officer

I have no objections to the amended plans. Please condition adherence to plans.

6.0 East Grinstead Town Council Observations

Original Plans

Recommended for approval, however committee was keen to see a thorough flood risk assessment in light of local flooding experienced in the SA19 development area.

Amended plans

No comment

7.0 Introduction

- 7.1 This application seeks approval of Reserved Matters following Hybrid Planning Permission (DM/23/2699) relating to appearance, landscaping, layout and scale for 550 new residential units.

8.0 Relevant Planning History

- 8.1 The site is allocated under Policy SA20 of the Site Allocations Development Plan Document (SADPD), which is considered the key relevant policy of the development plan and therefore the starting point for consideration and determination of this application.
- 8.2 Of direct relevance to this application is the hybrid planning permission that was approved on 23rd December 2025 (DM/23/2699). The outline elements consisted of the provision of up to 550 dwellings, a care village consisting of 150 dwellings (C2 Use), provision of land for a 2-form entry (FE) entry primary school, a mixed-use neighbourhood centre, allotments and associated open space and infrastructure. The full element consisted of the site access, spine road, provision of an on-site Suitable Alternative Natural Greenspace (SANG) and new playing fields and sports facilities for Imberhorne School.
- 8.3 Therefore, the principle of this development has been approved. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 550 dwellings. The impact of the development on highway safety and capacity has already been considered at the outline stage, and this application does not represent an opportunity to revisit those matters.

9.0 Site and Surroundings

- 9.1 The site covers a total of approximately 83.5ha of mostly arable land located to the west of the Imberhorne Lane, East Grinstead. It is made up three distinct parcels, which are separated by Public Rights of Way (PRoW). A drainage ditch, with a tree line, runs north to south through the centre of the site.
- 9.2 The site lies within the built-up area boundary of East Grinstead, to the north-west of the town centre, which is approximately 1.9km away.
- 9.3 To the north of the site is Ancient Woodland, with the Birches Industrial Estate beyond. Imberhorne School lies immediately to the north-east of the site, the southernmost part of its playing field falling within the redline of the application boundary.
- 9.4 To the east of the site lies the residential development of The Oaks, separated by a mature tree line. A permissive path runs along the along this boundary linking a Imberhorne School with bridleway 44b/EG/1. Properties in Bluebell Close and Otterborne Place lie on the eastern side of Imberhorne Lane, to the south-east of the site.

- 9.5 Bridleway 44b/EG/1 runs east to west through the site and separates the most southern parcel of the site, from the remainder. The PRoW provides the sole vehicular access to the Imberhorne Farm complex and the residential property known as Gullege. Within the farm complex, Imberhorne Farmhouse is a grade II listed building, with 1-3 Imberhorne Farm Cottages are grade II* listed. In addition, Gullege is a grade II* listed building.
- 9.6 At the western end of the site, bridleway 40a/EG/1 runs north to south and separates the main parcel of the site, from the westerly parcel. This PRoW connects to the Worth Way at its southern end and also links to the Felbridge to the north.
- 9.7 In terms of the topography, in the main the site is generally flat, but falls away in the south-west down to the Worth Way.

10.0 Application Details

- 10.1 This application seeks approval of Reserved Matters following Hybrid Planning Permission (DM/23/2699) relating to appearance, landscaping, layout and scale for 550 new residential units. The primary road from Imberhorne Lane to the SANG car park/sports facilities, vehicular access from Imberhorne Lane and pedestrian/Cycle access from Imberhorne Lane were all granted detailed consent under the previously approved hybrid application. During this application, amended plans have been submitted in response to concerns about elements of the design of the proposal.
- 10.2 The hybrid permission approved the means of access into the site, which included the position of the spine road that runs through the site. Therefore, the new roundabout on Imberhorne Lane and the main spine road through the site have already been approved by the Local Planning Authority (LPA). This reserved matters application only relates to the 550 new residential dwellings. Separate reserved matters applications will need to be submitted for the school, mixed use neighbourhood centre and for the care village.
- 10.3 The proposed layout of the site follows the parameter plans that were approved in the hybrid application. On the far eastern side of the site, the dwellings are arranged in a perimeter block layout. At the far southeastern corner of the site is an amenity space.
- 10.4 On the southern side of the spine road, in the central area of the site, is the space that is reserved for a primary school. To the northeast and southwest of the school site are blocks of 3 storey flats. To the south of the school are two storey dwellings. On the opposite side of the spine road to the north of the school is the area of land reserved for the neighbourhood centre. To the east of the area reserved for the neighbourhood centre are drainage attenuation features.
- 10.5 To the west of the school site is the central area of open space. This is designed to provide play opportunities for different age groups and abilities. This is a substantial area measuring some 78m by 90m.
- 10.6 To the west of the central area of open space, on the southern side of the access road, is where most of the proposed housing is located. The housing is arranged in perimeter block layouts. Within this area, the plans show that an existing hedge that runs north/south through the site would be retained with open space either side of this to provide a landscape feature.
- 10.7 To the west of the area reserved for the neighbourhood centre, and to the north of the spine road, are residential dwellings arranged in a perimeter block layout. To the north of this parcel of development is an attenuation feature and the west of this is an amenity space and a locally equipped area for play (LEAP).

- 10.8 There is a further attenuation feature towards the western side of the site, on the north side of the spine road. At the far western side of the site are the allotments. In the far southwestern corner of the site is an amenity space.
- 10.9 A footway runs along the entire length of the southern boundary of the site. This then runs along the western boundary to link up with the car parking area on the western boundary. This car parking area provides 44 spaces and is designed to serve the SANG that was granted full planning permission under application DM/23/2699. There are also 9 car parking spaces to the north of the spine road to serve the allotments.
- 10.10 The proposed dwellings would be a mix of two, two and a half and three storey in height. There would be 5 locations for the three storey blocks of flats. One block would be located on the north side of the main spine road as it turns the corner in the northeast part of the site. The second and third location for the three storey flats would be on the northeast and southwest side of the site reserved for the school. The fourth and fifth location for the blocks of flats would be to the west and southwest of the central area of open space.
- 10.11 The main grouping of two and a half storey dwellings would front onto the main spine road. There would also be a grouping of these houses on the west and south sides of the central area of open space. These dwellings, together with the flats, are designed to frame the open space. There are also some two and a half storey dwellings on the road that runs alongside the southern boundary of the site. The remainder of the dwellings within the site would be two storeys in height.
- 10.12 In terms of the accommodation to be provided, the scheme proposes the following mix:

Market housing

15 x 2 bed unit

171 x 3 bed house

162 x 4 bed house

37 x 5 bed house

Total market units: 385

Affordable housing

6 x 1 bed maisonettes

27 x 1 bed flat

30 x 2 bed flat

61 x 2 bed house

33 x 3 bed house

8 x 4 bed house

Total affordable units: 165

The affordable housing would be distributed throughout the site, with the exception of one block on the north side of the spine road, which would not contain affordable units.

11.0 Legal Framework and List of Policies

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

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

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

- 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.'*

11.3 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.'

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

11.5 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the East Grinstead Neighbourhood Plan (EGNP).

11.6 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)) does not form part of the Development Plan but is a material consideration of critical importance.

