

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

25 JAN 2018

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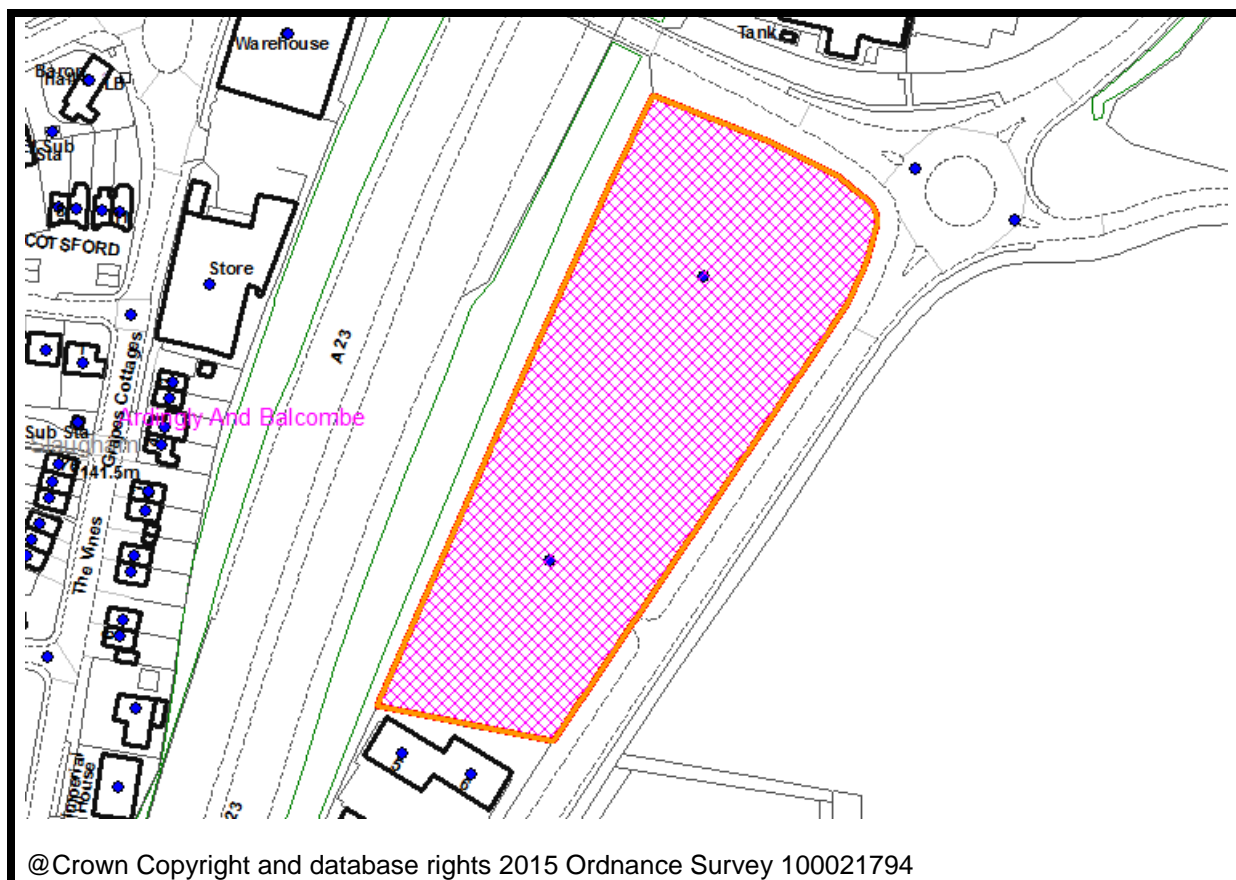
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

25 JAN 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/2648



**LAND TO THE SOUTH OF PEASE POTTAGE SERVICES LAND PARCEL AT 526143
133007 BRIGHTON ROAD PEASE POTTAGE
CREATION OF A NEW B2 USE WORKSHOP BUILDING WITH ANCILLARY OFFICES
AND ASSOCIATED SITE WORKS AND LANDSCAPING. NEW PLANS RECEIVED
11.07.2017 SHOWING INCREASED WIDTH TO MAIN BUILDING BY 1.2M TO
PROVIDE 7.2M WIDE BAY.
GALLAGHER PROPERTIES LTD**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts /
Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Land
Compensation Act Notice / Aerodrome Safeguarding (CAA) / Radar
Safeguarding (NATS) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 21st September 2017

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Ms Susan Dubberley

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is being sought for the creation of a new B2 use workshop building with ancillary offices and associated site works and landscaping.

While the proposal is sited within the, within the Countryside Area of Development Restraint and is in the High Weald Area of Outstanding Natural Beauty, the development will create a significant number of jobs and promote additional spending in the local economy, which reflect the Government's priority to promote sustainable development and economic growth. The site is also located in an area where it is surrounded by development. Such factors weigh heavily in favour of supporting the application.

Any harm caused by the proposal would be outweighed by the benefits it would bring to the area as a whole and it is therefore considered that the proposal would comply with C4, C6, B1, B3, B7, T4, T5 of the Mid Sussex Local Plan, policies, Policy DP2, DP10, DP14, DP19, DP24, DP27 and DP36 of the emerging District Plan and the principles and policies of the NPPF.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

SUMMARY OF CONSULTATIONS

Full details of the consultation responses summarised below can be viewed in Appendix B of this report.

MSDC Environmental Health - Protection

No comments to make on this application.

MSDC Environmental Health - Contaminated Land

No condition relating to contaminated land required.

WSCC Highways

No objection, subject to conditions.

WSCC Flood Risk

No objection, subject to condition.

Highways England

No objection, subject to condition.

Gatwick Airport

Could conflict with safeguarding criteria unless any planning permission granted is subject to the condition requiring the submission of a Bird Hazard Management Plan.

NATS

No objection.

High Weald Joint Advisory Committee

Object: It is considered that the proposed development does not conserve or enhance the High Weald AONB and is therefore contrary to paragraph 115 of the NPPF.

Crawley Borough Council

No objections.

SUMMARY OF REPRESENTATIONS

None.

INTRODUCTION

Planning permission is being sought for the creation of a new B2 use workshop building with ancillary offices and associated site works and landscaping. The development is to be a purpose built facility to accommodate the operational requirements for Scania for the servicing, haulage maintenance and MOT facility for Scania lorries.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The site comprises approximately 1.23 hectares of land and is roughly rectangular in shape. The site is located on the west side of Brighton Road. To the west of the site is the A23 dual carriageway, to the north of the site are the Pease Pottage Services and 'The Pavilions' Industrial Estate lies to the south of the site. The site itself comprises open land, surrounded by trees and shrubbery. The existing access is from Brighton Road to the east of the site.

The site is located within the Countryside Area of Development Restraint and is in the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Planning permission is being sought for the creation of a new B2 use workshop building with ancillary offices and associated site works and landscaping. The proposal comprises a 6 bay workshop for vehicle servicing, MOT testing and repairs with ancillary sales, administration and offices. A vehicle washing facility would also be included and a refuse store. The development would provide up to 40 new jobs.

Parking 36 car parking spaces for staff and visitors are proposed and 25 HGV spaces, along with 10 cycle parking spaces. The existing access onto the Brighton Road would be used but widened to accommodate the HGV traffic. A new footpath is proposed abutting the widened entry to the south and a further pedestrian access and new footpath to the north of the site giving access to the Horsham Road, providing access to the service station and the existing bus stop on Brighton Road.

A new sliding steel gate would secure the site entrance and the existing boundary fence is to be replaced with a 1.8m high steel security mesh fence. .

The main building would have a flat roof and measure 52m long, 32m wide and 11m high. The building would for the most part be double height, where the lorry servicing and repairs would take place with a two storey element at the far western end of the building housing reception, ancillary sales, administration and offices.

The proposed materials are profiled insulated wall panel cladding system in a light silver metallic to the main workshop and dark silver to administration areas. Windows to be aluminium framed double glazed with colour to match the walls. All access doors to be galvanised steel with colour to match adjacent wall. The doors to the service bays would be in the form of overhead shutter doors with glazed panels and the colour of the frame to match the walls.

The facility is planned to have 24 hour usage, which is essential to allow vehicle recovery when required. However Scania have a similar facility in Maidstone depot and experience has shown that the majority of operations are undertaken during the day.

LIST OF POLICIES

Mid Sussex Local Plan

C1 (countryside);
C4 (Areas of Outstanding Natural Beauty);
C6 (Trees, Hedgerows and Woodlands);
B1 (Design);
B3 (Residential Amenities);
B7 (Trees and Development);
B23 (noise pollution);
T4 (New Development);
T5 (Parking Standards);
T6 (Cycle Parking).
E5 (Business use on other sites)
E7 (New business development outside of the built-up area)
B3 (Neighbour Amenity)
B23 (noise pollution)
T4 (Highways)
T5 (Parking)

Slaugham Neighbourhood Plan

Regulation 14 Draft Plan published. Consultation finished 8th January.
Material planning consideration but little weight

Draft Mid Sussex District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, that are required in order to make the plan sound, on the 13th November 2017. The comments

received have been sent to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in early 2018.

Relevant policies include:

Policy DP2 - Sustainable Economic Development (Little weight)
Policy DP10 - Protection of the Countryside (Significant weight)
Policy DP12 - Sustainable Rural Development (Significant weight)
Policy DP14 - High Weald AONB (Significant weight)
Policy DP19 - Transport (Little weight)
Policy DP24 - Character and Design (Little weight)
Policy DP27 - Noise, Air and Light Pollution (Some weight)
Policy DP36 - Trees, Woodland and Hedgerows (Some weight)

The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

National Policy

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking, the document provides the following advice at paragraph 187:

'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

Paragraph 197 states that: *'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

ASSESSMENT (Consideration of Key Issues)

Principle of Development

Planning law requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Mid Sussex Local Plan (MSLP) shows the site lying within a Countryside Area of Development Restraint (Policy C1). Within such areas, only certain categories of development are allowed as an exception to the general policies of restraint that applies. The proposal does not fall into any of these exception categories. Members will be aware that Policy C1 has recently been found to be out of date, due to paragraph 49 of the NPPF, with regard to restricting housing development in the absence of a five year housing land supply. Although the policy is clearly dated, the same argument does not apply here as the proposal is for a business park rather than residential development. The proposal is therefore contrary to Local Plan policy C1.

Policy C4 of the Mid Sussex Local Plan states:

Within the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, as shown on the Proposals Map and its Insets, the aim to conserve and enhance natural beauty is regarded as the overall priority. Proposals for development will be subject to the most rigorous examination and only those which comply with this aim will be permitted.

Development will not be permitted in the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, unless:

- a) *it is reasonably necessary for the purposes of agriculture or some other use which has to be located in the countryside;*
- b) *it is essential for local social and / or economic needs; or*
- c) *it can be demonstrated that the development would be in the national interest and that no suitable sites are available elsewhere.*

In considering development proposals within or immediately adjacent to the AONB, including those regarded as exceptions, particular attention will be paid to the siting, scale, design, external materials and screening of new buildings that are proposed in order to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of the area.

In paragraph 17, the framework sets out a core planning principle to:

"Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth."

Paragraphs 18-19 of the NPPF add:

"The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

This report will consider detailed issues relating to the proposal below.

Employment and economic issues

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and, with regard to the economic role, states that the planning system should be:

"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."

Paragraphs 18-21 of the NPPF require the planning system to support sustainable economic growth, with policies setting out a clear vision and strategy and which identifies strategic sites for local and inward investment.

Policy DP2 of the emerging plan seeks to encourage high quality developments to support existing local businesses and facilitate inward investment.

The proposal is, however, in conflict with policies E5 and E7 of the Mid Sussex Local Plan which state:

E5 In addition to the sites specifically allocated for business use in this Local Plan, permission will be granted in appropriate circumstances, for business development on other sites where the proposal is for:

- a) the extension or redevelopment of existing premises within the built up areas;*
- b) the reuse of some rural buildings, with a use on a scale consistent with the building's location;*
- c) the reuse of buildings of special interest;*
- d) development to meet an identified need of a local firm which can be met in no other way;*
- e) the erection or change of use of small buildings (defined as being of less than 300m² gross floor area) in the built-up areas in order to help meet a shortfall in such accommodation. The subsequent extension or intensification of the use of such buildings which results in the loss of a small unit of business accommodation or has a detrimental impact upon the surrounding area will not be permitted; or*
- f) development proposals in the defined town centres.*

E7 Outside the defined built-up area, proposals for new business development will only be permitted where:

- a) *they involve small scale extensions to existing industrial, office or storage premises and the following criteria are satisfied:*
- i. *the extension is essential to the operation of an established business, and can be accommodated satisfactorily within the existing boundaries of the site;*
 - ii. *the proposal would not harm the amenities of the surrounding area;*
 - iii. *access arrangements are satisfactory and additional traffic generation would not have an adverse impact on local roads;*
 - iv. *the layout and detailed design are in keeping with its countryside location.*
- b) *they involve the reuse of existing rural buildings for business, tourism or recreation purposes and the criteria contained in Policies C12, C13 and C14 of this Local Plan are complied with.*

These policies deal with employment related proposals on land not specifically allocated for development or in the countryside. The proposal does not meet the criteria set out in either policy.

Balanced against the above it that the proposal would result in clear economic benefits in terms of the direct boost to the local economy during the construction phase and subsequent economic growth and employment opportunities from a large well known and established company moving to the area. These are factors that weigh in favour of the development. Given the strong support from the NPPF for economic growth and the direction of emerging local policies, it is not considered that the conflict with the more dated Local Plan policies is sufficient to warrant refusal on economic grounds in this case.

Design and visual impact including AONB

Policy C4 of the Mid Sussex Local Plan emphasises that particular attention will be paid to the siting, scale, design, external materials and screening of proposed buildings to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of Areas of Outstanding Natural Beauty or their settings.

Policy DP14 of the draft Mid Sussex District Plan states:

"Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- the identified landscape features or components of natural beauty and to their setting;
- the traditional interaction of people with nature, and appropriate land management;
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage.

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design."

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is found in the NPPF at para 17 where one of the 12 principles states that planning should:

"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

As indicated the site is within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

In addition paragraph 115 of the NPPF states that "Great weight should be given to conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Policy B1 of the Local Plan promotes high quality design, construction and layout in new buildings. Policy DP24 of the District Plan also promotes high quality design and that all development and surrounding spaces be well designed and reflect the distinctive character of the town(s).

Paragraph 17 of the National Planning Policy Framework sets out a set of core land-use planning principles that should underpin decision-taking, including the notion that planning should: *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."* Furthermore, paragraphs 56, 58 and 61 set out the Government's position with regard to the importance and principles of good design.

It is noted that the High Weald's AONB Unit's Planning Advisor has raised an objection to the application in particular that the building or its surroundings have not been designed with its AONB location in mind but appears to be based on an existing Scania depot at Maidstone including corporate colours that will not blend with the High Weald landscape.

While the utilitarian nature of the design is recognised, this reflects the proposed use and purpose of the building which has in some ways dictated the design. The height of the building will be such that it will only be largely screened by the vegetation and trees on the on the perimeters of the site and the proposals include additional planting on the boundary. The development will also be seen in the context of its location close to Pease Pottage Service station and the adjoining industrial estate. It is also relevant that the site is surrounded by other development on three sides and the A23 to the west such that a case for development of the land could be made. The use of the site for employment is considered appropriate for the site, particularly as the site would not lend itself to a residential use given the high levels of traffic noise in this location.

The use of the site for a B2 use by an established and well known company and the associated employment opportunities that the use would afford is welcomed in terms of the economic benefits for the District.

It is considered that in this case the overall benefits would outweigh any adverse impact on the AONB and that the proposals are on balance acceptable and would comply with the above policies.

Effect on neighbouring amenity

Policy B3 of the Local Plan aims to protect residential amenity and states that planning permission will not be granted for proposals if significant harm to the amenities of nearby residents is likely. The policy cites a number of potential issues including a reduction in sunlight and daylight, reduction in outlook and loss of privacy.

In terms of the impact on adjoining properties, the site does not have any immediate residential neighbours and the nearest developments are the Pease Pottage Service station to the north and 'The Pavilions' Industrial Estate to the south. It is therefore considered that that there would be no significant impact on amenity arising from the proposed development.

Similarly given the location the proposed 24 hour use is not seen as an issue particularly as the Pease Pottage service station is nearby and operates 24 hours. Although as stated above the applicants do not anticipate a large amount of activity during the night as it is clear from their experience in Maidstone that most activity would be during the daytime.

Therefore the application complies with policy B3 of the Mid Sussex Local Plan.

Ecology

The application is supported by an Ecological Assessment. The assessment sets out the survey work undertaken and considers the proposed development's impact on statutory and non-statutory designated sites of nature conservation importance and protected species.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, Paragraph 118 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

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

Opportunities to incorporate biodiversity in and around developments should be encouraged."

Policy C5 of the Mid Sussex Local Plan, states that development will only be permitted where the proposal minimises the impact on features of nature conservation importance and that the weight attached to nature conservation interests will reflect the relative significance of the designation.

An Ecology report has been submitted with the application and a survey of the site has been carried out and due to the nature of the site which is mainly grass scrubland little evidence of any wildlife was found. The conclusion was that the site offers some limited opportunities for wildlife and that any adverse effects could be avoided or adequately mitigated. For example a Robin was recorded during the course of the habitat survey. The scrub on the site offers potential for both nesting and foraging birds. If the removal of any of the scrub is required to facilitate the development, it is recommended that their removal be undertaken outside the breeding season (March to July inclusive) or checked for nesting birds by a trained ecologist immediately prior to removal. It is therefore considered that subject to a condition to ensure that any mitigation measures are implemented there would be no adverse impact on ecology.

It is considered that having regard to the above the application would comply with policy C5 of the Mid Sussex Local Plan.