11.7 Mid Sussex District Plan (MSDP) 2014-2031

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

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP24 Leisure and Cultural facilities and Activities

DP25 Community Facilities and Local Services

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP34 Listed Buildings and other Heritage Assets

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.9 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

SAGEN

SA20 Land south and west of Imberhorne Upper School, East Grinstead

SA38 Air Quality

11.11 East Grinstead Neighbourhood Plan

Policy EG3 Promoting Good Design

Policy EG4 Designated and Non-Designated Heritage Assets

Policy EG7 Housing Mix and Density

Policy EG11 Mitigating Highway Impact

Policy EG12 Car Parking

Policy EG16 Ashdown Forest Protection

11.12 Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

11.13 Other Material Considerations

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

- 11.15 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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage

DPS6: Health and Wellbeing

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN3: Green and Blue Infrastructure

DPN4: Trees, Woodland and Hedgerows

DPN6: Pollution

DPN8: Light Impacts and Dark Skies

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

DPT1: Placemaking and Connectivity

DPT2: Rights of Way and Other Recreational Routes

DPT3: Active Travel

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPH7: Housing Mix

DPH8: Affordable Housing

DPH11: Dwelling Space Standards

DPH12: Accessibility

11.16 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.17 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.

11.18 Affordable Housing Supplementary Planning Document (SPD)

11.19 National Planning Policy Framework (NPPF) (August 2026)

11.20 The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts. The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication. Annex A of the NPPF states *'Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.'*

11.21 National Planning Policy Guidance (NPPG)

12.0 Assessment

12.1 As this is a Reserved Matters submission, the principle of development of the site has already been established. The Courts have confirmed that where an outline planning permission has been granted it is not open to a planning authority to revisit matters which have been approved in principle at the outline stage. Where an outline permission reserves matters for the subsequent approval of a LPA, the extent to which the authority can withhold approval is restricted to what has been expressed to be so reserved and it is not permitted to go back on points of principle which it has accepted by granting permission.

12.2 The outline planning permission also approved the means of access into the site from Imberhorne Lane and the position of the spine road through the site. Therefore, the impact of the development on the capacity of the road network and in relation to highway safety matters in respect of the access onto Imberhorne Lane has already been considered at the

outline stage and this application does not represent an opportunity to revisit those matters. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 550 dwellings.

- 12.3 The site is allocated for residential development under policy SA20 in the SADPD. This is set out in full below:

'Objectives

- *To deliver a high quality and sustainable extension to East Grinstead, which facilitates the expansion of Imberhorne Upper School, informed by a landscape led masterplan creating a development which is sensitive to the rural setting of the nearby heritage assets, and includes generous green infrastructure corridors to contain the built form. The development shall establish a strong sense of place and include a neighbourhood centre, whilst providing good permeability across the site with attractive pedestrian and cycle routes throughout.*

Urban Design Principles

- *Optimise the potential of the site through the masterplan process, whilst establishing a strong sense of place which is sympathetic to the existing local character of East Grinstead and the wider landscape setting.*
- *Development shall provide a pedestrian friendly neighbourhood centre that is centrally positioned and well integrated with the development and in close proximity to the main open space provision.*
- *Provide a positive and soft edge to Imberhorne Lane and the countryside with buildings that front on to the tree-lined field boundaries allowing an attractive backdrop to the public realm, avoiding trees overshadowing back gardens.*
- *Retain and enhance existing established trees and other landscape features and weave them into green infrastructure / open space / movement strategy that encourages pedestrian and cycle use.*
- *Focus higher density development with 3 to 4 storey frontages in the most accessible part of the site around the neighbourhood centre. Carefully accommodate car parking to ensure it does not dominate the public realm.*
- *Ensure the site maximises connectivity with the existing settlement and services within East Grinstead and utilises a permeable layout throughout.*

Landscape Considerations

- *Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impact on the wider countryside.*
- *Retain and substantially enhance existing landscape structure, safeguarding mature trees and landscaping along the boundaries, and within the site and along historic field boundaries incorporating them into the landscape structure and layout of the development to contain the new housing, and limit the impact on the wider landscape.*
- *Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill. • Development proposals shall protect and enhance the character and amenity of the existing PRow which runs through the site and provide connections through the*

new development. Protect the character and amenity of the Worth Way which runs adjacent to the southern boundary.

Social and Community

- *Provide a detailed phasing plan with agreement from the Local Planning Authority in consultation with key stakeholders to secure:*
 - *Land and financial contribution for early years and primary school (2FE) provision with Early Years pre-school and facilities for Special Educational Needs. – 2.2 ha*
 - *A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net*
 - *excluding land for provision of a new vehicular access onto Imberhorne Lane).*
 - *A community use agreement for the new playing fields/sports facilities at Imberhorne Upper School.*
 - *Provide a neighbourhood/local centre on site.*
 - *Provision of suitably designed and managed onsite strategic SANG – c.40 ha*
 - *Provision of onsite suitably managed equipped children's playspace and public open space. In consultation with the Council, mitigate increased demand for formal sport.*
 - *Provision of a minimum of 142 dwellings (Use Class C2) in a dedicated site within the allocation, fronting onto Imberhorne Lane.*
 - *In consultation with the Clinical Commissioning Group (CCG), address increase demand for GP services either on-site or by financial contribution to support expansion of existing local GP practices. Gypsies and Travellers and Travelling Showpeople provision may be required in accordance with District Plan policies DP30: Housing Mix and DP33: Gypsies and Travellers and Travelling Showpeople.*

Historic Environment and Cultural Heritage

- *Protect the rural setting of the nearby Grade II* listed Gullege, Grade II listed Imberhorne Farm and Grade II* listed Imberhorne Cottages by masterplanning the layout, design and landscape structure to ensure the development is not dominant in views from these listed buildings.*
- *Establish need for Archaeological pre-determination evaluation and appropriate mitigation and undertake a geophysical survey, the results of which will identify appropriate archaeological mitigation.*

Biodiversity and Green Infrastructure

- *Undertake a holistic approach to Green Infrastructure and corridors, maintaining existing habitat connectivity, incorporating existing retained trees and hedgerows within the site and connect to surrounding landscape.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and*

enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.

- Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality.*
- Provide necessary protection and mitigation, including measures to minimise public access to the woodland, provision of a woodland management plan and woodland enhancement package along with a substantial semi-natural buffer, in excess of the 15m minimum between development and areas of Ancient Woodland.*
- Provide enhanced ecological corridors between the ancient woodland and wider landscape to ensure there is no ecological deterioration and fragmentation of the woodland.*
- Provide appropriately managed strategic Suitable Alternative Natural Greenspace (SANG) to the satisfaction of the Local Planning Authority to attract people away from the nearby Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The management of the SANG should include regular monitoring of visitor numbers, where visitors travel from to visit the SANG, activities at the SANG, and any suggestions for future management.*
- Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRow to the north and the Worth Way LWS to the south should be understood and adequately mitigated.*

Highways and Access

- Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure improvements and demonstrates how the development will integrate with and enhance the existing sustainable transport network providing appropriate enhancements to the existing public transport networks and safe and convenient routes for walking and cycling to key destinations and links to the existing networks.*
- Working collaboratively with and to the satisfaction of both Surrey and West Sussex County Council Highway Authorities mitigate development impacts by maximising sustainable transport enhancements; where additional impacts remain, highway mitigation measures will be considered.*
- Taking account for sustainable transport interventions, contribute towards providing any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site along the A22/A264 corridor.*
- Vehicular access and necessary safety improvements will be provided on Imberhorne Lane; the access shall include footpaths to either side to connect with the existing pedestrian network along Imberhorne Lane.*
- Contribute towards improvements to and positively integrate the PRow which cross the site, including providing an access link into the Worth Way cycle/pedestrian path (Three Bridges – East Grinstead).*

Flood Risk and Drainage

- Provide a Flood Risk Assessment to identify the risk of flooding for different areas of the site. A sequential approach to the location of development should be followed and sufficient space retained to allow for the natural flood flow routes that cross the site, taking account of those which come from off site.*

- *Existing watercourses running across the site shall be given a minimum 5 metre buffer from the top of bank and any other existing water features shall be retained and enhanced.*
- *Retain and protect natural spring lines or flows along the southern part of the site adjacent to the Worth Way in order to avoid creating future flood risk.*
- *The masterplan process shall include measures to integrate natural flood risk management techniques and infiltration SuDS into the layout and design of the development. Site Allocations DPD Biodiversity and Green Infrastructure*

Contaminated Land

- *Provide a detailed investigation into possible sources of on-site contamination together with any remedial works that are required; particularly those associated with the historic landfill located around Imberhorne Farm to the south east of the site.*

Minerals

- *The site lies within the building stone (Ardingly stone) Minerals Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.*

Utilities

- *Occupation of the development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.'*

12.4 Given that the principle of development is established, detailed consideration will now be given to the merits of the layout, appearance, scale and landscaping of the proposed 550 dwellings in relation to all relevant Development Plan policies and other material considerations.

12.5 Layout, Appearance Scale and Landscaping

12.6 Policy DP26 in the MSDP seeks to ensure a high standard of design in new development. It is considered that policy DP26 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies L2 (making effective use of land), DP3 (Key principles for well-designed places), DP4 (The design process), TR4 (Street design, access and parking) and P3 (Living conditions and pollution) should be the policies that are given greater weight in the assessment of this application.

12.7 Section 4 of the Councils Design Guide SPD concentrates on site layout, streets and spaces and sets out that well-designed streets and public spaces can contribute significantly to the success of places (in this a development site) and to the sustainability agenda - streets and spaces should be laid out to support both well-being and environmentally friendly transport. In particular, principles DG12 (connected street network), DG13 (frontage), DG14 (enclosure), DG 18-20 (car parking), DG25 (open space), DG26 (play space), DG27-28 (trees and soft landscaping), DG29 (public realm) are of relevance when considering the layout of a proposed development.

12.8 National design policy DP3 in the NPPF sets out the key principles for well-designed places. In respect of liveability, it seeks to *'support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and*

which are robust, durable and easy to look after. With regards to movement, it seeks to *'provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport.'* With regards to built form, it seeks to *'use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme.'* In terms of identity the aim in policy DP3 is to *'create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.'*

- 12.9 The approved hybrid application contained a parameter plan that shows the approximate height and number of storeys of development within the site. These are shown as blocks of development and there is a condition on the hybrid application that the subsequent reserved matters application should be in broad conformity with the parameter plan.
- 12.10 The layout plan is in broad conformity with the approved parameter plan. The main difference between the parameter plan and the layout plan relates to the block of flats to the west of the school land (plots 79-87). This is a three storey block of flats whereas the parameter plan indicate a 2.5 storey development.
- 12.11 The position of the spine road through the site was approved at the outline stage. The proposed layout plan has a series of secondary and tertiary roads coming off the spine road. The layout has a large area of public open space in the centre of the site, immediately to the west of the school land and south of the mixed use area. This will serve as a focal point for the development. There are also substantial areas of open public space at the southeast and southwest corners of the site. The layout has retained the majority of an existing hedge that runs north/south through the site. The layout also features a pedestrian pathway with landscaping that runs along the length of the southern boundary of the site.
- 12.12 The layout is based on a perimeter block arrangement, which allow the buildings to face out onto the street to properly enclose the space and provide good street frontages. This layout also allows a traditional back to back arrangement for the houses so the rear gardens are well enclosed. The houses on the edge of the perimeter blocks have their front elevations facing the street, thereby providing good passive surveillance. The taller three storey buildings are appropriately positioned by the spine road and the central open space. The Council's Urban Designer has no objections to the layout of the site. Your Planning Officer considers that the proposed layout is well designed and accords with the guidance in the Council's Design Guide SPD, development plan policy and national design policy DP3 in the NPPF.
- 12.13 With regards to designing out crime, Sussex Police have raised no objections to the application. The scheme addresses the comments of Sussex Police with regards to public open spaces and communal car parking areas being well overlooked.
- 12.14 The layout of the site influences the environment for future occupiers in respect of noise. Policy DP29 in the MSDP seeks to protect the quality of people's lives from unacceptable levels of noise. It is considered that policy DP29 is materially inconsistent with the NPPF and should be afforded very limited weight, with greater weight being given to Policy P3 in the NPPF. This states in part that development proposals should *'Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.'*

- 12.15 Condition 24 on the hybrid consent required further details to be submitted by the applicants relating to noise. The reserved matters contains a Noise Assessment, Noise Impact Schedule and an Acoustic Appraisal. The applicant's supporting submissions state that appropriate internal noise levels can be achieved on all properties across the site with windows open. They have provided a plan that shows the properties that would achieve the appropriate noise levels with windows partially (30-40%) open.
- 12.16 These documents have been reviewed by the Councils Environmental Health Officer (EHO), who has stated *'There is still some uncertainty around the final overheating strategy for the identified plots; however, I now have sufficient information re the affected plots and the meaning of "partially open" to understand the scale of the issue, and I don't consider there to be a significant unresolved noise or overheating concern that would justify preventing discharge. I also note the applicant's confirmation that overheating assessments will be undertaken as part of the subsequent design etc process and that, where necessary, mitigation measures will be incorporated in accordance with the recognised cooling hierarchy. Accordingly, discharge is recommended.'*
- 12.17 Your Planning Officer has no reason to disagree with the views of the EHO on this matter. Concerns have been raised by third parties with regards to the impact on prospective occupiers from aircraft noise. Whilst these concerns are noted, there is no substantive evidence before the LPA that such noise would result in a conflict with either policy DP29 of the MSDP or policy P3 in the NPPF.
- 12.18 Appearance
- 12.19 Section 6 of the Councils Design Guide concentrates on *'high quality building design'* and outlines the important principles that need to be considered when designing new building. It states that *'key to this is adopting a design approach that minimises their environmental impact. The various components of new buildings including their form, proportions, roofscape and overall appearance should also display underlying architectural integrity and contribute to a sense of place by being borne from their location '*. In particular, principles DG37 (sustainable buildings), DG38 (respond to context), DG39 (scale and height), and DG40 (active frontages) are of relevance.
- 12.20 The scheme has been designed with buildings of a traditional form, which include terraced, semi-detached and detached houses. The applicants have provided an external finishes plan with the application, which sets out the proposed materials for the different zones within the development. This comprises a mix of bricks, cladding, tile hanging and red and grey roof tiles. The submitted plans show that the external materials appropriately wrap around the elevations of buildings. The plans show that differing materials are appropriately grouped together to give a sense of identity to the different areas within the scheme. For example, the spine road groups together runs of the same type of houses to give a good rhythm to the street.
- 12.21 The Council's Urban Designer is supportive of the scheme and has suggested several conditions to control points of detail regarding materials, balconies and sustainability features. The Urban Designer has requested that windows be provided in the side elevation of a semi-detached house type that features on four plots on the east side of the site and six plots on the northwest side of the site. The applicant has advised that they do not wish to do this as they consider that such windows would only be seen in oblique angles and would result in a marginal change to the design of the development, whilst bringing additional costs as this would deviate from a standard house type. Whilst the comments of the Urban Designer about these ten units is noted, it is your Planning Officers view that not having ground floor windows in the side elevations of these units would not make the scheme deficient to such an extent that it should be resisted.

12.22 Overall, your Planning Officer considers that the appearance of the scheme is of good quality. There is a suitable mix of materials, which are applied in appropriate groupings to give the scheme a sense of identity. Materials are also properly applied across the elevations of the buildings, so they properly wrap around the elevations. The typology of the buildings features traditional architectural forms, with pitched roofs on the houses and flats. The appearance of the development is therefore felt to accord with the guidance in the Design Guide SPD and the relevant policies in the development plan and NPPF.

12.23 Scale

12.24 The NPPG advises that scale refers to the height, width and length of each building proposed within the development in relation to its surroundings.