Impact on trees

Policy B7 of the Local Plan seeks to retain trees as far as possible for their amenity value. Policy DP36 of the Mid Sussex District Plan states that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

An Arboricultural assessment has been submitted to accompany the application and concludes that only two trees, an oak and cherry tree will need to be cut back to accommodate the required pedestrian and lorry access. In addition three sections of hedge would need to be removed. It is therefore considered that the impact of the development on trees will be minimal.

It is therefore considered that the proposal would comply with the above policies.

Ashdown Forest

The proposed development has been assessed through the Mid Sussex Transport Study and although it is a windfall site, sufficient capacity exists such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall traffic impact on Ashdown Forest. This means there is not considered to be a significant in combination effect on the Ashdown Forest SAC as a result of this development proposal.

Access, parking and highway safety

Policy T4 of the Local Plan seeks to ensure that all new development does not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Policy T5 seeks to ensure that adequate parking is provided in relation to development proposals.

The application is supported by way of a Transport Assessment (TA), Stage One Road Safety Audit (RSA), and Travel Plan Statement (TPS). Vehicular access is proposed onto the B2114 Brighton Road which is subject to a 50mph speed limit.

WSCC Highways have raised no objection and have commented that:

The proposed access takes the form of a priority junction, with a 10metre wide carriageway width. Tracking drawings provided demonstrate that the proposed geometry is adequate to allow for unrestricted two way HGV movements. Visibility splays of 4.5 by 160 metres are indicated. These are sufficient for the posted speed limit.

In summary, with the exception of the need for an additional crossing point over Horsham Road (with such details securable via condition), there are no in principle objections to the proposed vehicular access arrangements. The applicant will need to secure the appropriate consents to enable the necessary access works to be constructed within the public highway.

Trip generation for the proposed use has been based upon evidence from other sites operated by the applicant. Permission is though being sought for a specific B2 use class, raising the possibility of an alternative site occupier who may in turn generate more vehicle movements than have been allowed for in the current assessment. Given that the building proposed is relatively bespoke for the end operator's use, in this instance using evidence from another comparable site is considered acceptable.

Using this data, the site is anticipated to generate 8 two way movements in the AM network peak period and 21 movements in the PM network peak. This number of movements would fall below the LHA's thresholds to require the formal capacity assessment of any nearby junction.

The LHA are satisfied that this proposal would not give rise to any severe highway capacity impacts.

As a further observation, the nature of the use will give rise to a number of daily HGV movements in the immediate area. The site is however accessed directly from a classified road with access to the trunk road network close by. Although it is beyond the control of the applicant's as to which routes HGV's use, it is recommended that a section is included in the travel plan that encourages visiting to HGVs to use classified road and not to arrive via Handcross village. HGVs using routes from the west via Horsham Road/Forest Road are already prohibited by way of an enforceable traffic regulation order. A revised TP that includes this matter should be sought via condition.

No comments would be offered with respects to the internal arrangements, including parking. This layout is very much governed by the needs of the applicant.

Highways England were consulted on the application and initially had concerns regarding the potential of the development to impact on the safe and efficient operation of the strategic road network, in this case the M23 Junction 11. However following the submission of additional information, no objection has been raised:

Having reviewed the amended traffic modelling in relation to the above application, our position is that we have no objection to the proposals subject to the provision of a Site Construction Traffic Management Plan being provided and agreed with Highways England prior to works commencement.

In view of the above it is considered that the proposals are acceptable in regard to traffic issues and would comply with the above policies.

Drainage

Policy CS13 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained.

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the development in respect of surface water drainage and have had raised no concerns subject to appropriate conditions

It is considered that subject to a condition forming part of any approval there should therefore be no conflict with the above policy.

Conclusions

While the proposal is sited within the, within the Countryside Area of Development Restraint and is in the High Weald Area of Outstanding Natural Beauty, the development will create a significant number of jobs and promote additional spending in the local economy, which reflect the Government's priority to promote sustainable development

and economic growth. The site is also located in an area where it is surrounded by development. Such factors weigh heavily in favour of supporting the application.

Any harm caused by the proposal would be outweighed by the benefits it would bring to the area as a whole and it is therefore considered that the proposal would comply with C4, C6, B1, B3, B7, T4, T5 of the Mid Sussex Local Plan, policies, Policy DP2, DP10, DP14, DP19, DP24, DP27 and DP36 of the emerging District Plan and the principles and policies of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for external walls, windows and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with policy B1 of the Mid Sussex Local Plan.

4. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: To ensure that adequate and satisfactory provision is made for the accommodations of vehicles clear of the highways and to accord with Policy T4 of the Mid Sussex Local Plan.

5. No part of the development shall be first occupied until visibility splays of 4.5 metres by 160 metres have been provided at the proposed site vehicular access onto B2114 Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy T4 of the Mid Sussex Local Plan.

6. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include the retaining walls, indications of all existing trees on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with policy B1 of the Mid Sussex Local Plan.

7. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 B1 of the Mid Sussex Local Plan.

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

Reason: To encourage and promote sustainable transport and to accord with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Pre-Submission District Plan 2014-2031.

9. No part of the development shall be first occupied until the footway as shown on drawing number 0301 Revision P-02 has been constructed in accordance with a construction specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T4 of the Mid Sussex Local Plan.

10. No part of the development shall be first occupied until a pedestrian crossing across Horsham Road has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T4 of the Mid Sussex Local Plan.

11. No works to the development hereby permitted shall commence on site until a Construction Management Plan, to include details of numbers and routing of construction vehicles and provision to control and manage construction traffic and measures to prevent dust and debris from being blown or otherwise deposited onto the M23 Motorway / A23 Trunk Road, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

Reason: To ensure that construction of the development does not result in avoidable congestion on the M23 Motorway and A23 Trunk Road, to prevent extraneous material being deposited on the highway, to ensure that the M23 Motorway & A23 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

12. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of: Management of any flat/shallow pitched roofs on the proposed building which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the roof order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

13. The recommendations set out in the Ecological Assessment by Ecology Solution dated March 2017 (7299.ECOAs.vf) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with Policy C5 of the Mid Sussex Local Plan and para 109 and 118 of the NPPF.

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

Reason: To ensure that adequate and satisfactory provision is made for the accommodations of vehicles clear of the highways and to accord with Policy T4 of the Mid Sussex Local Plan.

INFORMATIVES

1. Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

High Weald Joint Advisory Committee

Thank you for consulting the High Weald AONB Unit on this planning application.

Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. It is the responsibility of Mid Sussex District Council to decide whether the application meets legislative and policy requirements in respect of AONBs.

I note that the applicant's Planning Statement acknowledges on p11 that the site is located within the High Weald Area of Outstanding Natural Beauty, therefore requiring a "sensitive approach to development". The Statement suggests that "the development of the site is appropriate, given the areas directly surrounding the site are already utilised for residential and industrial uses". The Statement refers to the pre-application advice that "It is considered that in this case given the location of the site whereby it is surrounded by

other development, a case for use of the land could be made". However, the pre-application advice goes on to say that "any development would need to conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, as set out under para 115 of the NPPF."

I was unable to discover any evidence in the Planning Statement or the Design and Access Statement that the building or its surroundings had been designed with its AONB location in mind. The building appears to be based on an existing Scania depot at Maidstone including corporate colours that will not blend with the High Weald landscape. This is a missed opportunity to use the recently produced High Weald Environmental Colour Assessment which recommends colours for buildings that reflect the High Weald landscape. The area around the building is mostly hard surfaced and the limited soft landscaping provided focuses on screening the building from the M23 rather than from the AONB. The landscaping on the western side appears to be just a verge which will not soften the impact of this development on the AONB at all.

In conclusion, it is considered that the proposed development does not conserve or enhance the High Weald AONB and is therefore contrary to paragraph 115 of the NPPF.

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Crawley Borough Council

I write with reference to your consultation received on the 29th June 2017 and apologise for my late response. I note to date that the application remains pending consideration.

The site lies to the south of the Crawley Borough boundary and east of Pease Pottage village, it appears to comprise an area of undeveloped land bounded by the M23 to the east. At its closest point is approximately 220 metres from the Borough boundary. The proposal as described is for the construction of a B2 workshop with ancillary offices and associated site works to be used for the maintaining, servicing and repairing of heavy goods vehicles with 5 HGV service bays and one MOT bay along with ancillary accommodation and storage.

The Council does not consider that the proposed development would have any direct impact on amenity through increased noise or disturbance. It is noted that the site is within High Weald AONB where the requirements of paragraph 115 of the NPPF apply. Crawley considers that Mid Sussex District Council should ensure they are satisfied the development meets the required tests for this landscape designation. It is noted that the proposed building is a 2 storey scale industrial building of simple rectangular form with silver clad elevations and a flat roof. This is considered a fairly standard construction for the proposed use however, it is considered that appropriate landscaping and materials should be secured given site's landscape designation and the need for this to be sensitively integrated into its surroundings.

The main potential impact on Crawley Borough is considered to be the traffic generation as a result of the use. It is anticipated however that the main impacts would be in the trunk roads rather than local neighbourhoods and residential streets as a result of the HGV's arriving and departing the site.

Provided that WSCC are satisfied that the highway impacts can be adequately accommodated, the Borough Council does not consider this would result in any adverse impact on Crawley residents.

Subject to consideration of the above comments, Crawley Borough Council raise NO OBJECTION to the application.

WSCC Flood Risk

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the detailed comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk: Low risk

Comments: Current uFMfSW mapping shows the majority of the proposed site being at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility: Negligible risk

Comments: The area of the proposed development is shown to be at negligible risk from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any historic local flooding? No

Comments: We do not have any records of historic flooding either nearby or within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses within or near to the boundary of the proposed development area.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

Future development - Sustainable Drainage Systems (SuDS)

The FRA included with this application proposes that a combination of SuDS techniques (soakaway / attenuation tank with porous base) would be used to restrict the runoff from the development to Greenfield run-off rates. These methods would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

MSDC Environmental Health

Environmental Protection has no comments to make on this application.

MSDC Environmental Health - Contaminated Land

Have reviewed the application together with information held by the contaminated Land Team and can confirm that no condition relating to contaminated land required.

West Sussex County Council Highways

The current application is supported by way of a Transport Assessment (TA), Stage One Road Safety Audit (RSA), and Travel Plan Statement (TPS). The scope of the TA has been discussed and agreed with WSCC, in their role as Local Highway Authority, as part of pre application discussions.

Vehicular access is proposed onto the B2114 Brighton Road. This is subject to a 50mph speed limit. Considering also the nature of the proposed use and associated vehicle types and sizes, the access has therefore been considered against the standards and guidance set out within the Design Manual for Roads and Bridges is therefore applicable.

Reference is made in the TA to the access design being considered against Manual for Streets. Looking at the geometry proposed, it is apparent that this is not the case. The reference to MfS is taken as being included in error.

The proposed access takes the form of a priority junction, with a 10metre wide carriageway width. Tracking drawings provided demonstrate that the proposed geometry is adequate to allow for unrestricted two way HGV movements. Visibility splays of 4.5 by 160 metres are indicated. These are sufficient for the posted speed limit.

Additional works are proposed to accommodate access for pedestrians. These works provide for an additional length of footway along the southern side of Horsham Road. These works will then provide a continuous walking route westward to connect with the controlled crossing point secured as part of the Hardriding Farm development (DM/15/4711).

Although reference is made to the Hardriding Farm development and the services included within the site, limited consideration is given to walking routes northwards and in particular crossing arrangements across Horsham Road. The presence of the facilities at the services at Pease Pottage would place further emphasis on the need to provide a suitable crossing point to reach these facilities.

Given the presence of the splitter island on the western arm of the Horsham Road/B2114 Brighton Road Roundabout it would seem feasible (subject to the detailed design) to alter this so as to include dropped kerbs of pedestrians. This would then also provide an onward connection to the controlled crossing point again proposed as part of DM/15/4711 that leads into the Hardriding Farm development. Details of this crossing arrangement can be secured via condition.

The access arrangements have been reviewed by a Stage One Road Safety Audit. The Audit raises a number of problems, the majority of which will be considered as part of the detailed design. The Designer has accepted all problems raised and these will be considered further at an appropriate time.

In summary, with the exception of the need for an additional crossing point over Horsham Road (with such details securable via condition), there are no in principle objections to the proposed vehicular access arrangements. The applicant will need to secure the appropriate consents to enable the necessary access works to be constructed within the public highway.

Trip generation for the proposed use has been based upon evidence from other sites operated by the applicant. Permission is though being sought for a specific B2 use class, raising the possibility of an alternative site occupier who may in turn generate more vehicle movements than have been allowed for in the current assessment. Given that the building proposed is relatively bespoke for the end operator's use, in this instance using evidence from another comparable site is considered acceptable.

Using this data, the site is anticipated to generate 8 two way movements in the AM network peak period and 21 movements in the PM network peak. This number of movements would fall below the LHA's thresholds to require the formal capacity assessment of any nearby junction.

The LHA are satisfied that this proposal would not give rise to any severe highway capacity impacts.

As a further observation, the nature of the use will give rise to a number of daily HGV movements in the immediate area. The site is however accessed directly from a classified road with access to the trunk road network close by. Although it is beyond the control of the applicant's as to which routes HGV's use, it is recommended that a section is included in the travel plan that encourages visiting to HGVs to use classified road and not to arrive via Handcross village. HGVs using routes from the west via Horsham Road/Forest Road are already prohibited by way of an enforceable traffic regulation order. A revised TP that includes this matter should be sought via condition.

No comments would be offered with respects to the internal arrangements, including parking. This layout is very much governed by the needs of the applicant.

In conclusion, the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Based on the information submitted, the LHA are satisfied that no severe highway safety or capacity impacts would result.

If minded to approve this application, the following conditions are suggested.

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Visibility

No part of the development shall be first occupied until visibility splays of 4.5 metres by 160 metres have been provided at the proposed site vehicular access onto B2114 Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Parking space

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

Reason: To provide car-parking space for the use.

Travel Plan Statement

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

Reason: To encourage and promote sustainable transport.

Footway on Horsham Road

No part of the development shall be first occupied until the footway as shown on drawing number 0301 Revision P-02 has been constructed in accordance with a construction specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Pedestrian Crossing on Horsham Road

No part of the development shall be first occupied until a pedestrian crossing across Horsham Road has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

INFORMATIVES

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

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Highways England

Council's Reference: DM/17/2648

Location: Land to the South of Pease Pottage Services (Land Parcel At 526143 133007) Brighton Road, Pease Pottage, West Sussex

Proposal: Creation of a new B2 use workshop building with ancillary offices and associated site works and landscaping. New plans received 11.07.2017 showing increased width to main building by 1.2m to provide 7.2m wide bay.

Highways England Ref: HAMIS 78293

Referring to the planning application (consultation received 14 July 2017) referenced above, in the vicinity of the M23 and A23 at Pease Pottage, West Sussex that form part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that a condition should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with this recommendation they must consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

1. Condition: Construction Management Plan

No works to the development hereby permitted shall commence on site until a Construction Management Plan, to include details of numbers and routeing of construction vehicles and provision to control and manage construction traffic and measures to prevent dust and debris from being blown or otherwise deposited onto the M23 Motorway / A23 Trunk Road, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

Reason: To ensure that construction of the development does not result in avoidable congestion on the M23 Motorway and A23 Trunk Road, to prevent extraneous material being deposited on the highway, to ensure that the M23 Motorway & A23 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Gatwick Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

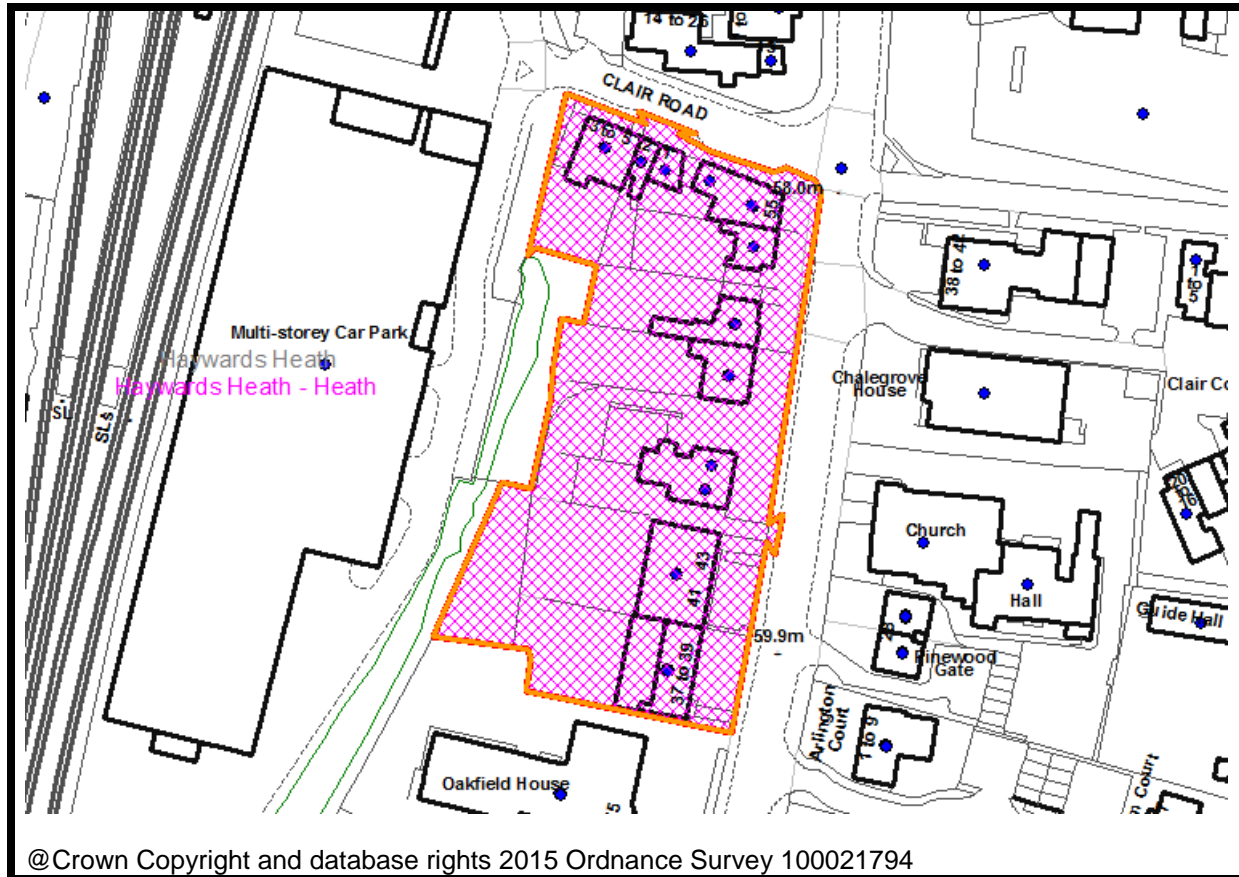
Management of any flat/shallow pitched roofs on the proposed building which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the roof order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

2. DM/17/3413



LAND AT 37 - 55 PERRYMOUNT ROAD AND 1-5 CLAIR ROAD HAYWARDS HEATH WEST SUSSEX RH16 3BN

OUTLINE PLANNING APPLICATION FOR REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 145 NEW RESIDENTIAL UNITS INCLUDING 30% AFFORDABLE HOUSING AND 1209 SQ. METRES OF COMMERCIAL FLOORSPACE (A2 USE CLASS), TOGETHER WITH ASSOCIATED CAR PARKING. ALL MATTERS TO BE RESERVED EXCEPT FROM ACCESS. AMENDED PLANS RECEIVED 14TH DECEMBER SHOWING A REDUCTION IN THE SITE AREA AND A REDUCTION IN THE PROPOSED CAR PARKING FROM 103 TO 88 SPACES.

MR J BALL

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) /Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 29th November 2017

WARD MEMBERS: Cllr Sandra Ellis / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Mr Steven King

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks outline planning permission for the redevelopment of land at 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial floorspace (A2 use class), together with associated car parking. The matters to be determined at the outline stage are the principle of the development and the means of access. If this outline application is approved then a subsequent reserved matters application would need to be made for the appearance, landscaping, layout and scale of the site. The elevations and floor plans that have been submitted with this application are for illustrative purposes to demonstrate that this quantum of development could be accommodated on the site.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. The National Planning Policy Framework (NPPF) is an important material consideration.

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF). In these circumstances paragraph 14 of the NPPF and the presumption in favour of sustainable development applies.

This means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

This is therefore the balancing exercise that must be undertaken by the decision maker.

Weighing in favour of the scheme is that the development will provide 145 residential units in a highly sustainable location at a time where there is a general

need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight. The provision of affordable housing on the site is also a fact that should be given significant positive weight.

It is considered that satisfactory access can be provided to the site. It is felt that the level of car parking provision would not result in a level of on street car parking that would cause a highway safety hazard. The Highway Authority does not object to the scheme.

It is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. These matters are therefore neutral in the planning balance.

Weighing against the scheme is the fact that in order to accommodate this level of development, the proposal would result in a development that was of a significantly greater scale than the existing development on Clair Road. However it is not felt that the proposal would be so dominant or overbearing that it would cause a significant loss of residential amenity.

The proposal is therefore deemed to comply with the requirements of Policies G3, C5, B1, B3, B9, B23, H2, H3, H4, E2, T4, T5, T6 and CS13 of the Mid Sussex Local Plan, Policies DP2, DP5, DP6, DP18, DP19, DP24, DP25, DP26, DP27, DP37 and DP39 of the submission District Plan and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme resulting from the difference in scale between the proposal and existing development on Clair Road, officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that this proposal would not result in significant and demonstrable harm that would outweigh the benefits of providing what would be a contribution to the Council's current housing supply.

It is therefore recommended that permission be granted, subject to the conditions listed at Appendix A and the completion of a section 106 legal agreement to secure the necessary infrastructure provision and affordable housing.

Recommendation A

It is recommended that permission be granted, subject to the conditions listed at Appendix A and the completion of a section 106 legal agreement to secure the necessary infrastructure provision and affordable housing.

SUMMARY OF REPRESENTATIONS

6 Letters of objection received:

- building will change from being 4 storeys high to 6/7 storeys high which is unnecessarily tall and will be an obstruction to the sunset;
- concerned about loss of yoga premises which are well located and well used;
- pleased that the originally proposed dull monolithic building has been split into four separate elements;
- concerned about the excessive height of the scheme;
- building will be too dominating and is out of scale with its surroundings;
- density will add to traffic on an already busy road;
- developer should reconsider the density, height, design and the scale of this scheme to create an acceptable redevelopment of the area;
- will cause a loss of light;
- don't object to the principle of the development but do request a more suitable design;
- parking is inadequate and will lead to unauthorised illegal parking

1 Letter raising the following point:

- request a detailed traffic management plan during construction

HAYWARDS HEATH TOWN COUNCIL

The Town Council notes the amended plans received by Mid Sussex District Council on 14/12/17, which show a reduction in the site area and a reduction in the proposed number of parking spaces from 103 to 88.

Members have no further comment to make at this stage other than to reiterate the comments and observations made at the meeting of the Town Council's Planning Committee held on Monday, 13 November 2017, i.e.

'Whilst it is acknowledged that the plans are for indicative purposes only and that all matters are to be reserved except for access, Members welcome the revisions to the design and consider them a positive step in what it is hoped will be an ongoing evolution of the scheme. Furthermore, the proposal aims to deliver 30% affordable housing, which is key.

Some of the comments and observations that were made when this application was first considered by the Town Council on 9/10/17 are still relevant and these are reiterated as follows:

'This is a significant opportunity to improve the gateway to the town, which is an important urban location on the perimeter of the station quarter and adjacent to the forthcoming Premier Inn Hotel. The Committee's view is that this is an opportunity to provide a contemporary, forward-looking design, in keeping with the future aspirations of the town.

It is believed the height of the building echoes neighbouring premises in Perrymount Road. The Town Council requests that the following conditions are put on the application:

Conditions:

- The outline plan offers trees, and some details of soft landscaping. These must be included as a planning condition (not informative).
- The development will have communal bins for landfill and recycling. These are large commercial bins which are not collected by MSDC, therefore to prevent emerging Environmental Health issues developing, movement of waste or goods in/out of the site will not be permitted before 07:00 or after 22:00 daily.
- Entrance gates, the development should be gated to prevent conflict from emerging unauthorised parking issues, with trade buttons set to operate after 07:00 daily.
- Construction Management Plan, to include on-site parking (not in nearby roads) for all construction site personnel along with wheel washing by hand.
- Construction hours, works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00-18:00 hours, Saturday 09:00-13:00 hours Sundays and Bank/Public Holidays no work permitted.

Reason: This is a commercial build for profit, therefore economic interests could compromise nearby resident interests, consequently this condition is required to protect the amenity of residents. B3 MSLP applies.

- Building/Lease covenants, should be configured with provisions to allow a change of use from Commercial to Retail Classes A1, 2 and 3. This is to prevent reoccurrence of issues restricting development elsewhere in the town, and critically to comply with policy objective 7A of the extant HHNP, supporting flexible and sustainable economic development in Haywards Heath.'

Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) public realm improvements to South Road;
- art in the community - town centre £10,000;
- support for Haywards Heath library £5,000;
- IWP - community infrastructure £35,000;
- Sport £10,000;
- highways/transport £10,000.

SUMMARY OF CONSULTEES

County Planning Officer

Requests infrastructure contributions for education, library services and Total Access Demand based on a formula.

Highway Authority

Following the provision of the attached information which shows sufficient capacity on the local network to accommodate any additional overnight parking I can confirm no highway objection is raised to the application (and noting the amended plans received on the 14th of December showing a reduction in the site area and a reduction in the proposed car parking spaces from 103 to 88 spaces).

WSCC Lead Local Flood Authority

Modelled surface water flood risk: Low risk
Modelled ground water flood risk susceptibility: Low risk
Records of any flooding of the site? No
Request conditions regarding surface water drainage designs

West Sussex Fire and Rescue Service

To be reported.

Horsham and Mid Sussex CCG

Requests an infrastructure contribution of £56,683 on a pro rata basis to go towards health care infrastructure (possibly Newtons at Haywards Heath Health Centre)

Sussex Police

I have concerns that the lack of parking at the development and the subsequent usage of available nearby parking by the development's users will be detrimental to the surrounding area. Parking issues can be a very sensitive subject and can easily escalate into anti-social behaviour. Accordingly, I advise that Sussex Police would not support this application.

Leisure Officer

Requests the following infrastructure contributions:
£119,715 for play equipment
£33,925 for kickabout
£144,180 for formal sport
£62,630 for community buildings

Urban Designer

Both because of the site's proximity to the similar scaled office buildings and because it optimises the advantage of its juxtaposition with the railway station, I accept the principle of a substantially larger frontage, even though there will be a significant contrast in scale around the Clair Road junction with the adjacent 3 storey "Clevelands" block. However

the elevations must be of a high quality and the proposed blocks need to work together as a group.

I believe that this southern block should be limited to a total of 7 storeys (i.e. as per the other blocks) incorporating a single storey plinth ground floor; 4 storey middle section and 2 storey set back/stepped/ziggurat-profiled floors at the top extending symmetrically across more of the frontage (and with the middle block following suit that would also generate a more even frontage). The slight reduction in overall volume that would likely be necessary could potentially be offset by a larger proportion of one-bed flats to approximately achieve the proposed overall number of units.

Housing Officer

The applicant is proposing a development of 145 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (44 units). The proposal is for a 100% flatted development and it is agreed that the affordable provision should be by way of 1 bed and 2 bed flats only. The proposed mix is for 21 x 1 bed flats and 12 x 2 bed flats for affordable rent and 7 x 1 bed flats and 4 x 2 bed flats for shared ownership. This mix meets our tenure split requirement of 75% rented and 25% shared ownership and will meet a range of housing needs but in particular the need for smaller units of affordable rented accommodation in the district.

Drainage Officer

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

INTRODUCTION

This application seeks outline planning permission for the redevelopment of land at 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial floorspace (A2 use class), together with associated car parking. The matters to be determined at the outline stage are the principle of the development and the means of access. If this outline application is approved then a subsequent reserved matters application would need to be made for the appearance, landscaping, layout and scale of the site. The elevations and floor plans that have been submitted with this application are

for illustrative purposes to demonstrate that this quantum of development could be accommodated on the site.

RELEVANT PLANNING HISTORY

There have been a number of previous planning permissions for the various buildings within the site for changes of use and extensions. None of these are of direct relevance to the determination of this application, which is seeking consent for a comprehensive redevelopment of the whole site.

SITE AND SURROUNDINGS

The site, which is subject to this planning application, measures approximately 0.62 hectares (1.53 acres) in size. The site lies on the western side of Perrymount Road, and to the south of Clair Road, forming a relatively large corner plot of land. It currently comprises several individual commercial premises of varying age and design. The existing commercial uses include estate and letting agencies and financial advisors.

The existing site is a collection of commercial units varying in size; the units total some 2,601sqm. The units located along Perrymount Road all have front parking courts with individual dropped kerbs whilst a number of access points also continue to rear parking areas as well. Two dropped kerbs are located on Clair Road also providing access to rear parking courts.

The rear (west) of the site backs onto an access road and railway station. In particular the railway land to the immediate west of the site comprises a new car parking area that serves the station.

There is a fall in levels through the site from south to north. To the immediate south of the site there are a number of larger office buildings on the same side of the road as the application site.

Immediately opposite the site on the northern side of Clair Road is Clevelands a part 2, part 3 storey residential block which has been designed to face both Clair Road and Perrymount Road. Further to the north is a nursery school, with the newly constructed Waitrose retail store beyond. Further to the north still is the station roundabout.

On the eastern side of Perrymount Road there are a great variety of building types and styles. These include commercial uses, a church and some residential. Directly opposite the site planning permission has been granted under reference DM/17/1136 for the demolition of Perrymount House 38 - 42 Perrymount Road and the erection of a 78 bed hotel and associated restaurant.

In terms of planning policy the site is within the built up area of Haywards Heath as defined in the Mid Sussex Local Plan (MSLP). In terms of the Haywards Heath

Neighbourhood plan (HHNP) the site is identified by the plan as lying within the commercial area within the built up area of the town.

APPLICATION DETAILS

This application seeks outline planning permission for the redevelopment of land at 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial floorspace (A2 use class), together with associated car parking. The matters to be determined at the outline stage are the principle of the development and the means of access. If this outline application is approved then a subsequent reserved matters application would need to be made for the appearance, landscaping, layout and scale of the site. The elevations and floor plans that have been submitted with this application are for illustrative purposes to demonstrate that this quantum of development could be accommodated on the site.

The illustrative plans show that there would be four separate building blocks. One block would be on the northwest part of the site fronting onto Clair Road. One would be on the corner of Clair Road and Perrymount Road. The other two blocks would front onto Perrymount Road. The plans show that there would be one vehicular point of access onto Clair Road and one vehicular point of access onto Perrymount Road.

During the course of the application, the applicants have submitted amended plans that have reduced the site area because the applicants did not have control over a parcel of land at the rear (west) of the site. This has resulted in a reduction in the available car parking. The scheme now provides for 88 car parking spaces.

The illustrative plans show that the block of flats that would turn the corner of Perrymount Road and Clair Road would be 7 storeys in height. The illustrative plans show the building having a curved feature on the corner. The top two floors of this building that would face onto Perrymount Road would be set back.

The second and third buildings on Perrymount Road are illustratively shown as being 7 and 8 storeys in height. Again the upper two floors would be set back. The illustrative elevations show the main facades being brick with the set back floors having a rendered finish. The illustrative plans show the buildings as having balconies that are inset within the building. The ground floor of these building would be in commercial (A2 financial and professional services) use with the upper floor being residential.

The building that would front solely onto Clair Road is shown as being 6 storeys in height on the illustrative plans. It would also have commercial uses on the ground floor with flats on the upper floors.

LIST OF POLICIES

Mid Sussex Local Plan

G3 - Infrastructure
C5 - Nature Conservation
B1 - Design
B3 - Residential Amenity
B9 - Crime prevention and design
B23 - Noise
H2 - Density and Dwelling Mix
H3 - Infill & Other Housing Developments within Built-up Areas
H4 - Affordable housing
E2 - Retention of Land for Employment Purposes
T4 - Access and Parking
T5 - Parking standards
T6 - Cycle parking
CS13 - Drainage

Haywards Heath Masterplan Supplementary Planning Document (SPD)

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan (HHNP) has been made and so forms part of the development plan. It is therefore a material consideration with full weight. The most relevant policies are:

Policy E8 (major development proposals)
Policy E9 (local character)
Policy E11 (major development in prominent locations)
Policy E13 (outdoor space in residential developments)
Policy B2 (town centre uses)

Mid Sussex District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, that are required in order to make the plan sound, on the 13th November 2017. The comments received have been sent to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in early 2018.

The most relevant policies, and the weight that can be attached to them, are:

Relevant policies include:

- DP2 - Sustainable Economic Development (little weight)
- DP5 - Housing (little weight)
- DP6 - Settlement Hierarchy (little weight)
- DP18 - Securing Infrastructure (little weight)
- DP19 - Transport (little weight)
- DP24 - Character and Design (little weight)
- DP25 - Dwelling Space Standards (significant weight)
- DP26 - Accessibility (little weight)
- DP27 - Noise, air and light pollution (some weight)
- DP37 - Biodiversity (some weight)
- DP39 - Sustainable Design and Construction (little weight)
- DP41 - Drainage (some weight)

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking the document provides the following advice:

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- Character and design
- Affordable housing
- Crime prevention
- Energy Efficiency
- Impact on residential amenity
- Noise
- Access, Parking, and Highway Safety
- Drainage
- Infrastructure
- Impact on Ashdown Forest
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (2008), the Mid Sussex Local Plan (MSLP) (2004) and the Haywards Heath Neighbourhood Plan (2016).

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 49 of the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be

considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time.

Prior to the Supreme Court judgement of the 10th May 2017 (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) case law had stated that Policy C1 of the Mid Sussex Local Plan was a "policy for the supply of housing" and was therefore not considered to be up to date by virtue of paragraph 49 of the NPPF in the absence of a 5 year housing land supply.

However, the Supreme Court's judgement has made a clear ruling which now favours the narrow view of paragraph 49. That is policies for the supply of housing capture only those policies that are directly related to housing supply and seek to satisfy paragraph 47 which requires LPA's to 'boost significantly the supply of housing.'

The implication for this is that Policy H1 of the MSLP is clearly out of date as it is the Mid Sussex Local Plan's principle housing supply policy and makes provision for housing only until mid-2006.

It is also relevant to take into account the recent Written Ministerial Statement in December 2016 that sets out the relevant policies for the supply of housing in a neighbourhood plan, that forms part of the Development Plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

This Ministerial Statement does not impact on the Council's planning application decision making so the Statement has little bearing on the application. The reason for this is that the Council currently cannot demonstrate an agreed 3 year supply of housing land for the reasons given above.

As the Council cannot currently demonstrate an agreed 5 year supply of deliverable housing sites para 14 of the NPPF is applicable. This states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted."*

The second bullet point of the 'decision taking' section currently applies as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that must be taken is that the development is assessed against paragraph 14 to see whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The weight to be given to saved policies of the MSLP will need to be assessed against the degree of conformity with the NPPF.

In light of the above, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7 of the NPPF. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

Principle of Development

The site of the application lies within the built up area of Haywards Heath in close proximity to the railway station. Development plan policy as a matter of principle seeks to resist the net loss of residential accommodation (policy H6 in the MSLP). Development plan policy also seeks to resist the net loss of business floorspace (policy E2 in the MSLP) unless it is inappropriately located or its loss would bring about a wider community benefit. In the MSLP the term 'business' is used to cover commercial/office, industrial and storage/warehousing uses, but not shopping.