12.25 Section 5 of the Council's Design Guide concentrates on 'increased density' and in respect of large developments, such as proposed here, looks at how different densities, building types and forms can enhance the legibility and distinctiveness of a development. In particular, principles DG34 (managing increased density in urban extension) and DG36 (mixed communities) are of relevance.

12.26 It should be noted that a parameter plan was approved at the outline stage, showing the scale of the buildings to be provided on the site. This varies between 3 storey, two and a half storey and two storeys. Condition 20 of the outline planning permission requires the reserved matters to be in general conformity with the approved parameter plan.

12.27 The taller three storey blocks are located on the north side of the spine road as it turns through 90 degrees in the site, to the northeast of the school site and framing the central area of open space. The main area of divergence between the parameter plan and the reserved matters plan is the three storey block that is on the west side of the school site, and to the west of the central area of open space; the parameter plan shows this as being two and a half storeys.

12.28 It is your Planning Officer's view that the scale of the proposed development is in general conformity with the approved parameter plan. It is also your Planning Officer's view that the scale of the development is appropriate and represents the good design that is sought by development plan policy and national guidance. The taller three storey blocks frame the central area of open space and are also located at key points on the spine road. The taller two and half storey blocks on the spine road will also help to define this as the main route through the site. Elsewhere on the site, the two and a half storey buildings are used at the southern edge of the site to define corners and break up runs of two storey properties. Internally, the proposed development would comply with the national dwelling space standards, thus complying with policy DP27 of the MSDP.

12.29 Landscaping

12.30 Policy DP26 of the MSDP seeks to ensure that high quality design and layout includes appropriate landscape and green space. It also, along with policy DP37, seeks to protect trees that contribute to the character of the area. This later policy specifically relates to trees, woodland and hedgerows. It is considered that policy DP37 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies N6 (Areas of particular importance for biodiversity and geodiversity), N2 (Improving the natural environment) and N3 (New trees in development) should be the policies that are given greater weight in the assessment of this application.

12.31 The Council's Design Guide SPD is also of relevance with regard to this matter and principle DG25 states *'Open space should be provided as an integral part of a development and designed with a specific role or function as part of the wider open space network. They should take the opportunity to create environments and facilities that provide for and*

encourage inclusive activity for all age groups and abilities'. Principle DG26 relates to the integration of play space into design and sets out that they should be in an accessible location that is well overlooked. DG27 relates to tree planting and soft landscaping and sets out that a clear landscaping strategy should be an integral part of the design of any new development. Principle DG29 relates to the coordination of the public realm materials with landscaping proposals.

- 12.32 The NPPF states in policy N3 that development proposals should *'make new streets tree-lined (unless there are strong reasons why this would be inappropriate in specific streets), and incorporate trees in other suitable locations.'*
- 12.33 The scheme provides significant areas of soft landscaping within the site. In the southeastern part of the site, there will be a large amenity space with tree planting around the perimeter. There would be a further large amenity space in the southwestern corner of the site, again with tree planting around its perimeter. There would be a landscaped area running the length of the southern boundary of the site, to provide a soft edge to the development. Within the site, an existing belt of hedging has been retained, with break through points limited to the previously approved spine road and three pedestrian links. The plans also show soft landscaping around the drainage attenuation basins at the northern end of the site.
- 12.34 The plans show soft landscaping and tree planting around the cycle and pedestrian link on the northeast side of the site up to Imberhorne Lane. Within the development, the plans show tree planting along the length of the spine road and within the secondary streets within the development. The submitted plans list the proposed planting that is shown on the soft landscaping plans. This includes 901 trees, which includes Field Maples, Hazel, Hawthorn, Magnolia and Whitebeam.
- 12.35 It is your Planning Officer's view that the landscaping that is shown within the site is appropriate and will result in a good quality development. There are several soft landscaped amenity spaces within the development, and the street show suitable tree planting. The Councils Tree Officer has no objection to the scheme. Overall, it is considered that the proposed landscaping complies with the policies referred to above.

12.36 Impact on Heritage Assets

- 12.37 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*
- 12.38 As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.
- 12.39 Policy DP34 of the MSDP relates to Listed Buildings and other heritage assets. It is considered that policy DP34 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies HE4 (Securing the conservation of heritage assets), HE5 (Assessing effects on heritage assets) and HE6 (Proposals affecting designated heritage assets) should be the policies that are given greater weight in the assessment of this application. Policy SA GEN sets out, inter

alia, the following general principles in relation to the historic environment and cultural heritage;

- *Respect listed buildings, conservation areas, scheduled monuments, the historic landscape, registered parks and gardens and their settings and look for opportunities to enhance or better reveal their significance. All heritage assets, including those that are undesignated, will need to be conserved and enhanced.*
- *Provide Heritage Impact Assessments, where appropriate, to establish the significance of heritage assets and their settings, the impact of development on this significance and, if appropriate, mitigation strategies in accordance with District Plan policies DP34: Listed Buildings and other Heritage assets, DP35: Conservation Areas and DP36: Historic Parks and Gardens.'*

12.40 Site specific policy SA20 of SADPD, states the following in relation to the historical heritage assets;

'Protect the rural setting of the nearby Grade II listed Gullege, Grade II listed Imberhorne Farm and Grade II* listed Imberhorne Cottages by masterplanning the layout, design and landscape structure to ensure the development is not dominant in views from these listed buildings.'*

12.41 Policy EG4 of EGNP relates to the designated and non-designated heritage assets, and states;

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

12.42 Section 20 of the NPPF is of relevance in relation to the application and the most relevant paragraphs are set out below;

'HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and*
- b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.*

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.

3. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision relating to the asset.

4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned.

HE6: Proposals affecting designated heritage assets

1. *When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.*
2. *Development proposals which would have a positive effect on a designated heritage asset should be supported.*
3. *Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.*
4. *Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.*
5. *Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:*
 - a. *The nature of the heritage asset would otherwise prevent all reasonable uses of the site;*
 - b. *No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
 - c. *Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and*
 - d. *The harm or loss is outweighed by the benefit of bringing the asset back into use.*
6. *Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

12.43 At the outline stage, a total of four separate heritage assets were identified as being adjacent to the site, and these are;

- Gullege
- Imberhorne Farmhouse
- 1 – 3 Imberhorne Farm Cottages
- Imberhorne Farm Courtyard

12.44 Gullege

12.45 Gullege is a Grade II* listed manor house dating from the early 17th century. It is located to the southwest of the development site, between the proposed residential development and SANG area. There are a number of former farm buildings, including a barn to the west of the house that your Conservation Officer considers to be curtilage listed.