In this case the proposal would result in the following changes on site:
A2 (financial and professional services): a net increase of some 157sq m
B1 (a) (office): a net reduction of some 950sq m
D1 (non-residential institutions): a net reduction of some 250sq m
D2 (assembly and leisure): a net reduction of some 150sq m

There would be no loss of residential accommodation.

It is clear from the above that there would be a net loss of employment floorspace at the site. Given the fact that the site is within the built up area and close to the railway station, it could not be reasonably argued that the existing business floorspace was inappropriately located. However it is considered that the proposed redevelopment of the site would bring about wider community benefits that would accord with policy E2 of the MSLP. These benefits would comprise the following: the provision of up to 145 new dwellings in a highly sustainable location, a more optimal use of the site, an improvement to the architecture and public realm of the site and surrounding area. In light of the above it is considered there is no conflict with policy E2 of the MSLP.

The site is also within the Haywards Heath Master Plan (HHMP) Supplementary Planning Document (SPD). A SPD is one of the material considerations that can be taken into account when determining a planning application for development. It is intended to provide helpful guidance for developers, applicants and other parties involved in the development process, which is consistent with the policies contained within the Mid Sussex Local Plan. The HHMP shows the site area as being a proposed new mixed use development, including residential, offices, leisure and car parking. The indicative proposals map within the HHMP refers to new buildings on the site being some 5-6 storeys in height.

The HHMP dates back to 2007 and whilst it is still a material planning consideration, its weight is now reduced due to the passage of time, the publication of more recent government guidance in the form of the NPPF and the fact that another more recent development plan document is in place (Haywards Heath Neighbourhood Plan). Nonetheless it is considered that the broad principle of a redevelopment of the site accords with the objectives of the HHMP as it was set out.

Policy B2 in the HHNP states:

Planning permission will be granted for development or change of use that will encourage a diverse range of uses in the Town Centre including new office, leisure, community, hotel, retail and residential which can be shown to support the core retail offer and generate vitality and add viability to the Town Centre whilst avoiding harm to existing businesses and residential properties. Schemes that result in the loss of residential accommodation in the town centre will only be granted

- *in cases of upper floor accommodation where an independent access does not exist and cannot be provided,*
- *in cases where there are insurmountable environmental factors which mitigate against continued residential use,*
- *where an employment or retail use is proposed, providing that use would enhance the vitality and viability of the town centre.*
- *where additional residential accommodation is being provided*

The Town Centre Inset and Policies and Proposals Map in the HHNP classifies this area as being a "commercial area", with the "Primary Town Centre" being shown as being

further to the south on The Broadway, Church Road and The Orchards Shopping Centre. It is therefore considered that policy B2 is relevant to the determination of this application.

Whilst there would be a loss of some commercial floorspace as a result of the development, there would still be new high quality commercial floorspace on the site, together with up to 145 new dwellings. The additional population within the town centre will assist in supporting town centre businesses as sought by policy B2 in the HHNP. It is therefore considered that whilst there is not full compliance with all of the requirements of policy B2 (since there will be a loss of existing commercial floorspace) overall it is felt that the proposal accords with the direction of travel that is sought by this policy, namely, improving the town centre of Haywards Heath.

Character and design

Policy B1 in the MSLP seeks a high standard to design in new development. A similar ethos is carried forward in policy DP24 of the MSDP. Policy E11 in the HHNP seeks to ensure that major development in prominent locations is supported by an assessment of the views to and from the development. Policy E9 in the HHNP states

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*
- *Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.*

The NPPF is strongly supportive of good design and states that good design is indivisible from good planning.

In this case it is important to note that the application is in outline form with only the principle of the development and the means of access to be determined at this stage; the elevations that have been submitted are for illustrative purposes. However given the fact that the scheme is seeking consent for up to 145 dwellings on the site, it would necessitate buildings of the heights that have been shown on the illustrative elevations to

achieve this quantum of development. Therefore it is considered to be reasonable to consider whether the principle of having buildings of this broad scale is acceptable in design terms having regard to the development plan policies identified above.

The buildings to the south of the site on the western side of Perrymount Road are large scale office buildings. The applicant's submissions indicate that the indicative footprint of the proposed buildings on the site would be of a comparable scale to the office buildings to the south of the site. The illustrative elevations show the proposed buildings as being of a fairly similar scale to those to the south of the site. The proposed buildings would be of a substantially greater scale than the 3 storey flats to the north of the site on Clair Road. The proposed buildings would also be of a greater scale than the 3 storey offices and flats to the east of the site on Perrymount Road. Planning permission has been granted for a 4 storey hotel to the east of the site at Perrymount House, 38-42 Perrymount Road.

It is considered that the area around the site is characterised by buildings of varying designs and scales. The office buildings to the south of the site on the western side of Perrymount Road are of a greater scale than the buildings on the opposite side of the road to the east and those immediately to the north of the site. The proposal would therefore be of a similar scale to the office buildings to the south but would be of a greater scale than those to the north and east.

The site is in a prominent location and is located on what is becoming a more important gateway along Clair Road, which provides a pedestrian route to the station. It is considered that in such a gateway area and on a site that is highly sustainable, it is a reasonable design approach to seek to optimise the use of the site, subject to the proposal being able to be properly accommodated on the site.

It is your officers view that given the above points, whilst the proposed buildings are likely to be a substantially greater scale than those to the north and to a lesser extent, those to the east, they would be of a similar scale to the office buildings to the south and therefore the development could as a matter of principle (bearing in mind that the elevations are illustrative), be satisfactory and comply with the development plan policies identified above in terms of the design of the scheme. If outline consent is granted a subsequent reserved matters application would need to be made for the details of the appearance and scale of the proposed buildings. It is at this point that the detail of the design would be considered. This could involve for example, the elevations being amended so that the height of the development was more uniform across the site. It could involve a change to the indicative mix of the scheme to have more one bed units if there was a requirement to reduce the scale of the proposed buildings. All of these are matters that can be properly dealt with at the reserved matters stage.

Policy E13 in the HHNP states

Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s)

and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.

In this case, whilst the application is in outline form, it is clear from the submissions that the amount of public open space on the site will be limited to the areas of public realm to the front of the proposed buildings. The illustrative elevations show balconies that are inset into the proposed flats. It is considered that given the town centre location of the site, such provision of private balconies would be the good quality space that is sought by policy E13.

Overall it is considered that the scheme will optimise the use of the site and for all the reasons outlined above, this broad scale of development will be acceptable on the site in design terms.

Affordable housing

Policy H4 in the MSLP requires developments on sites such as this to provide 30% affordable housing on site. The applicants have advised that they are prepared to provide a policy compliant level of affordable housing on the site. The proposal is for a 100% flatted development and it is agreed that the affordable provision should be by way of 1 bed and 2 bed flats only. The Councils Housing Officer is satisfied with the indicative mix that is shown on the applicant's submissions (21 x 1 bed flats and 12 x 2 bed flats for affordable rent and 7 x 1 bed flats and 4 x 2 bed flats for shared ownership). The Housing Officer has noted that on the illustrative floor plans 10 of the 2 bed flats only meet the National Spaces Standards for 2 bed 3 person dwellings which they consider would not be acceptable, particularly for affordable rented housing where 2 bed units should accommodate 4 persons. As they have correctly identified, this matter would need to be addressed at a subsequent reserved matters application.

Overall it is considered that the application would provide a policy compliant level of affordable housing. It is considered that the provision of 44 affordable dwellings is a significant benefit that should attract significant positive weight in the overall planning balance.

Energy Efficiency

Policy B4 in the MSLP seeks to ensure that new development has regard to the issue of energy efficiency and sustainable design. A similar aim is carried forward in policy DP39 of the MSDP. The applicants have provided a Sustainability Statement with their application. In summary it anticipates that the development would utilise high efficiency gas boilers, energy efficient lighting and external walls that have U values (U-values measure how effective a material is an insulator. The lower the U-value is, the better the material is as a heat insulator) which perform better than the minimum standards required by Building Regulations, water efficient sanitary fittings, including low flow toilets, showers, taps and white goods.

It is considered that the applicants have had regard to the issue of energy efficiency and that the scheme complies with the policies identified above.

Crime prevention

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy B9 in the MSLP states *"The design and layout of new development proposals should minimise the potential for crime without harming visual quality."*

Sussex Police have commented on the application and have raised objections to the proposal on the basis that they consider that parking provision is not sufficient for the development and therefore this could result in anti-social behaviour.

The applicants have stated that it is proposed a car park management company be appointed to enforce the allocation of parking and ensure internal yellow lines are not contravened. The details of this can be secured by a suitably worded planning condition.

The comments of Sussex Police are noted. It is considered that a balance need to be struck between providing a reasonable level of car parking provision (bearing in mind the highly sustainable location of the site) and making optimal use of the site. Prospective residents of the development will know that the level of car parking for the site is less than one space per dwelling and therefore it is reasonable to expect that people will be aware of this when making a decision as to whether this is the right site for them to live in or not. It is not unusual to have less than one space per dwelling within urban locations such as this.

With regards to car parking for employees on the ground floor of the development, it is again, not unusual for there to be no on site car parking for such commercial uses in an urban area like this. There are alternatives to the private car for those who will be employed at the site, as well as a number of town centre car parks that can be used.

In light of the above, whilst the comments of Sussex Police are noted, it is considered that it would be very difficult to sustain a reason for refusal based on this issue. This is a highly sustainable location where it is considered reasonable for the scheme not to meet the Councils maximum car parking standards.

Impact on residential amenity

Policy B3 in the MSLP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. There are residential properties in the flats to the north of the site on Clair Road and to the east of the site on Perrymount Road.

The flats to the north on Clair Road are 3 storeys in height. The indicative plans show the footprint of the new buildings being some 18m away from the flats on Clair Road at their closest point.

Whilst the application is in outline form and the elevations that have been submitted are illustrative, because the scheme is seeking consent for up to 145 dwellings on the site, it would necessitate buildings of the height that have been shown on the illustrative elevations to achieve this quantum of development. Therefore it is reasonable to base judgements about the likely impact of the scheme on the residential amenities of existing occupiers on the illustrative elevations that have been provided.

In terms of a visual impact, the proposed development will be more dominant on the outlook from the south facing elevations of the flats on Clair Road compared to the existing two storey buildings that occupy the site. The issue is whether the likely height of the new dwellings would result in them being so dominant that they would be overbearing and cause a significant loss of residential amenity. This is an urban site where it can be reasonable expected that densities will be greater, building heights will be taller and there will be less separation between residential buildings compared to suburban areas. The desire to optimise the use of sites such as this must be balanced against the impact on existing occupiers. Overall it is considered that whilst the new buildings would be of a substantially greater scale than the existing buildings on the site, on balance it is not felt that they would be so dominant or overbearing as to cause a significant loss of residential amenity.

The application is accompanied by a Daylight, Sunlight and Overshadowing Report that is available on file for inspection. The report is based on the principles set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice'. The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy. The BRE criteria have been used to assess the likely levels of daylight and sunlight to habitable rooms in the surrounding properties. Compliance with the BRE Guide is achieved if the levels of daylight/sunlight within the identified receptors of the surrounding properties are equal to or greater than the absolute values established by the Guide. The report explains that as per the BRE Criteria for daylight, sunlight and overshadowing, compliance with the criteria is either achieved or not. However, the Guide does not provide criteria for determining the magnitude of the change. Compliance with the BRE Guide is also achieved for the identified receptors of the surrounding properties if the ratio of impact between the baseline and proposed scenarios is 0.80 or higher, i.e. the reduction in daylight or sunlight hours is 20% or less.

For the flats at Clevelands on Clair Road, a total of 23 receptors have been assessed. Of these, with the development, 2 would be above the BRE compliance criteria and 21 would be below. In terms of the magnitude of change, the report states that for 2 of the receptors it would be negligible, for 7 it would be low and for 14 it would be medium. The revised report indicates there would be a maximum Vertical Sky Component (VSC) reduction of

the 38%. The amount of daylight a room needs depends on what it is used for. The BRE Guide recommends that an ideal Average Daylight Factor (ADF) of 1.5% should be achieved for living room spaces. The applicants report states that as a worst case scenario for the block, the ground floor receptor with the lowest VSC has been tested. In absence of flat layouts, the average daylight factor of a single aspect room with typical room dimensions of 3m x 4m x 2.5m has been calculated. In this case an ADF of 1.5% was achieved for the worst case receptor at ground floor.

For the flats to the east on Perrymount Road at 5-28 Pinewood Gate, a total of 18 receptors have been assessed. Of these, with the development, 14 would be above the BRE compliance criteria and 4 would be below. In terms of the magnitude of change, the report states that for 14 of the receptors it would be negligible, for 2 it would be low and for 2 it would be medium. The applicants report states that given the unavoidable VSC relative reduction due to existing projecting wings of the existing balconies on the building at Pinewood Gate and considering that a relatively localised low magnitude of change has been observed, overall, there is likely to be a negligible to minor effect on the daylight receptors of 28 Pinewood Gate.

In terms of an impact on light levels on the neighbouring properties around the site, it is considered that the evidence that the applicants have provided indicates that the reduction in light levels that would be received would not be at a level that would warrant a refusal of planning permission on this ground.

Should planning permission be granted for this proposal, there will be some disruption to existing residents during the construction phase. This is an inevitable consequence of a redevelopment of this scale. Such impacts would be temporary and can be managed by a suitable construction management plan. This would not be a reason to resist the application.

Noise

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The main source of noise for future occupiers of the houses would be from Perrymount Road and potentially from the railway line to the west. The application is accompanied by an acoustic report that the Councils Environmental Health Officer has been able to consider. The application is also accompanied by a Vibration Planning report, which concludes that no vibration impact on prospective occupiers is expected to be present due to the operation of the adjacent train station.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or

avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

As environmental noise levels vary throughout the site, the applicant has split the site into three areas each requiring a different level of protection in terms of glazing and ventilation in order to ensure habitable rooms meet BS8233:2014 requirements. For habitable rooms facing towards Perrymount Road and Clair Road, the applicants report indicates that there will be a need for a system capable of providing purge ventilation and comfort cooling without the need for the windows to be opened, as BS8233:2014 standards cannot be met with the windows open.

The Councils EHO has advised that he believes that the recommendations listed in the applicants acoustic report should ensure that future residents are protected in regards current environmental noise levels. Compliance with the recommendations of the applicant's acoustic report can be secured by appropriate planning conditions. With such conditions in place the application would comply with policy B23 of the MSLP and policy DP27 of the MSDP in respect of noise.

Access, Parking, and Highway Safety

Paragraph 32 of the NPPF states in respect of transport matters;

Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

This is reflected within Policy T4 of the MSLP where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the Local Plan it is considered that the relevant test in this case is of 'severe' impact, and in these circumstances the Local Plan Policy has diminished weight in this respect.

Policy E8 in the HHNP seeks to ensure that major development proposals will be designed to make the town more sustainable, having regard to a number of issues,

including the promotion of walking, cycling and public transport and the promotion of car sharing.

The existing site is a collection of commercial units varying in size; the units total some 2,601sqm. The units located along Perrymount Road all have front parking courts with individual dropped kerbs whilst a number of access points also continue to rear parking areas as well.

In relation to vehicular access to the site, the plans show that there would be an access point onto Perrymount Road and an access onto Clair Road. The submitted plans show the access points would be 5m in width. The applicants are proposing to apply for a traffic regulation order (TRO) to install double yellow lines at the access points and their visibility splays. The applicants have stated that they would make the necessary contribution to make such an application and this would be set out in the section 278 agreement with the Highway Authority. Servicing and deliveries will be undertaken within the site.

Whilst for illustrative purposes only, the ground floor layout plan submitted with the application shows cycle parking on the ground floor of all of the blocks at the rear of the buildings. The final detail of the cycle parking would need to be dealt with as part of any subsequent reserved matters submission.

The applicants have submitted a Travel Plan with their application. The key aim of the Travel Plan is to reduce single occupancy car use for travel to the site. The specific targets of the Travel Plan are to reduce the number of vehicle trips generated over a 12-hour period (weekday 07:00-19:00) by 15%; and to reduce the number of vehicle trips generated by the site during the morning peak hour (08:00-09:00) and evening peak (17:00- 18:00) by 15%.

Measures that are proposed in the Travel Plan include promotion of public transport, promotion of a car sharing scheme, Residential Travel Information Packs and the provision of Travel Vouchers. The Travel Plan also states that an initial approach has been made to a car club provider who have expressed interested in providing car club vehicles at the site.

In relation vehicular movements at the site, the applicants have utilised the TRICS database to compare vehicular movements with the current lawful uses on the site compared to what can be anticipated with the proposed development. The applicant's submissions indicate that due to the reduction in commercial floorspace on the site across a typical day, the development attracts/generates some 24 less vehicle movements than the current site and therefore results in a slight net reduction in traffic movements.

The Highway Authority has considered the applicants submissions. They have raised no highway objection to the application, subject to a number of conditions. In relation to the access onto Perrymount Road it is proposed that the applicants will apply for a TRO to secure double yellow lines across the access and associated visibility splays. The National Planning Practice Guidance (PPG) sets out the Governments guidance on the

use of planning conditions. It advises that it may be possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken. Case law has found that it is not appropriate to use such conditions where there is no possibility of the specified action being able to be complied with, since this would have the effect of negating the planning permission. In this case, it can be expected that the applicants will apply for a TRO.

In this case it is considered that it would be reasonable to impose the planning condition that the Highway Authority have requested in respect of requiring the applicants to make an application for a TRO to secure double yellow lines across the access and visibility splays for the access onto Perrymount Road. It is considered that there is a sound case for imposing such a condition.

In relation to Clair Road, the Designers Response to the road safety audit has noted that *"at present, two accesses onto Clair Road are provided both of which would have compromised visibility as a result of any parked vehicles. No accidents have been recorded on Clair Road in the 60 months to February 2017. Furthermore, paragraph 10.7.1 of Manual for Street 2 recognises 'Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice'."* They go on to state that notwithstanding this point, the closure of the lay by on Clair Road will be explored with the Highway Authority. The Highway Authority have advised that they would support the closure of this layby but that they do not regard this as essential for the development to proceed. Any proposal to close this layby can be included as part of the TRO that the applicants will need to make.

In light of all the above, it is considered that it has been demonstrated that satisfactory access can be provided to the site.

In relation to car parking, the revised plans now indicate that there would be 88 car parking spaces, some in undercrofts at the rear of the building and some surface parking. These would be for the residential flats, there would be no on-site parking for the commercial element of the scheme. The District Councils maximum car parking standards are set out in the Development and Infrastructure SPD and specify a maximum of 1 space per 1 bed unit and a maximum of 2 spaces per 2 bed unit.

The application is in outline form and therefore the schedule of accommodation is illustrative. This illustrative schedule refers to 78 x 1 bed and 67 x 2 bed units. Using this Councils maximum car parking standards, this would equate to 212 car parking spaces. Assessing the adequacy of car parking provision on any site is a matter for the District Council as the Local Planning Authority. The Highway Authority will provide advice on car parking matters and will for example, raise objections if they consider that the level of proposed car parking is so deficient that it would result in on street car parking that would lead to a highway safety hazard.

The applicants have also submitted a car parking survey over 2 days (10th and 11th January) that provides a snap shot of available on street parking in the vicinity on

Perrymount Road and Clair Road. For the parking 9am to 6pm bays (of which there are some 33 spaces) on Perrymount Road, this survey shows that on the 10th January there were 10 cars parked and on 11th January they were 5 cars parked. On Clair Road there are 3 car parking bays (8am to 6pm) and on 10th January there was 1 car parked and on 11th January there were 3 cars parked.

It is considered that this is a highly sustainable location, being adjacent to the railway station and in a location where there is a choice of methods of travel to access shops, employment and other services. There are car parking restrictions around the site. To the south on Perrymount Road there are double yellow lines on both sides of the road and to the north there are single yellow lines, with no car parking allowed Mon to Sat between 8am and 6pm. There is time restricted parking to the south on Perrymount Road with restrictions in place Mon to Fri between 9am and 6pm, with parking limited to two hours.

Given the fact that there are existing parking restrictions on areas where it would be considered detrimental to highway safety to park, it is not considered that the level of car parking provision proposed with this development would result in on street car parking that would be detrimental to highway safety. Given the town centre location of the site, parking restrictions can readily be enforced by the Councils Civil Enforcement Officers. It is therefore felt that the level of car parking that is proposed can be accepted on the basis that it would not cause a highway safety problem and it allows for an efficient use of a previously developed site in a highly sustainable location.

Drainage

Policy CS13 in the MSLP seeks to ensure that developments are properly drained and this is carried forward in policy DP41 of the MSDP. It is intended that surface water would discharge to the adopted surface water sewer in Perrymount Road. Foul water would discharge to local public system.

The site lies in Flood Zone 1 where there is a low risk of fluvial flood risk. In addition, the majority of the site is already covered by hard standing. The Councils drainage engineer has no objection to the scheme and is of the view that the means of drainage for the site can satisfactorily be controlled by a planning condition. On this basis there is no conflict with the above planning policies.

Infrastructure

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 203 and 204. Respectively, these paragraphs state:

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

and:

"Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

Policy G3 of the Local Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

West Sussex County Council Contributions:

Library provision: based on a formula

Education Primary: based on a formula

Education Secondary: based on a formula

TAD: based on a formula to be spent on South Road Public Realm improvements.

District Council Contributions

Childrens play space: £119,715 is required to make improvements to play equipment at Haywards Heath Recreation Ground and a contribution of £33,925 is also required toward kickabout provision to install basketball hoops at Beech Hurst.

Formal sport: £144,180 is required toward the cricket facilities at Haywards Heath Recreation Ground.

Community buildings: £62,630 is required toward the cost of improved community facilities at Clair Hall or a replacement building

Local community infrastructure: Based on a formula approach to go towards environmental improvements to Perrymount Road, The Broadway, South Road and Sussex Road

Other contributions

NHS Sussex contribution of £56,683 on a pro rata basis to go towards health care infrastructure (possibly Newtons at Haywards Heath Health Centre)

The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

The Comments of the Town Council in relation to infrastructure are noted. Any infrastructure contributions that the LPA requests must be properly justified and based on the development and infrastructure SPD.

It is considered that the above contributions are justified having regard to this Council's development and infrastructure SPD and would meet the test of the CIL Regulations.

Contaminated Land

Policy CS20 in the MSLP seeks to ensure that new development on contaminated land will not have any unacceptable effects in terms of the environment or human health.

The applicants have provided a Phase I Environmental Assessment with their application. The report concludes that there is no evidence that significant contamination affects the site or is likely to constrain its future redevelopment. The report advises that the proposed redevelopment for predominantly residential use presents a 'low to medium' risk of unidentified contamination being exposed to site workers and future residents. Low to medium risk is classified as the following:

- Site considered suitable for present use and environmental setting.
- Contaminants may be present but unlikely to have an unacceptable impact on key targets.
- Action unlikely to be needed only if the Site remains in present use or otherwise remains undisturbed.

The Council's Contaminated Land Officer has considered this report and has confirmed that it meets current standards. He has advised that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Such a condition would meet the tests set out in the NPPF and would be appropriate. With this in place the scheme would comply with the policies identified above.

Ecological matters

The application is accompanied by a combined Phase 1 Habitat Survey and Preliminary Ecological Appraisal. The report concludes that *"This development would see the loss of a large area of hard-standing of poor ecological value, four buildings of negligible value to bats, three buildings of low value to bats, a small area of amenity garden of low ecological value, several sections of scattered trees and hedgerows and an area of scattered broad-leaved trees with medium ecological value (west bank)."* In relation to the removal of trees on the western side of the site the report advises that any vegetation removal or building demolition should be timed outside of the nesting bird season (1st March to 31st August) unless features are first hand search by a suitably qualified ecologist.

The application is also accompanied by a bat emergence/re-entry survey. The re-entry survey reported that *"no bats were observed re-entering any of the buildings at any time and only a single bat was observed during the survey, with a single common pipistrelle"*

briefly observed commuting past building 1. The location of these buildings within an urban location, which are subject to high levels of artificial light suggests that there is little value present for roosting bats." The report concludes in relation to the buildings on site that "No further surveys or mitigation measures are considered necessary for the demolition of these buildings."

In light of the above it is considered that there are no ecological reasons that would present an obstacle to this site being redeveloped.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

Whether the proposal would be Sustainable Development

As outlined above, the NPPF describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitute the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

The Economic Role

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the LPA to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a

material planning consideration and if permitted the LPA would receive a New Homes Bonus for each the units proposed.

The economic dimension is met by this proposal owing to the New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community.

The Social Role

The NPPF seeks to promote a *"strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being"*. The provision of up to 145 dwellings on the site will make an important contribution to the district's housing supply.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

The NPPF states that the planning system has a role to contributing to protecting and enhancing our natural, built and historic environment. The site is not subject to any special designations. The proposal is considered to be acceptable in terms of the scale of the design and offers the opportunity for improvements to the public realm.

It is therefore considered that the development meets the environmental role of sustainable development.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise.

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF).

In the light of para.59 of the 'Hopkins Homes' Supreme Court judgement mentioned above, the lack of a demonstrable land supply 'is enough to trigger the operation of the second part of paragraph 14' and the presumption in favour of sustainable development.

This is therefore the balancing exercise that must be undertaken by the decision maker.

Weighing in favour of the scheme is that the development will provide 145 residential units in a highly sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight. The provision of affordable housing on the site is also a fact that should be given significant positive weight.

It is considered that satisfactory access can be provided to the site. It is felt that the level of car parking provision would not result in a level of on street car parking that would cause a highway safety hazard. The Highway Authority does not object to the scheme.

It is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. These matters are therefore neutral in the planning balance.

Weighing against the scheme is the fact that in order to accommodate this level of development, the proposal would result in a development that was of a significantly greater scale than the existing development on Clair Road. However it is not felt that the proposal would be so dominant or overbearing that it would cause a significant loss of residential amenity.

The proposal is therefore deemed to comply with the requirements of Policies G3, C5, B1, B3, B9, B23, H2, H3, H4, E2, T4, T5, T6 and CS13 of the Mid Sussex Local Plan, Policies DP2, DP5, DP6, DP18, DP19, DP24, DP25, DP26, DP27, DP37 and DP39 of the submission District Plan and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme resulting from the difference in scale between the proposal and existing development on Clair Road, officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that this proposal would not result in significant and demonstrable harm that would outweigh the benefits of providing what would be a contribution to the Council's current housing supply.

It is therefore recommended that planning permission should be granted subject to the conditions listed in appendix A and the completion of a satisfactory planning obligation to secure the necessary affordable housing and infrastructure provision.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

Pre commencement conditions

2. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

3. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E7 of the Neighbourhood Plan.

4. (1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,

b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c.

(3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In the interests of health of future occupiers and to accord with Policy CS20 of the Mid Sussex Local Plan and Policy DP1 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management

Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies B3 and T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

6. Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms in Façade Reference Groups A & B, as laid out in table 7.1 and Figure 7.2 of the Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

7. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

8. No development shall be commenced unless details of a refuse vehicle swept path analysis have been provided with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version

Pre occupation conditions

9. The development shall not be occupied until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and then implemented in accordance with the approved details.

Reason: In order to protect the appearance of the area and to accord with and Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

10. The dwellings shall not be occupied until the parking spaces/turning facilities shown on the submitted plans (or on the reserved matters plans) have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E8 of the Neighbourhood Plan.

11. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version

12. No part of the development shall be first occupied until such time as all but one of the existing vehicular accesses onto Perrymount Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version

13. No part of the development shall be first occupied until such time as until a Car Park Management Plan for has been submitted and approved in writing by the Local Planning Authority. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To provide car-parking space for the use and to comply with policy T5 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

14. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to comply with policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

15. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E11 of the Neighbourhood Plan.

16. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the program agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E11 of the Neighbourhood Plan.

17. The floors/ceilings that are between the commercial units at ground floor and the residential units above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria has not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version

18. Before the buildings hereby permitted are occupied recycling and dustbin enclosure(s) shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version

19. The building shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy T6 of the

Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E8 of the Neighbourhood Plan.

20. The development hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority for the provision of facilities for charging plug-in and other ultra-low emission vehicles.

Reason: To ensure that this is a sustainable development and to accord with policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

Construction stage

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan

Post occupation

22. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version

23. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays and Sundays.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version

24. The proposed commercial units shall only be open to the public between the hours of 07:00 to 23:00.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version

25. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July 2017. Specifically glazing and trickle vent will need to meet the standards laid out Table 7.1 of said report, with the exact criteria to be achieved being dependent on the particular façade as laid in figure 7.2 of the same report.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies B3, B23 and CS22 of the Mid Sussex Local Plan and Policies DP24 and DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version

26. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or amended in the future and the Town and Country Planning (Use Classes) Order 1987 now or as amended in the future, the ground floor of the buildings hereby permitted shall be used for A2 (financial and professional services) only and for no other purposes.

Reason: In order for the Local Planning Authority to control the future uses of the building in order to protect the amenity of adjoining residents and to comply with policy B3 of the Mid Sussex Local Plan and policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council notes the amended plans received by Mid Sussex District Council on 14/12/17, which show a reduction in the site area and a reduction in the proposed number of parking spaces from 103 to 88.

Members have no further comment to make at this stage other than to reiterate the comments and observations made at the meeting of the Town Council's Planning Committee held on Monday, 13 November 2017, i.e.

'Whilst it is acknowledged that the plans are for indicative purposes only and that all matters are to be reserved except for access, Members welcome the revisions to the design and consider them a positive step in what it is hoped will be an ongoing evolution of the scheme. Furthermore, the proposal aims to deliver 30% affordable housing, which is key.

Some of the comments and observations that were made when this application was first considered by the Town Council on 9/10/17 are still relevant and these are reiterated as follows:

'This is a significant opportunity to improve the gateway to the town, which is an important urban location on the perimeter of the station quarter and adjacent to the forthcoming Premier Inn Hotel. The Committee's view is that this is an opportunity to provide a contemporary, forward-looking design, in keeping with the future aspirations of the town. It is believed the height of the building echoes neighbouring premises in Perrymount Road. The Town Council requests that the following conditions are put on the application:

Conditions

- The outline plan offers trees, and some details of soft landscaping. These must be included as a planning condition (not informative).
- The development will have communal bins for landfill and recycling. These are large commercial bins which are not collected by MSDC, therefore to prevent emerging Environmental Health issues developing, movement of waste or goods in/out of the site will not be permitted before 07:00 or after 22:00 daily.
- Entrance gates, the development should be gated to prevent conflict from emerging unauthorised parking issues, with trade buttons set to operate after 07:00 daily.
- Construction Management Plan, to include on-site parking (not in nearby roads) for all construction site personnel along with wheel washing by hand.
- Construction hours, works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00-18:00 hours, Saturday 09:00-13:00 hours Sundays and Bank/Public Holidays no work permitted.

Reason: This is a commercial build for profit, therefore economic interests could compromise nearby resident interests, consequently this condition is required to protect the amenity of residents. B3 MSLP applies.

- Building/Lease covenants, should be configured with provisions to allow a change of use from Commercial to Retail Classes A1, 2 and 3. This is to prevent reoccurrence of issues restricting development elsewhere in the town, and critically to comply with policy objective 7A of the extant HHNP, supporting flexible and sustainable economic development in Haywards Heath.'

Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) public realm improvements to South Road;
- art in the community - town centre £10,000;
- support for Haywards Heath library £5,000;
- IWP - community infrastructure £35,000;
- sport £10,000;
- highways/transport £10,000.

County Planning Officer

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

1. **School Infrastructure Contribution**

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

		Dwelling Size		Occupancy
		House		Flat
1 bed	=	1.5		1.3
2 bed	=	1.9		1.9
3 bed	=	2.5		2.4
4+ bed	=	3.0		2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are - Primary £15,558, Secondary £23,442, Further Secondary £25,424), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on additional facilities at Warden Park Primary Academy.

The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.

2. **Library Infrastructure Contribution**

2.1 The County Librarian advises that the proposed development would be within the area served by Haywards Heath Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library's catchment area; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$ (which currently for the financial year 2016/2017 are 30sq.m and £4,560 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on extension of Haywards Heath Library. Should the funds required for this scheme be greater than the S106 monies collected, the contributions should be spent on the significant internal redesign of Haywards Heath Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1200

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

3.2 The contributions generated by this proposal shall be spent on South Road Public Realm improvements.

General points

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

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

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

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

Highway Authority

Following the provision of the attached information which shows sufficient capacity on the local network to accommodate any additional overnight parking I can confirm no highway objection is raised to the application (and noting the amended plans received on the 14th of December showing a reduction in the site area and a reduction in the proposed car parking spaces from 103 to 88 spaces) I am content to rely on the conditions included within my previous response dated the 21st of November 2017 and attached for ease.

21st November comments

Background

The existing site is located close to Haywards Heath Railway Station and is made up of a collection of commercial units varying in size; the existing units total 2,601sqm.

Proposed Development

The development proposes the provision of 1,207sqm commercial floor space and 145 residential units.

A technical note ref PH/JN/ITL12539-004TN has been provided to address concerns raised in the previous WSCC response.

Access

A safety audit has now been undertaken and a designer's response provided. The recommendations of the audit have been accepted and amendments proposed.

Car Parking

A total of 99 spaces are proposed and will be allocated to respective dwellings. A car park management company would be appointed to enforce the allocation and ensure internal yellow lines are not contravened. It is proposed that a car park management plan is prepared and submitted prior to occupation.

It is proposed to cover the site access and areas within the visibility splays with double yellow lines to which a contribution would be provided.

Clair Road layby

WSSC would be supportive of the removal of the Clair Road layby and the additional benefits that the improved urban realm could provide for pedestrians and potentially cyclists.

Swept Path Analysis

It has been confirmed that the red line boundary is that of the 1st floor balconies, as this is to be considered as a reserved matter, swept paths should be provided again at a later date.

Travel Plan

No revisions to the travel plan have been received as yet, however approval of the document can be conditioned.

Conditions:

Any approval of planning consent would be subject to the following conditions

Access (details required, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Access closure (prior to first occupation)

No part of the development shall be first occupied until such time as all but one of the existing vehicular accesses onto Perrymount Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Car parking space (details required)

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

Reason: To provide car-parking space for the use.

Car Park Management Plan

No part of the development shall be first occupied until such time as until a Car Park Management Plan for has been submitted and approved in writing by the Local Planning Authority. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To provide car-parking space for the use.

Construction Management Plan

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

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

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

Travel Plan (to be approved)

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

Reason: To encourage and promote sustainable transport.

Provision or Extension of Waiting Restrictions

No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at anytime restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety.

Swept Paths

No development shall be commenced unless details of a refuse vehicle swept path analysis have been provided with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety,

S106

A contribution of £7,500 for the funding of the traffic regulation order to amend Waiting restrictions on Perrymount Road and Clair Road
A TAD contribution has also been requested.

Informative

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway

WSSC Lead Local Flood Authority

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk	Low risk
Comments: Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding.	
This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.	

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility	Low risk
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Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any flooding of the site?	No
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Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses nearby?	No
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Comments: Current Ordnance Survey mapping shows no ordinary watercourses within or adjacent to the site boundary.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

Future development - Sustainable Drainage Systems (SuDS)

The FSSWA or this application proposes that permeable paving and subsurface storage with a restricted discharge to the existing sewer would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Horsham and Mid Sussex CCG

Thank you for recently alerting us to this planning application as MSDC's original consultation does not seem to have been received.