12.46 Imberhorne Farmhouse

- 12.47 Imberhorne Farmhouse is a Grade II listed former farmhouse dating from 1820 and is located towards the southeast of the site between the main part of the residential element of the site and the care village element.
- 12.48 1 – 3 Imberhorne Farm Cottages
- 12.49 This heritage asset is Grade II* listed and was formerly an early 15th century hall house before it was altered and extended to form a group of cottages. Their main significance lie in the fact that the very special architectural structure (a decorated spandrel, two trusses and roof of an elaborate early arch-braced hammerbeam roof) has survived. Furthermore, the buildings are also of significance as a result of their association with the important Sackville family, the Dukes of Dorset, until 1872.
- 12.50 Imberhorne Farm Courtyard
- 12.51 Imberhorne Farm Courtyard is a group of former farm buildings located to the north of the Farm Cottages and to the west of the former Farmhouse. It is considered that these buildings date from the 19th century and are regarded as curtilage listed.
- 12.52 Assessment of Heritage Impacts
- 12.53 It is important to note that at the time of approving the outline application DM/23/2699, it was accepted that the proposal would cause harm to the settings all these heritage assets. The harm was classified as being 'less than substantial' as defined in the 2024 version of the NPPF, although the range of harm within that category varied. The Planning Officer's report on the hybrid application noted that *'it will be necessary for this issue to be assessed again at the reserved matters stage when the proposed layout for the scheme is determined. It is your officer's view that at the outline stage sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the heritage assets.'*
- 12.54 Taking a further step back, your Planning Officer also considers that it is relevant to note that at the plan making stage, it would have been an inevitable consequence of allocating the site for this quantum of development that there would be some adverse impact on the settings of the heritage assets that are in close proximity to the site.
- 12.55 The 2024 version of the NPPF referred to the concepts of 'less than substantial harm' and 'substantial harm' in relation to adverse impacts on the significance of heritage assets. The new August 2026 NPPF now refers in policy HE6 (quoted in para 12.42 of this report), to 'harm' and 'substantial harm' in relation to adverse impacts of development on the significance of heritage assets. Where there is harm to the significance of a designated heritage asset, the effect on the asset and its significance, policy HE6 requires that this should be weighed against any public benefits resulting from the proposal.
- 12.56 Historic England have provided their comments, which are available in full on the planning file and their recommendation is set out in the summary of consultees in this report. Whilst the request for a wider landscape buffer along the length of the public right of way that runs to the south of the site is noted, it is your Planning Officer's view that a balance has to be struck between seeking to reduce the impact of the proposal on the setting of the heritage assets, against the requirement to make efficient use of the site and achieve a well-designed, well laid out development.
- 12.57 It should be noted that at its narrowest point, there is still some 10m between the edge of development (roadway edge) and the public right of way to the south. In addition, even if a much wider buffer could be achieved, the proposal would still result in harm to the settings of the heritage assets because there will be a significant change to the setting of these

heritage assets arising from the replacement of undeveloped fields, with a major housing development.

- 12.58 In relation to Gullege, the impact of the development has been mitigated to some degree by the provision of a substantial amenity space in the southwestern corner of the site, which provides a buffer between the development and the heritage asset. Gullege would be some 121m away from the proposed dwellings, with the amenity space being some 70m in depth. Nonetheless, there would still be a fundamental impact on the current setting of Gullege due to its current position of tranquil isolation being replaced with a significant housing development, together with the change of the current agricultural land to the west to a SANG.
- 12.59 The comments of the Councils Conservation Officer are summarised at the start of the report and are available on the planning file. The Conservation Officer considers that there would be harm to the settings of these heritage assets and has stated that in her view *'In the context of the new NPPF, these levels would translate as follows, based on a level of harm sitting within the range which does not equate to substantial harm or total loss of significance:*
- *Gullege- an upper mid-high level of harm*
 - *Imberhorne Farm – an upper mid-high level of harm*
 - *1-3 Imberhorne Farm Cottages- a mid-level of harm*
 - *Imberhorne Farm Courtyard – an upper mid-high level of harm'*
- 12.60 Your Planning Officer agrees that there would be harm, as defined in the NPPF, to the significance of all the heritage assets identified above. Your Planning Officer agrees with the view of the Conservation Officer that this does not amount to substantial harm. As such, point 4 of policy HE6 of the NPPF is engaged and the harm to these heritage assets must be weighed against the public benefits of the proposal.
- 12.61 The Conservation Officer is of the view that there are *'...adverse revisions to the Masterplan following on from the approved outline scheme, and the failure to address the suggestions made by Historic England in respect of mitigatory measures, demonstrate that the proposal has failed to minimise the harm arising to heritage assets, and therefore does not meet the requirements of HE4.1 or HE4.2.'* Your Planning Officer notes these comments but is not in complete agreement with them.
- 12.62 A balance needs to be struck between seeking to minimise the impact of the development on the setting of the heritage assets and the need to make efficient use of the site, optimising the potential of the site to provide much needed new housing. It is your Planning Officer's view that increasing any buffer along the southern boundary of the site would not make a material difference to the impact of the development on the settings of these heritage assets and would be likely to result in a reduced quality development that did not optimise the use of the site. It is your Planning Officer's view that it is an inevitable consequence of constructing a major housing development on the site and changing the area from undeveloped fields to a housing development, that there will be a significant change to the setting of these heritage assets.
- 12.63 It is your Planning Officer's view that the significant public benefits of the scheme (provision of new housing, including affordable housing and the economic benefits including additional spending in the locality) do clearly outweigh the harm to the setting of the designated heritage assets in this instance.
- 12.64 **Access and Transport**

- 12.65 Policy DP21 of the MSDP deals with transport matters and sets out several criteria which decisions on development proposals will take account of, including whether the scheme is designed to adoptable standards, whether it provides adequate car parking and whether the scheme protects the safety of road users and pedestrians, amongst other things. It is considered that policy DP21 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies TR3 (Locating development in sustainable locations), TR4 (Street design, access and parking) and TR6 (Assessing transport impacts) should be the policies that are given greater weight in the assessment of this application.
- 12.66 NPPF policy TR4 makes it clear that transport considerations should be integral to the design of development and proposals should *'Give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating easy access to high quality public transport, with layouts and densities which maximise the catchments for bus or other public transport services'*, with the aim being to *'Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility).'*
- 12.67 Matters regarding the design and form of the site access to Imberhorne Lane, the layout of the principal route through the site, as well as the impact on the capacity of the local highway network, were considered and approved at the outline application stage and these matters are not for consideration as part of this application. It is only necessary therefore to consider the access arrangements within the site itself, noting that the position of the principal route has been approved at the outline stage.
- 12.68 The application has been amended to take account of comments received by various consultees. In respect of highways matters, the applicant has introduced raised features, changes of surfacing material along with narrowing and pinch points on the principal route. This road also incorporates visitor car parking spaces. It is proposed to provide a shared footway/cycle way along the northern and southern sides of the principal route. In respect of the side road crossings, these are to be provided with footways continuously extended across the junction with setback give way lines for traffic. Such crossings are commonly known as Copenhagen Crossings.
- 12.69 The Local Highway Authority (LHA) has assessed the application, and their full comments are on the file and are summarised at the start of this report. The LHA have not objected to the application and as the statutory consultee responsible for the road network in the district, their views should be accorded significant weight.
- 12.70 The applicant has provided an indicative plan that shows where car parking restrictions would be imposed on the spine road around the school site and the central area of open space and long the access road in between the school site and the central area of open space. The LHA has suggested several conditions to control points of detail regarding car parking and waiting restrictions.
- 12.71 It is considered that these conditions meet the tests in the NPPG and are appropriate. It should be noted that in addition to the applicant providing details to the LPA to satisfy the condition regarding waiting restrictions, a separate application for a Traffic Regulation Order (TRO) would need to be made to West Sussex County Council (WSCC) to impose parking restrictions on adopted roads.
- 12.72 It is considered that the internal layout of the roads within the site is acceptable and accords with policy DP21 in the MSDP and policy TR4 in the NPPF. There is a clear order of secondary and tertiary routes within the site, with the layout encouraging low vehicle

speeds, which will make the development safer for pedestrians and cyclists. The use of shared surfaces is considered appropriate and again, will serve to slow vehicles down and create a more attractive environment for cyclists and pedestrians.

12.73 Car and cycle parking

The scheme proposes the following level of car parking:

Allocated spaces	964
Allocated disabled spaces	6
Garages	264
Visitor spaces	74
Unallocated parking spaces	63
Substation spaces	4
Approved parking for SANG	44
Allotment parking	9
Total	1428

12.74 There is no objection from the LHA to the level of car parking. It is considered that this level of car parking is satisfactory to serve the development.

12.75 The plans show that for those properties with garages, cycle parking would be provided in the garage or a store. For those houses without garages, the plans show space for a cycle store to the rear of the properties. The blocks of flats would have a secure cycle store either in the car parking areas that serve those flats or attached to the block of flats. The cycle store buildings would be brick, have pitched roofs, with one type measuring 2.8m by 2.69m accommodating 6 cycles, with a second type measuring 4.1m by 3.2m, accommodating 11 cycles.

12.76 The cycle stores that are shown for the flats are the type of secure buildings, well integrated into the development, which would make them attractive to use for future occupiers. The details of the cycle storage for the development can be secured by a planning condition, as recommended by the LHA. It is considered the cycle parking arrangements comply with policy DP21 of the MSDP and NPPF policy TR4.

12.77 Public right of way (ProW)

12.78 The proposed development does not alter the legal line of the PRoW (bridleway) that runs along the southern boundary of the site. The main road through the site, which has been approved at the outline stage, crosses the bridleway in the southeast corner of the site. Details of this crossing point can be reserved by condition. The plans show five connection points from the site to the bridleway to the south. These are labelled as pedestrian links. Policy DP22 of the MSDP deals with public rights of way matters and sets out several criteria which decisions on development proposals will take account of. It is considered that policy DP22 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policy TR8 (Public Rights of Way) should be given greater weight in the assessment of this application.

12.79 Both the LHA and the Public Rights of Way Officer have expressed a desire that these links should also be available for cyclists to join the bridleway. In your Planning Officer's view this is likely to happen in any event once the development has been constructed and there should be no reason why these links should not facilitate access for cyclists as well as pedestrians. It is considered that the final details of the pathways at the southern end of the

site, including their detailed width and surfacing, can be dealt with by a planning condition. With such a condition in place it is considered the application would comply with both policy DP22 in the MSDP and policy TR8 in the NPPF as the PRoW would be protected and the proposal would provide new links from the development to the PRoW.

- 12.80 Following a query from the public rights of way officer, the applicants have confirmed that the far eastern section of the public right of way within the site is not to be resurfaced with tarmac, which accords with the preference of the County Council.

12.81 Ecology and Biodiversity

- 12.82 The outline planning permission considered the site wide implications of the development in ecology/biodiversity, and the following conditions relate to landscape, ecology and biodiversity matters with respect to the outline part of the consent:

Condition 18 - landscaping

Condition 31 - Construction Environment Management Plan (CEMP)

Condition 40 – Farmland bird compensation

Condition 41 – Lighting

Unnumbered condition – Biodiversity Net Gain (BNG)

- 12.83 The Council's Ecological Consultant has reviewed the information submitted with this application and their full comments are on the planning file.
- 12.84 With regards to BNG, the hybrid application was submitted prior to the statutory requirement for 10% BNG coming into force. The completed legal agreement requires details of BNG to be approved by the LPA. There will be a need for this to be addressed in the legal agreement. As advised by the Council's Ecological Consultant, in securing BNG it is open to the applicant to seek to do this on site, off site or a mixture of the two. A separate conditions discharge application (DM/26/1179) has been submitted in relation to the BNG condition.
- 12.85 Further details regarding lighting will need to be submitted under condition 41. Separate conditions discharge applications have been submitted in relation to the CEMP (DM/26/1234) and farmland bird compensation (DM/26/1154) and these matters will be addressed under those applications.
- 12.86 The Council's Ecological Consultant has not objected to the reserved matters details that have been submitted. It is considered that the additional details that the Council's Consultant has referred to can be addressed under the conditions that are on the hybrid planning permission and through the relevant clauses in the legal agreement.

12.87 Impact on Residential Amenity

- 12.88 Policy DP26 in the MSDP seeks to avoid a significant loss of residential amenity to existing occupiers from new development. As set out earlier in this report, policy DP26 can be afforded very limited weight. Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals to *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.
- 12.89 In this case, the closest residential properties to the east of the site are those at Hoathly Road, Barcombe Place and Ardingly Lane. These neighbouring properties to the east are inset a minimum of 17m from the existing pathway that runs along the eastern boundary of the site, with a substantial tree screen along the eastern boundary.

- 12.90 The houses on the far eastern side of the site would be a minimum of some 44m away from the existing houses to the west. With these distances and the existing screening, there would be no adverse impact on the amenities of the existing dwellings from the proposed development.
- 12.91 The houses at the southern end of the site would be some 60m away from the southern boundary. Therefore, there would be no adverse impact on the amenities of the occupiers of Imberhorne Farm, which is to the south of the bridleway. The house at the far southwestern corner of the site would also be some 60m off the boundary with the bridleway to the south. This again means that in terms of residential amenity, there would be no adverse impact on the amenities of the occupiers of Gullege.
- 12.92 In light of the above, the proposal would comply with policy DP26 of the MSDP and policy P3 of the NPPF in respect of the impact on neighbours amenities.

12.93 **Housing**

- 12.94 Policy DP30 in the MSDP seeks to provide a mix of dwelling types and sizes from new development that reflects current and future local housing needs. The mix of housing is set out below:

33 x 1 bed units	6%
106 x 2 bed units	19.3%
204 x 3 bed units	37%
170 x 4 bed units	31%
37 x 5 bed units	6.7%

- 12.95 It is considered that this is a reasonable mix and would comply with policy DP30. Policy HO7 in the NPPF states *'In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.'* It is considered that the delivery of an appropriate mix of housing should be given significant positive weight in the planning balance.

12.96 Affordable Housing

- 12.97 Policy DP31 in the MSDP seeks to provide 30% affordable housing on development of 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix. The Councils Affordable Housing SPD refers to affordable housing being required to be *'designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed – see clause 2.49) rather than concentrated in one location.'*
- 12.98 The Council's Housing Officer supports the scheme and has recommended a condition to control the detail of the five affordable wheelchair accessible buildings. Policy HO8 in the NPPF states *'Development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent.'* It is considered that the provision of a policy compliant level of affordable housing, which is tenure blind and satisfactorily integrated across the site, should be given significant positive weight in the planning balance.

12.99 **Sustainable Design**

- 12.100 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction. It is considered that policy DP39 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies CC2 (Mitigation of climate change) and CC3 (Adaption to climate change) should be the policies that are given greater weight in the assessment of this application.
- 12.101 Policy CC2 of the NPPF seeks to ensure that development proposals, *'Use design approaches which conserve energy and other resources in accordance with policy DP3(2)(b).'*
- 12.102 The wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.
- 12.103 The applicants have provided an energy and sustainability statement with their application. This outlines that the development will seek to utilise a fabric first approach to make the buildings energy efficient. The applicants outline that solar photovoltaics and air source heat pumps (ASHP) are the two main technologies with significant potential for the development. It is also proposed that all the dwellings will incorporate ASHP. The applicants also propose water efficiency measures to limit the use of water to 110litres/person/day in accordance with policies DP39 and DP42 in the MSDP. Charging points are to be provided for every dwelling. Within shared courtyards, bollards will be provided.
- 12.104 Some elements of sustainable design are dealt with under the Building Regulations, such as the requirement for new dwelling houses to have EV charging points. As such it is not necessary to duplicate compliance with this requirement under the planning permission.
- 12.105 The Council's Urban Designer has suggested that a condition should be applied requiring further details of the sustainability measures incorporated into the development, in order to secure the quality of the design. It is your Planning Officer's view that such a condition is necessary.
- 12.106 It is considered that the applicants have had regard to sustainable design matters and therefore the proposal is acceptable in relation to this matter.
- 12.107 **Drainage**
- 12.108 Policy DP41 in the MSDP relates to drainage. It is considered that policy DP41 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies CC3 (Adaption to climate change) F4 (Assessing flood risk for decision-making), F7 (Ensuring development is safe from flooding) and F8 (Sustainable drainage systems and watercourses) should be the policies that are given greater weight in the assessment of this application.
- 12.109 Policy F7 of the NPPF states:
- '1. Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.*
- 2. Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:*
- a. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons which justify a different arrangement;*
- b. The development will be safe throughout its lifetime taking account of the vulnerability of its users;*

c. Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;

d. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; and

e. It can be demonstrated that flood risk will not be increased elsewhere.'