As you are aware Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham & Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG cover the entire catchment area of Mid Sussex District Council and this proposed development would create potentially 226 new residents/patients and in view of the proposed site's close proximity to Haywards Heath Health Centre these patients may choose to register with a town centre practice such as Newtons at Haywards Heath Health Centre where the 1980s building is struggling to cope.

In this respect, we and Newtons Surgery have plans to refurbish/realign the ground floor interior to better manage the large increase in patients already seen in Haywards Heath.

The CCG is also focusing on better delivery of NHS Community Services locally, many of which are stretched either from existing patient increase in numbers or increased use from an ageing population who tend to have a greater need and these services are also delivered from Haywards Heath Health Centre and from the Nightingale Centre at Kleinwort.

This is also reflecting a number of changes in the NHS particularly with the increasing demand for Complementary Community healthcare services generally. Accordingly,

further additional demand from new housing developments, will necessitate some building redesign to better accommodate these services.

In essence, significant Capital Infrastructure improvements are therefore being contemplated in Haywards Heath to facilitate the better delivery of Community and GP Services and which reflects how patient portfolios are increasing locally.

Given the circumstances, we consider that a Section 106 application for a developer contribution towards Healthcare capital infrastructure improvements to be entirely appropriate, on a pro rata basis, taking into account the number and types of dwellings.

In calculating our requirement we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer for the South East's approved formula which is accepted by all Local Authorities in West Sussex.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

We are therefore seeking a Section 106 developer contribution of £56,683 on a pro rata basis (This equates to an average of £391 per flat).

Sussex Police

Thank you for your correspondence of 03rd January 2018, advising me of amendments to outline planning application for the redevelopment of the above site to provide 145 new residential units including 30% affordable housing and 1207 sq. metres of commercial floor-space (A2 use class), together with associated car parking. All matters to be reserved except from Access and Layout at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

The amended application is as follows; Outline planning application for redevelopment of the site to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial floor space (A2 use class), together with associated car parking. All matters to be reserved except from Access. Amended plans received 14th December showing a reduction in the site area and a reduction in the proposed car parking from 103 to 88 spaces."

The development consists of four large residential blocks with commercial usage at ground floor level. Parking has been made available with rear parking courts and some under-croft parking. I believe the authority's policy for parking within new developments promotes a minimum of one car parking space per dwelling. The proposed 88 space for 145 dwellings and as such would appear inadequate. The application form submitted in support of the application indicates that the commercial aspect of the development has identified 60 proposed employees. Should 50 % of the proposed workforce travel by car to work, this number of employees when added to the planning authority's policy for minimum of 1 car per household, 88 dwellings clearly illustrates a lack of parking at the development.

I have concerns that the lack of parking at the development and the subsequent usage of available nearby parking by the development's users will be detrimental to the surrounding area. As mentioned in my previous comment with PE/MID/17/28/A. Parking issues can be a very sensitive subject and can easily escalate into anti-social behaviour.

Accordingly, I advise that Sussex Police would not support this application. I thank you for allowing me the opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 145 residential dwellings on Land at 37 - 55 Perrymount Road And 1-5 Clair Road Haywards Heath West Sussex RH16 3BN behalf of the Head of Corporate Resources.

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Haywards Heath Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 200m from the development site. This facility will face increased demand from the new development and a contribution of £119,715 is required to make improvements to play equipment. A contribution of £33,925 is also required toward kickabout provision to install basketball hoops at Beech Hurst. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £144,180 is required toward the cricket facilities at Haywards Heath Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £62,630 is required toward the cost of improved community facilities at Clair Hall or a replacement building which is a project identified in the Council's draft infrastructure development plan.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Urban Designer

Introduction

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. Being an outline proposal, the scheme is short on information which makes it difficult to assess its design merits in detail. These observations are therefore initial comments.

Demolition of Existing Buildings

I have no objections to the loss of the existing buildings as they mostly have little architectural merit and do not maximise the site's potential; and although parts of the late

Victorian frontage still retain a little of their charm this has mostly been lost to unsympathetic extensions and behind thresholds cluttered with parking.

Elevations / Massing

Perrymount Road is characterised by a variety of building frontages, with the more domestic character of the east side contrasting with the commercial west side. In addition to this the west side of the road also varies from the southern part that is dominated by the large office buildings that are generously set-back from the carriageway while the northern part of the road, including the new station quarter / Waitrose development, features modest height frontages that more closely define the road edge. The application site is positioned mid-way along Perrymount Road between these two parts of the western side of the road and is the transition point between them. However in contrast to the existing buildings which echo the more modest 2 to 4 storey frontages of the northern part of the road, the proposed buildings match the height and scale of the commercial buildings along southern part of the road.

Both because of the site's proximity to the similar scaled office buildings and because it optimises the advantage of its juxtaposition with the railway station, I accept the principle of a substantially larger frontage, even though there will be a significant contrast in scale around the Clair Road junction with the adjacent 3 storey "Clevelands" block. However the elevations must be of a high quality and the proposed blocks need to work together as a group.

The revised elevations are an improvement upon the originally submitted ones for the following reasons:

- They are better articulated: the windows are now vertically grouped with the balconies in-set providing a sense of structural depth that will help animate the façade; deep reveals (suggested by the shadowing across the windows) will also help (previously the window arrangement was too repetitive, the façade too flat and the balconies poorly integrated generating an uninteresting/monotonous-looking frontage).
- The vertical repetition of the brick bays together with the consistent separation gaps between the blocks and vertically grouped fenestration generates more underlying rhythm and order than the original submission with its horizontal banding, unequal sized separation gaps and clunky bridge-links.
- The articulation of the prominent corner "drum" is more resolved, particularly in relation to the Clair Road elevation.
- The upper floor parapets work better as an extension of the building face instead of the glazed balustrades that looked bolted-on and the solid face more successfully screens the set-back top floors (helping to reduce the scale) and generate more integrated elevations.

I nevertheless feel the 8 storey southernmost block facing Perrymount Road is uncomfortably tall and imposing bearing in mind:

- It has a more forward building line than the existing office blocks and has a more direct relationship with the roadside and the modest height buildings opposite.
- The more modest floor-to-ceiling heights of residential buildings compared to office buildings generates more storeys within the same height which at this scale creates too much repetition.
- It generates an uncomfortable uneven step up the hill
- The asymmetrically-configured top floor of this and the adjacent 7 storey building is clunky at odds with the underlying order that characterises the floors below and the rhythm of the wider frontage.

For these reasons I believe that this southern block should be limited to a total of 7 storeys (i.e. as per the other blocks) incorporating a single storey plinth ground floor; 4 storey middle section and 2 storey set back/stepped/ziggurat-profiled floors at the top extending symmetrically across more of the frontage (and with the middle block following suit that would also generate a more even frontage). The slight reduction in overall volume that would likely be necessary could potentially be offset by a larger proportion of one-bed flats to approximately achieve the proposed overall number of units.

Layout

The internal flat layouts have not been supplied; I nevertheless do not believe it will be possible to properly accommodate 2 bedroom flats within the curve-fronted Perrymount Road/Clair Road corner units as they are drawn on the floorplans.

A major benefit of this development will be the removal of the front forecourt parking that presently clutters the threshold of the existing buildings and replacement with tree planting. I nevertheless have concerns because underground services may be an impediment; the applicant will therefore need to demonstrate how they will coordinate the planting around the services.

The car parking is sensibly shown tucked around the rear where it will be screened from the public realm with the multi storey car park to the west blocking views of it and much of the rear elevation from this vantage.

Housing Officer

The applicant is proposing a development of 145 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (44 units). The proposal is for a 100% flatted development and it is agreed that the affordable provision should be by way of 1 bed and 2 bed flats only. The proposed mix is for 21 x 1 bed flats and 12 x 2 bed flats for affordable rent and 7 x 1 bed flats and 4 x 2 bed flats for shared ownership. This mix meets our tenure split requirement of 75% rented and 25% shared ownership and will meet a range of housing needs but in particular the need for smaller units of affordable rented accommodation in the district. The location of the affordable housing in the illustrative layout would be acceptable and accords with our clustering policy of no more

than 10 units per cluster. However, the affordable units should have a separate core so as to avoid issues for RPs with shared service charges with the market units.

Whilst this is an outline application it should be noted that 10 of the 2 bed flats only meet the National Spaces Standards for 2 bed 3 person dwellings which would not be acceptable, particularly for affordable rented housing where 2 bed units should accommodate 4 persons. This will need to be addressed for RM stage. Furthermore, there is a need to accommodate at least one fully accessible wheelchair unit in this town centre location (as requested at pre app stage) and the applicant will also need to accord with policy requirement in relation to the provision of a lift for affordable flats of four storeys or more (inclusive of ground floor) - Clause 2.36 of the Development and Infrastructure SPD.

Drainage Officer

No objection subject to conditions.

Contaminated Land Officer

The application looks to redevelop the site in order create 145 new residential units, 1207 sq. metres of commercial floor space, and associated car parking.

The site has a number of nearby sites that have been identified as potentially contaminated land, such as historical goods yards to the west, and historic petrol station to the north.

Due to this a Phase I Environmental Assessment has been undertaken by Hilson Moran (ref: 23108/S/RT01/0.1/00), 12th July 2017, and has been submitted as part of the application.

This report has been assessed and has been found to meet current standards. It agreed that given the past uses of adjacent sites that further testing is required at the application site if it is to be used for mixed residential and commercial.

Therefore a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

Recommendation: Approve with conditions

1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

- ~~a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority,~~
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
- c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Please note: section a) of this condition has been purposely stricken through, as the Phase I Environmental Assessment undertaken by Hilson Moran (ref: 23108/S/RT01/0.1/00), dated the 12th July 2017 is deemed to have met this requirement.

2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Environmental Health Officer

The application looks to redevelop the site in order create 145 new residential units, with commercial at ground floor, and associated car parking.

Environmental Noise and Vibration

Given the proximity of the site to the railway line and a B road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to.

Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter are dealt with at the planning stage.

A Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July 2017 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.

As environmental noise levels vary throughout the site, the applicant has split the site into three areas each requiring a different level of protection in terms of glazing and ventilation in order to ensure habitable rooms meet BS8233:2014 requirements.

Table 7.1 within Hilson Moran (ref: 23108/C/RT01/00/01), details the levels of glazing and ventilation required in each area, and Figure 7.2 within the report maps which façades will require which criteria of protection. These levels of protection should be conditioned for completeness. For reference, Table 7.1 and Figure 7.2 are reproduced below:

Table 7.1 Minimum Glazing and Trickle Ventilator Sound Reduction Requirements

Façade Reference	Minimum Glazing Reduction Performance (R_w dB)	Minimum Trickle Ventilator Reduction Performance ($D_{tr,v}$ dB)
A	38	38
B	34	32
C	30	32

Figure 7.2 Location of Façade Reference Groups



A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

Additionally habitable rooms in Façade Reference Groups A & B will also require system capable of providing purge ventilation and comfort cooling without the need for the windows to be opened, as BS8233:2014 standards cannot be met with the windows open. This will need to be conditioned and the acoustic specifications of the selected system will need to be submitted for approval prior to instillation.

It is noted that Hilson Moran also submitted a vibration planning report (Ref: 23108/A/VS01/00/01), Dated the 4th July, and no vibration impact is expected to be present due to the operation of the adjacent train station.

Noise emissions from the completed development

Given the size and scope of the project it is understandable that at this stage it is not known precisely what machinery or plant will be contained within the end build.

For that reason Hilson Moran have taken background readings and recommended the maximum rating level that the combined plant noise level from the proposed should achieve. Normally plant would be required to 5dB below the representative background level (L90), at the nearest noise sensitive receptor. However the background is so low at night, that Hilson Moran have suggested a rating level of 30dB be achieved.

This proposal is therefore agreed, and a condition is suggested to ensure the levels recommended are achieved.

Additional noise concerns

Given the mixed uses of the site, specifically between ground floor commercial operations and residents above, a higher level of insulation may be need between these uses in order to protect future residents.

Additionally, rubbish and recycling collections, especially those involving glass, and commercial deliveries can cause disturbance. For that reason a condition for the times that collections and delivery can take place at the site has also been suggested.

Construction Noise

There are also concerns about how local's residents and businesses will be affected during the construction of the proposed. The proposed build is in very close proximity existing residential and commercial premises.

Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

Therefore if the application was to precede it is recommended that a Construction Environmental Management Plan be required, and that additional conditions in regards to minimising the construction passes impact be attached.

Recommendation: Approve with conditions

1. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July 2017. Specifically glazing and trickle vent will need to meet the standards laid out Table 7.1 of said report, with the exact criteria to be achieved being dependant on the particular façade as laid in figure 7.2 of the same report.

2. Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms in Façade Reference Groups A & B, as lain out table 7.1 and Figure 7.2 of the Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July.

Reason: To safeguard the amenity of residents.

3. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing

noise sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

4. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

5. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays and Sundays.

6. The proposed commercial units shall only be open to the public between the hours of 07:00 to 23:00.

7. The floors/ceilings that are between the commercial units at ground floor and the residential units above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria has not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

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

- Monday to Friday: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents.

9. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

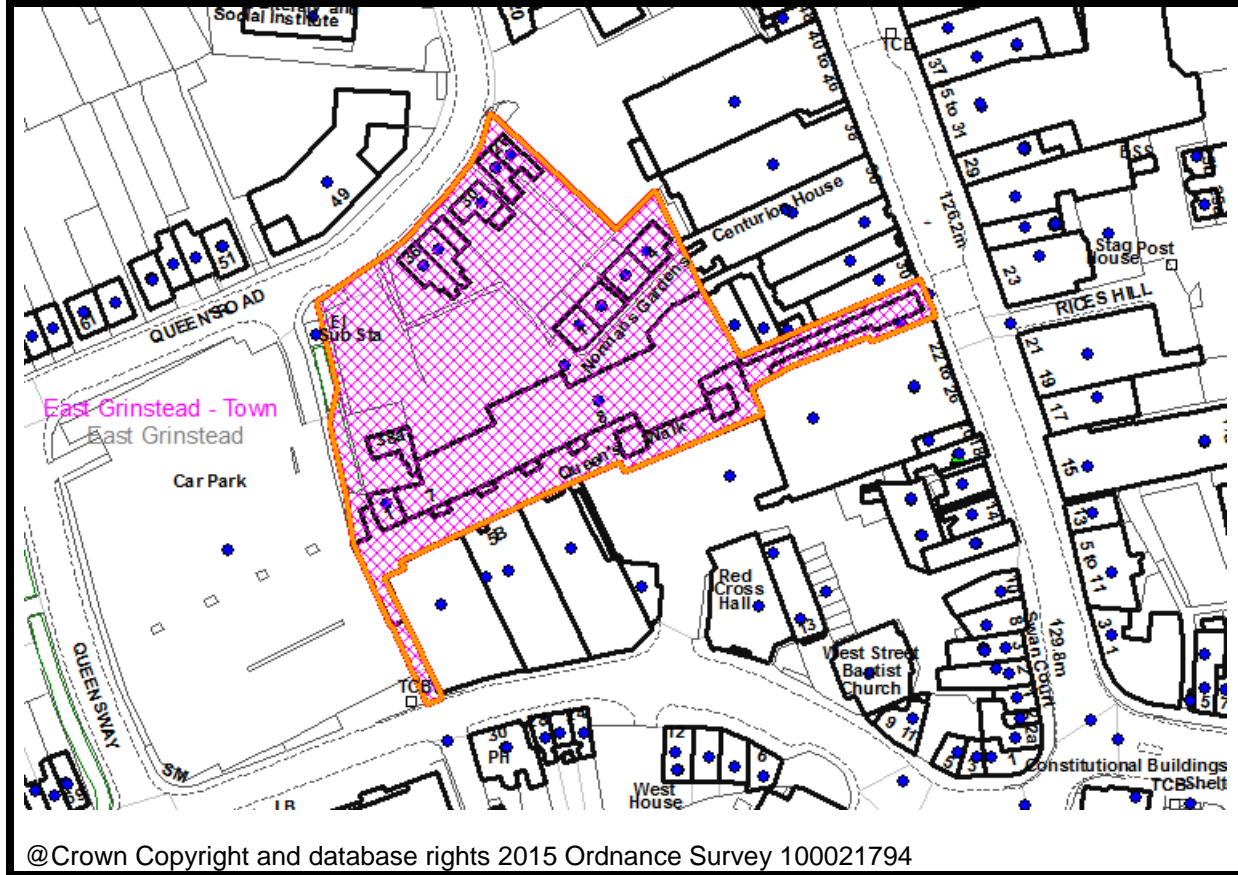
10. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

11. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

3. DM/17/3645



**FORMER MARTELLS DEPARTMENT STORE, 1-4 NORMANS GARDENS, AND 26-36 AND 38A QUEENS ROAD EAST GRINSTEAD WEST SUSSEX RH19 4DW VARIATION OF CONDITIONS 24 (ENERGY STRATEGY) AND 28 (APPROVED PLANS) RELATING TO PLANNING APPLICATION DM/15/5067 INCLUDING: REVISIONS TO INTERNAL LAYOUT, MIX AND CIRCULATION; ALTERATIONS TO EXTERNAL APPEARANCE AND PROPOSED MATERIALS; ADDITIONAL ON SITE CAR PARKING ; AND, ALTERNATIVE ENERGY STRATEGY.
MR DAVID POOLE**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Sewer Line (Southern Water) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 16th March 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Mr Stuart Malcolm

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader of Planning and the Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks to amend conditions 24 (Energy Strategy) and 28 (Approved Plans) relating to planning application DM/15/5067 including: revisions to internal layout, mix and circulation; alterations to external appearance and proposed materials; additional on site car parking and; an alternative energy strategy.

Application DM/15/5067 granted planning consent (in May 2017) for the demolition of the existing retail premises on the northern side of Queens Walk along with 1-4 Normans Gardens and 26-38a Queens Road for a new mixed use development comprising new retail (1,624sqm) and 129 residential apartments along with necessary supporting infrastructure to include: waste and refuse facilities, plant and ventilation, servicing, car parking, cycle storage and public toilets.

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

The most important material consideration in this case is that planning permission has been granted already for the development of 129 residential units, commercial space and supporting infrastructure. This current scheme is very similar with the main changes highlighted above.

Despite the progress made on the District Plan and the Council believing that it has established a 5-year supply through this process, this position remains subject to the Inspector's Final Report meaning the Council is not able to fully rely on this position at the present time.

Ordinarily this would mean that planning applications for new housing are considered within the balance of para 14 of the NPPF. In this case however footnote 9 to para 14 is applicable.

Footnote (9) to paragraph 14 refers to those specific policies where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings and conservation areas.

In this case, and as the report details under the following impact on heritage assets

assessment section, it is considered that substantial harm will occur to designated heritage assets.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where substantial harm to a designated heritage asset has been identified, paragraph 133 of the NPPF is applicable. This states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (the other criteria to para 133 does not all apply in this case).

This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the substantial harm to the heritage assets that has been identified.

Weighing in favour of the scheme is that the development will provide 129 residential units at a time where there is a shortfall in housing supply. Significant weight needs to be afforded to the provision of this amount of units on a sustainably located brownfield site. In addition the development will lead to an enhancement of the Queens Walk pedestrianised area so there will be a public realm benefit. New public toilets will also be provided. The current proposal is also deemed to be a visual improvement compared with the consented scheme.

Weighing against the scheme is that officers consider that the development will cause substantial harm to nearby heritage assets, namely a number of listed buildings towards the western end of the High Street and on West Street as well as to the conservation area itself.

As highlighted above, the NPPF (para 133) states that local planning authorities should refuse planning consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

The substantial harm to the heritage assets needs to be given considerable importance and weight but in this case there are undoubtedly significant public benefits. Given that planning permission has already been granted for a similar scheme, and officers consider this current application will be an improvement to this consented scheme, it is considered that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

This means that, in accordance with para 133 of the NPPF, planning permission should be granted.

RECOMMENDATION

It is recommended that permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

East Grinstead Society

No objections.

SUMMARY OF CONSULTEES

MSDC Urban Designer

The proposed building will still be very large and it will dominate the surrounds. However overall it is an improvement upon the consented scheme, and benefits from a more resolved layout, better ordered facades and a marginal reduction in the overall height and massing so no objections subject to conditions.

MSDC Conservation Officer

Same conclusion as before in that substantial harm to the setting of the East Grinstead Conservation Area and the listed buildings located within it to the western end of the High Street, as well as potentially to the setting of St Swithun's Church.

MSDC Drainage

No objection in principle not object to the principle but there is not enough detail within the documents supplied to say that a drainage condition is not necessary. Original condition should therefore still apply.

MSDC Housing

Further to receipt of the updated Viability Assessment for the above, which was carried out due to amendments to the consented scheme, I can confirm that it is still not currently viable for the developer to provide any Affordable Housing.

I can also confirm that the actual policy requirement is for 39 affordable housing units to be provided (based on 30% of a total of 129 residential dwellings) and that a further viability review will be required when 75% of the dwellings are occupied.

MSDC Leisure

No objection subject to infrastructure contributions.

MSDC Waste

No objection to waste collection proposals.

MSDC Environmental Protection

No comments to make.

MSDC Trees

Soft landscaping generally acceptable.

MSDC Food Safety

Applicant advised to consult team when internal layout of commercial units is at a suitable stage.

MSDC Contaminated Land

No comments to make.

West Sussex Highways

No objection subject to additional condition .

West Sussex Infrastructure

No objection subject to infrastructure contributions.

Horsham & Mid Sussex Clinical Commissioning Group - NHS

Contribution of £53,300 requested to help fund capital improvements.

East Grinstead Town Council

Would support approval.

INTRODUCTION

This application seeks to amend conditions 24 (Energy Strategy) and 28 (Approved Plans) relating to planning application DM/15/5067 including: revisions to internal layout,

mix and circulation; alterations to external appearance and proposed materials; additional on site car parking and; an alternative energy strategy.

RELEVANT PLANNING HISTORY

Planning application DM/15/5067 granted planning permission on the 22nd May 2017 for:

"Demolition of the existing retail premises on the on the northern side of Queens Walk along with 1-4 Normans Gardens and 26-38a Queens Road for mixed use development comprising new retail (1,624sqm) and 129 residential apartments along with necessary supporting infrastructure to include: waste and refuse facilities, plant and ventilation, servicing, car parking and cycle storage."

SITE AND SURROUNDINGS

The application site area measures 0.5 hectares and originally consisted of the Martells Department store and car park, residential properties at the rear of the store (1-4 Norman Gardens) and further residential properties fronting Queens Road (26 -36) some of which are dilapidated/vacant. These buildings have largely been demolished now. There were some trees located within the gardens of the Norman Gardens properties and there is an existing vehicular access off Queens Road with the main customer entrance via Queens Walk.

The original store comprised 2,600 m² of retail space split over three and four storeys. The car parking area to the rear (north) provided 36 spaces split between customers (26) and staff (10) and the service yard is located adjacent to this.

To the immediate north of the site, across Queens Road, lies a three storey building formerly occupied by Central Sussex College and now with a resolution to grant planning permission for 14 residential units under application DM/17/2725. To the east lies the rear, including the service yards, of the retail properties fronting London Road with the royal mail delivery office slightly further north. To the immediate south, across Queens Walk, lie a number of other retail and commercial properties with West Street beyond these. To the west lies the Mid Sussex District Council car park.

In terms of planning policy, the site is located within the built up area of East Grinstead. Additionally, the site is deemed to affect the setting of both the nearby conservation area and nearby listed buildings although heritage assets are not found on the site itself. The Queens Walk frontage is also classed as primary shopping frontage.

APPLICATION DETAILS

This application seeks to vary conditions 24 (Energy Strategy) and 28 (Approved Plans) relating to planning application DM/15/5067. The consent will however result in a new planning permission being issued so the detail of the whole scheme needs to be provided.

The proposal involves the demolition of the department store, the existing residential properties and the Queens Walk canopy. A comprehensive redevelopment is then proposed across the site to provide a mixed-use scheme.

New commercial space, totalling 1624 m², will be provided on the ground floor and these will deliver a flexible range of uses including Class A1 (Shops), Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café). The commercial element will front onto and be accessible by pedestrians from Queen's Walk, with services and deliveries taken from the rear via Queen's Road.

Queen's Walk itself will be retained and widened to create a new public space that will incorporate new street furniture and trees. The Queen's Walk thoroughfare will continue to provide access through the application site from the MSDC car park to London Road.

The scheme will also deliver a separate set of public conveniences that will be accessed from the western side of the development.

In addition to the commercial space, the applicant is also proposing 129 residential apartments. These will be provided in three blocks; Block A fronting Queens Road, Block B fronting west towards the MSDC car park and Block C fronting Queens Walk. These blocks are between four and six storeys and will create a larger perimeter block on the northern, western and southern site boundaries.

The above details are the same as with the approved application.

The current proposal will however be different in respect of the proposed access and car parking arrangements

A retail service yard is still to be provided on the lower ground floor accessed via Queens Road. A further separate vehicular access will also be provided that will lead to the car parking in the centre of the development. This car parking, across different levels, will total 127 residential spaces with a further 3 commercial spaces (103 residential spaces were approved under the original consent with 3 commercial spaces). This is achieved by digging out the ground and achieving a larger lower ground floor level than before.

In respect of cycle parking the applicant has stated there will be 200 residential spaces and 20 commercial spaces (200 residential were proposed under the last application with 34 commercial spaces).

In terms of housing mix there are to be 56 x 1 bed units and 73 x 2 bed units which differs from the previous scheme that consented 62 x 1 bed units, 61 x 2 bed units and 6 x 3 bed units. As before all the units are to be market housing.

In addition there are also some design changes to the external appearance of the building which include a slight reduction in bulk, some elevational changes and changes to the proposed materials.

The applicant is also proposing that reference is made to an updated Energy Strategy (available in full on planning file received 6th September 2017) rather than the statement submitted with the original application dated December 2015.

LIST OF POLICIES

Mid Sussex Local Plan

G2 (sustainable development)
G3 (infrastructure requirements)
C5 (nature conservation)
B1 (design)
B3 (residential amenities)
B4 (energy and water conservation)
B7 (trees and development)
B10 (listed buildings and their settings)
B15 (setting of conservation areas)
H2 (density and dwelling mix)
H3 (dwellings in bua)
H4 (affordable housing)
T4 (transport requirements in new developments)
T5 (parking)
S1 (town centre shopping developments)
S3 (primary shopping frontage)
R4 (leisure provision)
CS13 (land drainage)
EG13 (land at Queens Walk)

Development and Infrastructure Supplementary Planning Document (Feb 2006)

East Grinstead Town Centre Masterplan SPD

Mid Sussex District Plan

"The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, that are required in order to make the plan sound, on the 13th November 2017. The comments received have been will be sent to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in early 2018.

The most relevant policies, and the weight that can be attached to them, are:

DP2 - Sustainable Economic Development (little weight)
DP3 - Town Centre Development (some weight)
DP15 - Ashdown Forest SPA and SAC (little weight)
DP18 - Securing Infrastructure (little weight)
DP19 - Transport (little weight)
DP24 - Character and Design (little weight)
DP25 - Dwelling Space Standards (significant weight)
DP28 - Housing Mix (little weight)
DP29 - Affordable Housing (little weight)
DP32 - Listed Buildings (significant weight)
DP33 - Conservation Areas (some weight)
DP36 - Trees, Woodland and Hedgerows (some weight)
DP37 - Biodiversity (some weight)
DP39 - Sustainable Design and Construction (little weight)
DP41 - Flood Risk and Drainage (some weight)

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan has been made so forms part of the Development Plan with full weight.

The following policies are relevant:

EG3 - Promoting Good Design
EG4 - Heritage Assets
EG5 - Housing Proposals
EG6B - Housing Sites - Allocated
EG7 - Housing Mix and Density
EG8 - East Grinstead Town Centre
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest Protection
SS2 - Queens Walk

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking the document provides the following advice:

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

National Planning Policy Guidance

Technical Housing Standards

Listed Building and Conservation Area (LBCA) Act 1990

ASSESSMENT

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

The most important material consideration in this case is that planning permission has been granted already for the development of 129 residential units, commercial space and supporting infrastructure. This current scheme is very similar with the main changes highlighted above.

Much of the assessment made under the previous application therefore remains relevant and this application should be read in conjunction with the report for DM/15/5067.

The 'principle' section of that report remains the current policy position because, despite the progress made on the District Plan and the Council believing that it has established a 5-year supply through this process, this position remains subject to the Inspector's Final Report meaning the Council is not able to fully rely on this position at the present time.

Ordinarily this would mean that planning applications for new housing are considered within the balance of para 14 of the NPPF. In this case however footnote 9 to para 14 is applicable.

Footnote (9) to paragraph 14 refers to those specific policies where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings and conservation areas.

In this case, and as the report details under the following impact on heritage assets assessment section, it is considered that substantial harm will occur to designated heritage assets.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where substantial harm to a designated heritage asset has been identified, paragraph 133 of the NPPF is applicable. This states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (the other criteria to para 133 does not all apply in this case).

This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the substantial harm to the heritage assets that has been identified.

The other sections of the DM/15/5067 report remain relevant given the similarities with the current proposals. These include the sections on future amenity; residential amenity; retail space; drainage and; ecology / biodiversity.

The specific effects of the changes being sought by the current application do however need to be highlighted and these relate primarily to the impact on design and visual impact, the impact on heritage assets and the highways impact of additional car parking and the sustainability implications. Updates are also needed for the latest infrastructure contributions, affordable housing requirements and the Ashdown Forest impact.

Design and Visual Impact

When assessing the design and visual impact of the current proposal it is essential to take into account the fact that planning permission was granted for the scheme under application DM/15/5067. Members will recall that officers had concerns about the design and visual impact of the original scheme but it is obviously a material planning consideration with significant weight that permission was granted.

At local policy level Policy B1 of the Mid Sussex Local Plan requires a high standard of design, construction and layout in new buildings whilst Policy H3 states that the character and form of new housing proposals must respect that of the locality.

At District Plan level Policy DP3 makes clear that:

"To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- *is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- *has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan."*

The East Grinstead Town Centre Masterplan is a supplementary planning document that was produced in July 2006. This document states that it is:

"a Supplementary Planning Document (SPD) to guide the revitalisation and redevelopment of East Grinstead town centre. It provides additional guidance to supplement Mid Sussex District Council statutory planning guidance as set out in their Local Plan and it will be used to assess planning applications within the town centre."

The document goes on to state that:

"The redevelopment of West Street and Queens Walk should enable a sensitive integration of new development with the surrounding urban fabric that resolves issues relating to the front and backs of buildings and establish a much more positive and legible relationship with Queens Road, High Street, West Street and Ship Street."

The NPPF also places great emphasis on design within chapter 7 and makes clear that (para 56) that:

"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

The design elements of the Neighbourhood Plan are also relevant. The site specific Policy SS2 states that development proposals shall be of a design and use materials which enhance the pedestrian environment. Policy EG3 refers specifically to design within the Neighbourhood Plan area and sets out a number of criteria:

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

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*

- f) *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement."*

To inform the assessment of this current application the views of the Urban Designer have been sought and his comments are set out in full within Appendix B.

In summary however the Urban Designer has stated that although the building as currently proposed will still be very large, it is an improvement upon the consented scheme and benefits from a more resolved layout, better ordered facades and a marginal reduction in the overall height and massing. For these reasons the Urban Designer has no objections to this application.

Regarding the layout the Urban Designer considers the car parking is better designed than previously, the internal courtyard back to back distances have been improved, cycle parking is more accessible, there are more consistent building lines and a better defined residential entrance on Queens Walk.

In respect of the elevations the Urban Designer has stated that all three elevations are better ordered with tidier facades and more consistent articulation and application of facing materials which has especially helped on the Queensway elevation which previously suffered from an untidy mix of elements.

Planning officers agree with the assessment made by the Urban Designer and consider that the current scheme is a visual improvement to the previously consented scheme.

The Urban Designer has requested a number of details to be reserved via planning condition and these are set out in condition 26 within Appendix A.

As a result, the proposal is deemed to comply with the design requirements of Policies B1 and H3 of the Mid Sussex Local Plan, Policies DP3 and DP24 of the Submission District Plan, Policies EG3, EG5 and SS2 of the Neighbourhood Plan and the provisions of the NPPF.

Impact on Heritage Assets

As indicated in an earlier section, the proposal affects the setting of nearby listed buildings and the setting of the conservation area.

The listed buildings that are affected include the Grade II listed West Street Baptist Chapel, Grade II* listed Old Stone House, Clarendon House and 2B Judges Terrace, and Grade II listed 1 and 2a Judges Terrace, and the Grade II listed Constitutional Buildings on the High Street, as well as a run of other listed buildings to this western end of the High

Street. It is also within the broader setting of Grade II* listed St Swithun's Church, which is a prominent local landmark due to its height.

The boundary of the East Grinstead Conservation area is located approximately 50 metres to the south at the nearest point.

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *"In considering whether to grant planning permission 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"*.

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy B10 of the Mid Sussex Local Plan states that:

Listed Buildings and their settings will be protected. Other than in exceptional circumstances, the following will apply.....

(d) In considering new proposals, special regard will be given to protecting the setting of a listed building and the use of appropriate designs and materials...."

The LPA is also under a duty by virtue of s.72 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects conservation areas in exercise of planning functions): *"In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

Although not within the conservation area, the protection that is afforded to these heritage assets is reflected in Policy B15 of the MSLP which states that:

"Development affecting the setting of a Conservation Area should be sympathetic to, and should not adversely affect its character and appearance. In particular, attention will be paid to the protection or enhancement of views into and out of a Conservation Area, including, where appropriate, the retention of open spaces and trees."

Similar policies of heritage asset preservation are found within the submission District Plan within policies DP32 (listed buildings) and DP33 (conservation areas). At Neighbourhood Plan level Policy EG4 states that:

"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."

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 131 to 134 of the NPPF are also particularly relevant:

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites,

battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Council's Conservation Officer has been consulted on the merits of the application and she has stated that although the revisions include some minor reductions in the bulk of the building at high level it remains unacceptably dominant in views from and towards the nearby Conservation Area, including views of the listed West Street Baptist Chapel. For this reason the officer states that her comments and conclusions in relation to the previous application remain pertinent and these are set out in full within Appendix B.

The Conservation Officer again concludes therefore that the current proposal will cause substantial harm to the nearby heritage assets.

In such situations where it is considered that **substantial harm** will occur Para 133 of the NPPF applies. This para states that "*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use."*

When conducting this test as required by Para 133 it is evident that not all of the list of exceptions apply. In this case what the decision maker needs to do is weigh up whether or

not the identified substantial harm is necessary to achieve substantial public benefits that outweigh the harm. Members will be aware that when this test was undertaken by the committee when determining the previous application it was considered that the substantial harm was necessary to achieve substantial public benefits that outweighed the harm so planning permission was subsequently granted. This balancing exercise is carried out in final section of the report.

Highways, Access and Parking

Paragraph 32 of the NPPF is relevant in respect of transport matters and states that:

“Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

This is reflected within Policy T4 of the MSLP where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the Local Plan it is considered that the relevant test in this case is of 'severe' impact, and in these circumstances the Local Plan Policy has diminished weight in this respect.

As noted in the earlier section the current proposal seeks consent for more car parking than before with 127 residential spaces being provided instead of 103.

To inform the assessment of the application West Sussex County Council, the highways authority, has been consulted on the current application.

West Sussex has confirmed that the increase in the number of parking spaces, the various alterations to improve vehicle circulation within the private car park and the minor alterations to the vehicular access to be used for servicing are not considered material and in highway terms would not unduly affect the scheme that already has planning permission.

No highway objection is therefore raised.