12.110 In this case, it is important to note that the principle of development on this site has been established by the hybrid planning permission that has been granted. As such it has been accepted as a matter of principle that the site can be developed, and therefore by definition, that the site can be satisfactorily drained.

12.111 There are several watercourses within the vicinity of the development. One watercourse crosses the access road and follows along the southern boundary of the site before flowing through the development from south to north. There is also an existing watercourse beyond the northwestern boundary of the site to which existing land drains are connected.

12.112 Surface water

12.113 The Flood Risk Assessment (FRA) that accompanied the hybrid application confirmed that infiltration was not a suitable means of disposing of surface water runoff. Independent attenuation basins and swales have been implemented across the site's outfalls to deal with rainfall up to and including the 1 in 100 yr storm event + 45% climate change, prior to discharging to the adjacent watercourses or land drains immediately upstream of a watercourse.

12.114 The proposed plans show four attenuation features on the site. There would be an attenuation feature on the north side of the main access road, to the east of the mixed use area. This would comprise an attenuation basin and an attenuation swale to the west of this. There would be an attenuation feature located at the far northern point of the site, to east of a locally equipped area for play (LEAP). The plans also show an attenuation feature on the north side of the main access road at the western end of the site. A management company will be appointed, on behalf of the building owners, to maintain communal areas, landscaping, and shared SuDS throughout the development.

12.115 Qbar, or the mean annual flood, is the value of the average annual flood event recorded in a river. This flow rate is used to provide a measure of the Greenfield runoff performance of a site in its natural state to enable flow rate criteria to be set for post development surface water discharges for various return periods. The proposed drainage strategy will limit discharge rates to Qbar and would therefore balance the volume discharging from the development to greenfield volumes.

12.116 The Lead Local Flood Authority (LLFA) have carefully considered the drainage strategy that has been proposed. It should be noted that as outline consent has been granted for the residential development of the site, it has been accepted that as a matter of principle, the site can be developed and be satisfactorily drained. The LLFA have raised no objection to the drainage proposals outlined in the reserved matters application. Your Planning Officer has no reason to disagree with the conclusions of the LLFA, and their views should be afforded significant weight as a statutory consultee on drainage matters.

12.117 With regards to the steepness of the basin sides, your Officer's have sought clarification from the applicants regarding this. The applicants have confirmed that basin 4 has the steepest sides and therefore they consider that it is appropriate for this to have fencing around it. They have confirmed that basins 1 to 3 have shallower slopes that are 1:3 or shallower and therefore they do not consider that fencing would be required as they do not consider the basins cause a health and safety risk. Notwithstanding this, the applicants have stated that if the council remain uncertain on the matter of health and safety, they

have suggested that a condition is imposed to require a Royal Society for the Prevention of Accidents (RoSPA) assessment to be carried out on each of the ponds which don't currently have fencing.

12.118 Having seen the sections through the site, your Planning Officer is satisfied that there is a need for fencing around basin 4. With regards to the other three basins, your Planning Officer considers that it would be appropriate to adopt a precautionary approach as the applicants have suggested. It is unlikely that fencing will be required for these three basins but the approach the applicants have suggested would provide a robust means of firmly establishing this.

12.119 Foul drainage

12.120 Two pumping stations within the site are linked and discharge to the existing public sewer within Imberhorne Lane to which capacity has been confirmed. As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewage system proposal to be approved in consultation with the sewerage company before the development commences and for those approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the water Industry Act 1991. Such a condition was imposed on the outline consent and therefore this matter is satisfactorily addressed.

12.121 Water supply

12.122 Policy DP42 states in part that proposals that increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development. It is considered that policy DP42 is materially inconsistent with the NPPF and therefore should be given very limited weight. The applicants confirmed at the outline stage that discussions with the water supplier, South East Water, had taken place and the ability to connect, and the provision for this, have been agreed with them. There is no requirement to revisit this now at the reserved matters stage and policy DP42 in the MSDP, which has very limited weight, is therefore addressed.

12.123 **Air Quality**

12.124 Air quality was considered at the outline planning application and subject to a condition in relation to proposed mitigation measures. It does not form part of the reserved matters that are being considered as part of this application.

12.125 **Environmental Impact Assessment Regulations**

12.126 The hybrid planning permission, DM/26/2699 was Environmental Impact Assessment (EIA) development and was therefore subject to an Environmental Statement (ES). Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. This application is considered to be a subsequent application as it is part of the same project.

12.127 Within the planning statement there is a statement of conformity which concludes that '*the Reserved Matters Application is found to be in full conformity with the Hybrid Applications' ES, demonstrating that the environmental effects of the proposed development have been adequately mitigated. With no new significant environmental impacts identified, the development continues to provide benefits, including housing, local economic stimulation,*

and biodiversity improvements, while ensuring the protection of the local community and environment.'

12.128 In this case the LPA considers that the environmental information already before the Council is adequate to assess the significant effects of the development of the environment. It is considered that the development is in broad accordance with the hybrid planning permission and as such the conclusions of the Environmental Statement submitted under the hybrid permission remain relevant.

12.129 Relationship between development and infrastructure

12.130 Concerns have been raised about the phasing of the development and its relationship with infrastructure provision. With regards to the payment of infrastructure contributions, the trigger points for these are set out in the section 106 legal agreement that was signed when the hybrid application was approved. For the contributions towards County Council services (education and libraries) 50% of the contribution is due prior to Occupation of the 300th Dwelling, and the remaining 50% is due prior to the Occupation of the 450th Dwelling. For offsite highways, 33% is due prior to the Occupation of the 150th Dwelling, 33% is due prior to the Occupation of the 300th Dwelling, and the remaining 34% is due prior to the Occupation of the 450th Dwelling. The public rights of way contribution is due prior to the Occupation of the 300th Dwelling. In addition to this, a scheme for surfacing and improvements to the public bridleway from Imberhorne Lane to Park Road along with suitable crossing improvements on Imberhorne Lane is required to be submitted to the County Council before the occupation of the 50th Dwelling and the scheme completed before the occupation of the 100th Dwelling.

12.131 With regards to the Neighbourhood Centre, the legal agreement requires this to be provided and limits occupation to 399 dwellings until the neighbourhood centre has been practically completed. The legal agreement requires either a community space to be provided within the neighbourhood centre, or alternatively if the District Council confirms that the Community Space shall not be provided as part of the Development, infrastructure monies will be paid to go towards specified community buildings within East Grinstead.

12.132 The allotments land is to be provided and transferred to the Town Council prior to the occupation of the 475th dwelling. No more than 75% of the dwellings should be occupied until the open space and LEAP have been provided. The SANG must be provided before the occupation of any dwelling.

12.133 There is also a condition (number 22) attached to the hybrid consent which states that no more than 150 dwellings can be occupied until such time as the new/replacement playing field and sports facilities comprising the grass pitches, the 3G Artificial Grass Pitch, athletics track, cricket nets, sports pavilion and ancillary facilities including parking and sports lighting have been completed and made available for school and community use and the northern pedestrian / cycle link is completed and open for public use.

12.134 As such, matters relating to the occupation of the dwellings and the direct delivery of infrastructure, and the payment of infrastructure contributions, are controlled by the section 106 legal agreement and a condition. This reserved matter application is not an opportunity to revisit the provisions of the legal agreement.

13.0 Planning Balance and Conclusion

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

including the NPPF. The Development Plan in this instance consists of the MSDP, the SADPD and the EGNP.

- 13.2 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.
- 13.3 The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan and other material planning considerations.
- 13.4 The proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by the Council's Urban Designer. The large area of central open space will be a focal point for the development and is well integrated into the heart of the development. In addition to the central area of open space, there are other significant areas of amenity space within the site that will provide a high quality environment for future occupiers of the development. Overall, it is felt that the scheme will provide good quality accommodation for future residents in respect of the layout of the scheme and quality of design and of the proposed buildings.
- 13.5 The proposed landscaping is acceptable and well-integrated into the overall layout of the site, with sufficient space for good quality landscaping along the southern boundary of the site, which will help soften the development from the bridleway to the south. The proposed layout also retains an existing hedgerow that runs north/south through the site.
- 13.6 The access into the site and the position of the spine road through the site were approved in the hybrid application, so these elements are fixed. It is considered that the internal layout within the site is satisfactory, resulting in well-formed streets that will encourage low vehicle speeds. There is good pedestrian connectivity through the site and onto the adjacent public rights of way. There have been no objections raised by the LHA to the internal layout of the site. Planning conditions are recommended to secure the required cycle and parking provision.
- 13.7 The affordable housing provision of 165 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements. The general mix of accommodation is also considered acceptable.
- 13.8 Matters associated with drainage, ecology and air quality were considered at the hybrid application stage and are already subject to conditions attached to that permission. The LLFA are satisfied with the layout in respect of drainage matters.
- 13.9 It is not considered that the proposal would cause significant harm to the amenities of any of the existing neighbouring properties around the site.
- 13.10 The timings of the payment of infrastructure contributions for the development is set out in the section 106 legal agreement that was completed when the hybrid application was approved. The legal agreement also contains clauses limiting the number of dwellings that can be occupied before the neighbourhood centre, or alternatively if the District Council confirms that the Community Space shall not be provided as part of the Development, infrastructure monies are paid to the District Council. The legal agreement also controls the transfer of the allotment land to the Town Council and the provision of the SANG. A planning condition on the hybrid consent controls the number of units that can be occupied before the new/replacement playing field and sports facilities comprising the grass pitches, the 3G Artificial Grass Pitch, athletics track, cricket nets, sports pavilion and ancillary facilities including parking and sports lighting have been completed and made available for

school and community use and the northern pedestrian / cycle link is completed and open for public use. This reserved matter application is not an opportunity to revisit those matters, which have already been determined by the LPA.

- 13.11 Your Planning Officer considers that the proposed development will result in harm to several heritage assets to the south of the site, which would result in a conflict with policy DP34 of the MSDP and policy EG4 of the EGNP. Your Planning Officer considers that this harm will not fall into the 'substantial' category as defined by the NPPF. A finding of harm to the significance of a designated heritage asset requires a balance under policy HE6 of the NPPF between the harm and the public benefits of the proposal. In enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. In this case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the harm to the settings of the heritage assets identified.
- 13.12 In light of all the above, this reserved matters application is considered to comply with policies DP21, DP22, DP26, DP27, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the MSDP, policies SAGEN, SA20 and SA38 of the SADPD and policies EG3, EG7, EG11, EG12 and EG16 of the EGNP, the Mid Sussex Design Guide SPD, the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is considered that there is a conflict with policy DP34 of the MSDP and policy EG4 of the EGNP as there would be harm to the setting of several heritage assets as detailed in this report.
- 13.13 The NPPF is a material planning consideration of critical importance. It is considered that the application complies with the presumption in favour of sustainable development that is set out in national decision-making policy S4 in the NPPF. This states that *'Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.'*
- 13.14 Overall, it is considered that this is a sustainable form of development. Having considered all the above, it is your Planning Officers view that this application complies with the development plan when read as a whole. There are not considered to be any other material planning considerations that would indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, it is recommended that reserved matters consent is granted.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved planning drawings. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

2. The use of the land for allotments shall not first commence until the car parking serving the allotments has been constructed in accordance with the approved planning drawings. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

3. No dwelling shall be occupied until details of the crossing between the public bridleway EAG/44bEG/1 and the Principal Road into the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for the implementation of the works.

Reason: To provide a satisfactory crossing point and to comply with Policies DP21 and DP22 of the Mid Sussex District Plan.

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

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

5. No dwelling shall proceed above ground slab level until a scheme of waiting restrictions around the proposed school site and within turning heads as identified within the Stage One and Two Road Safety Audit has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of waiting restrictions shall thereafter be implemented prior to the occupation of the final dwelling.

Reason: To control how and where car parking takes place and to ensure that this does not create a road safety issue and to comply with Policy DP21 of the Mid Sussex District Plan.

6. Five affordable housing dwellings (3 X 1B/2P flat & 2 x 3B/5P house) shall be provided as wheelchair accessible dwellings which meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. No above ground works shall commence on site until the Local Planning Authority has approved final plans/details for the wheelchair accessible dwellings demonstrating that all necessary requirements will be met.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

7. The development shall be implemented in accordance with the approved landscaping plans. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

8. No development above base course level (in the case of highway infrastructure) or ground floor slab level (in the case of a building) shall commence within a phase, until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Details and samples of the facing materials.
- b) Details and samples of the hard surface materials.
- c) Please submit 1:50 scale plans, elevations, and sections detailing the entrance areas of all apartment buildings.
- d) Submit a separate detailed drawing of a typical balcony, clearly illustrating the proposed drainage strategy for the private outdoor amenity spaces.
- e) Provide a separate plan identifying all sustainability measures incorporated into the scheme and their locations, including any PV panels, heat pumps, EV charging points, and rainwater harvesting tanks etc. If any of these elements affect the elevational treatment, please provide the relevant updated drawings.

Reason: In the interests of visual amenity and securing a high quality development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

- 9. No development above ground floor slab level shall commence within a phase until details showing the proposed location of the required fire hydrants has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

- 10. Prior to the first occupation of any new build dwelling forming part of the proposed development, the required fire hydrants shall be fully installed and made operational in the approved location. The fire hydrants shall be maintained thereafter for the lifetime of the development.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

- 11. Prior to the first occupation of any of the new build dwelling forming part of the proposed development, the developer shall notify the Local Planning Authority and the West Sussex County Council's Fire and Rescue Service that the fire hydrant(s) have been installed and are operational, to ensure that the Fire and Rescue Service are aware that the hydrant(s) is now a usable asset in the event of a fire.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

- 12. Prior to the occupation of any dwelling, an assessment shall be submitted to the Local Planning Authority for its written approval regarding the requirements for fencing around the attenuation basins within the site. The report shall be written by RoSPA or another suitably qualified organisation and shall consider whether there is a requirement on health and safety grounds for fencing to be installed around the attenuation basins. The Local Planning Authority shall provide its written response to the submitted report within 21 days of its receipt, or longer as may be agreed with the applicant. The response of the Local Planning Authority shall be binding on the applicants, with any approved works being delivered prior to the occupation of any dwellings.

Reason: In the interests of the amenities of future occupiers and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

- 13. No dwellings shall be occupied until details of the play areas have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play areas shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031.

14. No development above base course level (in the case of highway infrastructure) or ground floor slab level (in the case of a building) shall commence within a phase, until details of proposed screen walls/fences has been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

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

15. No part of the development hereby approved shall be occupied until details of how both cyclist and pedestrians will use the pathways at the southern end of the site that link to the bridleway to the south have been submitted to and approved in writing by the Local Planning Authority, and the approved details have been installed.

Reason: In the interests of pedestrian and cyclist safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

16. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
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