Members should note that the highways related conditions attached to the previous consent will again apply to this new permission.

In light of the advice provided by West Sussex County Council, on highways, access and parking grounds it can be reasonably concluded that there are no reasons to refuse the scheme as the proposal complies with Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the submission District Plan and the relevant parts of Policies EG11 and EG12 of the Neighbourhood Plan.

Sustainability

As indicated in the earlier section the applicant is intending to replace the approved sustainability/energy strategy with a new version. The new version submitted with this current application is available to view in full on the planning file.

This document summarises that:

"The formerly approved Energy and Sustainability Strategy produced by McBains and Cooper suggests a 26% reduction in CO₂ by incorporating a Combined Heat and Power engine and a Photovoltaic array. On reviewing Mid Sussex District Plan May 2013 there are no specific CO₂ reduction targets above Building Regulations 2013. It is also considered that under current industry guidance that a 'Fabric first approach' should be adopted to reduce the heating demand rather than relying on renewable technologies to offset large amounts of CO₂ produced as a result of heating inefficient buildings.

It is therefore proposed within this Energy Strategy that the site at Queen's Walk, East Grinstead can incorporate a number of energy efficiency measures to meet an 11.88% reduction site wide in CO₂ over Building Regulations 2013.

The preferred energy strategy for the site is as follows:

Residential

- *Utilisation of highly efficient building fabric*
- *Installation of individual gas combi boilers with built in Flue Gas Heat Recovery*

Commercial

- *Utilisation of highly efficient building fabric*
- *Installation of an efficient HVAC system providing heating, cooling and hot water demand."*

The new strategy is sufficient to meet existing local and national sustainability requirements and the removal of the need for a photovoltaic array can be seen as a positive factor from a visual perspective. The current application therefore complies with Policy B4 of the Mid Sussex Local Plan, Policy DP39 of the submission District Plan and the NPPF. Condition 24 of the original consent can therefore be updated accordingly to make reference to the new strategy.

Infrastructure

The NPPF sets out the Government's policy on planning obligations in paragraphs' 203 and 204. Respectively these paragraphs state;

"Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through planning conditions."

and;

"Planning obligations should only be sought where they meet all the following tests;

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development."*

Policy G3 of the local plan requires applicants' to provide the costs of additional infrastructure required to service their development and mitigate their impact. These are usually through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are set above as part of the paragraph 204 of the NPPF.

The applicant has indicated a willingness to make these contributions. The payments/infrastructure that will be required are set out as follows:

Formal Sport: £108,732 - Provision of changing facilities and toilets at Imberhorne Lane Recreation Ground as listed in the Council's Infrastructure Development Plan (Ref: EG/SI/4)

Playspace: £60,555 - At Brooklands Park

Kickabout: £17,160 - At Brooklands Park

Community Buildings: £47,232 - improvements to the public toilets at East Court as listed in the Council's Infrastructure Delivery Plan (Ref: EG/SI/50)

Local Community: Provision of public toilets on site to be secured via legal agreement in lieu of a cash contribution

Primary Education (WSCC): £78,134 - Additional Equipment at Estcots Primary school.

Secondary Education (WSCC): £84,089 - Additional facilities at Sackville School

Sixth Form Education (WSCC): £19,702 - Additional equipment at Sackville School

Libraries (WSCC): £29,291 - A Project to enhance library space with improved digital services at East Grinstead Library

Health: £53,300 - Improvements to Judges Close Surgery in East Grinstead and/ or Moatfield Surgery in East Grinstead

In accordance with the recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

Affordable Housing

Members will be aware that affordable housing would normally be provided for developments of this scale.

Policy H4 of the Mid Sussex Local Plan seeks to secure 30 per cent affordable housing from developments containing 15 or more dwellings, of which 75 per cent would be social rented and 25 per cent shared ownership.

Under the previous application the applicant made submissions to suggest that if the development included the required affordable housing provision, then the whole development would be rendered unviable. These submissions were subject to review by the District Valuer, an independent expert body on such matters, who subsequently agreed with the applicant's position that the scheme could not viably deliver affordable housing.

Under the current application the applicant was asked to provide some up to date viability information, based on the scheme as amended which includes a different mix to that previously permitted, rather than rely on the originally submitted information that related solely to the DM/15/5067 scheme.

The District Valuer has again been consulted on the latest submissions of the applicant and the report is available to inspect in full on the planning file along with the relevant appendices. To summarise however, the District Valuer has stated that their overall assessment is that they agree that the scheme currently cannot provide any affordable housing taking account of viability.

The local planning authority has no evidence of its own to counter this and officers therefore accept the position and conclude that, as was the case with the original scheme, affordable housing cannot be secured in line with local policy.

The Council's Housing team has confirmed this approach in their consultation response:

"Further to receipt of the updated Viability Assessment for the above, which was carried out due to amendments to the consented scheme, I can confirm that it is still not currently viable for the developer to provide any Affordable Housing.

I can also confirm that the actual policy requirement is for 39 affordable housing units to be provided (based on 30% of a total of 129 residential dwellings) and that a further viability review will be required when 75% of the dwellings are occupied."

The legal agreement will however, as before, contain an automatic viability review to be triggered at an advanced stage of the development to ensure that viability is accurately assessed and up to date.

Ashdown Forest

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

Under the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations"), the competent authority, in this case Mid Sussex District Council, has a duty to ensure that any plans or projects that they regulate will have no adverse effect on the integrity of Ashdown Forest. Regulation 61 of the Habitats Regulations requires the Council to assess the possible effects of plans or projects, i.e. planning applications, on Ashdown Forest.

If the proposed development will not have a likely significant effect on the Forest, either alone or in combination with other proposed developments in the area, the Council may proceed to determine the application. However, if a significant effect is likely, either alone or in combination with other plans and projects, an appropriate assessment must be undertaken to establish whether the proposed development will have an adverse effect on the integrity of the European site. If the appropriate assessment concludes that there will not be an adverse effect on the integrity of the European site, the Council may proceed to determine the application.

There may be likely significant effects on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the protected bird species. Within 7km of the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. There are two parts to the mitigation. By providing an alternative option, Suitable Alternative Natural Greenspace (SANG) is the name given to greenspace that is of a quality and type suitable to be used as mitigation. A SANG site could either be provided on the development site itself or through a financial contribution towards a strategic SANG. The East Court and Ashplats Wood SANG Strategy has been agreed by the District Council.

The second part of the mitigation is to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) measures. The Council has produced an interim SAMM Strategy that sets out measures to protect the Ashdown Forest SPA from new recreational pressures through managing access (visitor) behaviour and monitoring

both birds and visitors. The projects that form the mitigation measures have been discussed and agreed in collaboration with the Conservators of Ashdown Forest and Natural England. The interim SAMM Strategy will be superseded by a Joint SAMM Strategy which is currently being prepared with the other affected local authorities.

This proposed development site lies within 7km of the Ashdown Forest SPA and as such, mitigation is required. In this case, the SAMM Strategy would require a contribution of £236,766 and if the approved scheme provides for a strategic SANG contribution, this would be £143,469.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision

of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

With the legal agreement in place the impact on the Ashdown Forest would be mitigated and there would be no conflict with Policy C5 of the Mid Sussex Local Plan, Policy DP15 of the submission District Plan, Policy EG16 of the Neighbourhood Plan and the Habitats Regulations.

Ashdown Forest - Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

The screening assessment concludes that there would be no likely significant effect on the Ashdown Forest SPA and SAC from the proposed development. Since the proposed new development is not considered to have a likely significant effect alone on the Ashdown Forest SPA and SAC, there is also unlikely to be an in combination effect. No mitigation is required in relation to the Ashdown Forest SPA or SAC.

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

Other Issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

As noted in the earlier section a number of issues should be concluded in the same way as they were when application DM/15/5067 was approved.

For example the future amenity of occupiers will be acceptable in respect of levels of light and overlooking particularly as the internal courtyard separation has improved since the original permission.

The impact of the amended scheme on neighbouring residential amenity will not be significantly different to the approved scheme meaning the application accords with Policy B3 of the Mid Sussex Local Plan.

The commercial provision of 1624 m² remains the same as with the approved scheme.

Drainage matters will be adequately covered by condition as was the case with the original consent.

The amended dwelling mix of 56 x 1 bed units and 73 x 2 bed units is considered to be an appropriate mix of properties that complies with the requirements of local policies.

The Council's Contaminated Land Officer has raised no objection to the application subject to the imposition of an appropriate condition. Part of the original condition has been cleared under the discharge of condition procedure so the relevant condition in Appendix A has been amended accordingly to reflect this.

The Council's Waste Officer has also raised no objections to the proposed layout in respect of the location and size of the bin stores or the ability to access them. A management strategy for the bins to be presented for collection would though need to be secured via condition but the Waste Officer envisages no major issues with the waste storage and collection arrangements.

The original Masterplan in the town centre SPD envisaged a comprehensive redevelopment of the surrounding area beyond the confines of the application site. For what is likely to be a variety of reasons, no comprehensive redevelopment has been forthcoming. This proposal is however unlikely to prejudice future development to the west, east or south. This means the application accords with Neighbourhood Plan Policy SS2 which states that the designs should not prejudice the development potential of any remaining land if a comprehensive development is not possible.

The proposal for 129 units on a 0.5 hectare site area provides a density of 258 dph. This comfortably accords with the need to optimise the potential of the site.

Whether the proposal would be Sustainable Development

As outlined above, the NPPF describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitute the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

The Economic Role

Part 6 of the Localism Act was enacted on the 16th January 2012. This requires the LPA to have regard to local finance considerations (as far as material to the application) as well as the provision of the Development Plan and any other material considerations. The

New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the local planning authority would receive a New Homes Bonus for of the units proposed. This is a factor that would weigh in favour of the scheme.

The proposal would also result in economic benefits from the enhanced retail provision and in terms of the direct boost to the local economy during the construction phase and subsequent benefits from additional dwellings and businesses in the locality (residents spending in the local economy and so on). These are all factors that weigh in favour of the development.

It is considered that the development meets the economic role of sustainable development.

The Social Role

The NPPF seeks to promote a *"strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports it health, social and cultural well-being"*. The provision of 129 dwellings on the site will make a positive contribution to the district's housing supply. Due to the location of the site in the town centre a range of services and facilities are within easy walking and cycling distances. New public toilets will also be provided as part of the development.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

The proposal will result in the removal of some rather dated and unsightly buildings and their replacement with a new perimeter building block. The development would also lead to an enhancement of the Queens Walk pedestrianised area so there will be a public realm benefit.

Given the existing planning permission in place, the current proposal is an improvement upon the consented scheme and benefits from a more resolved layout, better ordered facades and a marginal reduction in the overall height and massing. The current design is therefore considered acceptable.

The development will however, due to its size, cause substantial harm to the heritage assets of a number of listed buildings towards the western end of the High Street and on West Street as well as to the conservation area itself.

The proposal will result in an acceptable living environment for future occupiers with no significant impact on existing neighbouring amenity.

It is therefore considered that the development does not meet the environmental role of sustainable development.

Due to this latter highlighted conflict with the environmental role of the NPPF, the proposal therefore does not constitute sustainable development.

PLANNING BALANCE AND CONCLUSION

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

The most important material consideration in this case is that planning permission has been granted already for the development of 129 residential units, commercial space and supporting infrastructure. This current scheme is very similar with the main changes highlighted above.

Despite the progress made on the District Plan and the Council believing that it has established a 5-year supply through this process, this position remains subject to the Inspector's Final Report meaning the Council is not able to fully rely on this position at the present time.

Ordinarily this would mean that planning applications for new housing are considered within the balance of para 14 of the NPPF. In this case however footnote 9 to para 14 is applicable.

Footnote (9) to paragraph 14 refers to those specific policies where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings and conservation areas.

In this case, and as the report details under the following impact on heritage assets assessment section, it is considered that substantial harm will occur to designated heritage assets.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where substantial harm to a designated heritage asset has been identified, paragraph 133 of the NPPF is applicable. This states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (the other criteria to para 133 does not all apply in this case).

This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the substantial harm to the heritage assets that has been identified.

Weighing in favour of the scheme is that the development will provide 129 residential units at a time where there is a shortfall in housing supply. Significant weight needs to be afforded to the provision of this amount of units on a sustainably located brownfield site. In addition the development will lead to an enhancement of the Queens Walk pedestrianised area so there will be a public realm benefit. New public toilets will also be provided. The current proposal is also deemed to be a visual improvement compared with the consented scheme.

Weighing against the scheme is that officers consider that the development will cause substantial harm to nearby heritage assets, namely a number of listed buildings towards the western end of the High Street and on West Street as well as to the conservation area itself.

As highlighted above, the NPPF (para 133) states that local planning authorities should refuse planning consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

The substantial harm to the heritage assets needs to be given considerable importance and weight but in this case there are undoubtedly significant public benefits. Given that planning permission has already been granted for a similar scheme, and officers consider this current application will be an improvement to this consented scheme, it is considered that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

This means that, in accordance with para 133 of the NPPF, planning permission should be granted.

It is recommended therefore that planning permission be permitted subject to the applicants first entering a legal agreement and subject to the conditions listed within Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the 22nd May 2020.

Reason: To comply with Section 73 of the Town and Country Planning Act 1990.

2. No development shall be carried out unless and until samples of materials and finishes to be used for the external facing materials of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies B1 and B10 of the Mid Sussex Local Plan, Policies DP24 and DP33 of the submission District Plan and Policies EG3 and EG5 of the Neighbourhood Plan.

3. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping for areas including (a) the pedestrianised Queens Walk incorporating elevation drawings/precedent images of all the proposed street furniture, (b) the courtyard, (c) the Queens Road and Queens Way thresholds. The landscaping plan shall include boundary treatments, hard surface materials, indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 and B10 of the Mid Sussex Local Plan, Policies DP24 and DP33 of the submission District Plan and Policies EG3 and EG5 of the Neighbourhood Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies B1 and B10 of the Mid Sussex Local Plan, Policies DP24 and DP33 of the submission District Plan and Policies EG3 and EG5 of the Neighbourhood Plan.

5. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority, in consultation with the sewerage undertaker, and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with policy CS13 of the Mid Sussex Local Plan and Policy DP41 of the submission District Plan.

6. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority, in consultation with the sewerage undertaker, and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with policy CS13 of the Mid Sussex Local Plan and Policy DP41 of the submission District Plan.

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan and DP24 of the submission District Plan.

8. The development shall be carried out in full accordance with the noise mitigation measures that were agreed under discharge of planning condition DM/17/3971 dated 22nd November 2017. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan and DP24 of the submission District Plan.

9. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan

shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

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

Reason: In the interests of highway safety, to safeguard the amenities of nearby residents and to accord with Policies B3 and T4 of the Mid Sussex Local Plan, Policies DP19 and DP24 of the submission District Plan and Policy EG12 of the Neighbourhood Plan.

10. The development shall be carried out in full accordance with the measures that were agreed under discharge of planning condition DM/17/4163 dated 20th December 2017 in respect of parts 1, 2 and 3 of condition 10 of DM/15/5067.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy CS20 of the Mid Sussex Local Plan.

11. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policies B1 and B3 of the Mid Sussex Local Plan, Policy DP24 of the Submission District Plan (2014 - 2031) and Policies EG3 and SS2 of the Neighbourhood Plan.

12. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan and DP24 of the submission District Plan.

13. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

14. The proposed development, including demolition of existing buildings, shall be carried out in strict accordance with the recommendations of the Bat Survey Report by Bradley Murphey Design Ltd (Ref BMD.015.031.RP.801), dated 15/10/15.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and to accord with Policy C5 of the Mid Sussex Local Plan and Policy DP37 of the submission District Plan.

15. No part of the development shall be first occupied until such time as the vehicular accesses have been constructed in accordance with plans to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of road safety and to accord with policy T4 of the Mid Sussex Local Plan, Policy DP19 of the submission District Plan and Policy EG11 of the Neighbourhood Plan.

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

Reason: To provide car-parking space for the use and to accord with policy T4 of the Mid Sussex Local Plan, Policy DP19 of the submission District Plan and Policy EG12 of the Neighbourhood Plan.

17. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with policy T4 of the Mid Sussex Local Plan, Policy DP19 of the submission District Plan and Policy EG12 of the Neighbourhood Plan.

18. Prior to the first occupation of any individual unit within the commercial floorspace hereby approved written confirmation of the use, including a floor plan, shall be submitted to and agreed with the Council in writing prior to the commencement of that use.

Reason: To ensure there is not an over-provision of non-A1 units to accord with Policy S1 of the Mid Sussex Local Plan and Policy DP3 of the submission District Plan.

19. The commercial unit(s) hereby permitted shall be used for their originally agreed use (as confirmed by the details agreed under condition 18 of permission DM/17/3645) and for no other purpose (except for any other purpose in the same Use Class of the Schedule to the Town and Country Planning (Use Classes)

Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure there is not an over-provision of non-A1 units to accord with Policy S1 of the Mid Sussex Local Plan and Policy DP3 of the submission District Plan.

20. Prior to the first occupation of any part of the commercial floorspace within an A3 use class, measures shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority of an Odour Control Scheme (outlining the means of ventilation for the extraction and disposal of cooking odours to also include any flue details) to prevent odour from cooking at the premises affecting neighbouring residential premises. Such a disposal method shall then be provided in accordance with the agreed details prior to the A3 use hereby permitted being carried on.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policy CS22 of the Mid Sussex Local Plan and Policy DP27 of the Submission District Plan.

21. No air conditioning units or other plant shall be installed unless and until an acoustic assessment has been submitted to and approved in writing by the local planning authority that demonstrates the noise impact on the neighbouring residential properties and mitigation measures. The development shall only proceed in accordance with the approved details.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policy CS22 of the Mid Sussex Local Plan and Policy DP27 of the Submission District Plan.

22. The commercial premises hereby approved shall not be open for trade or business except between the hours of 08:00 to 23:00 on Mondays to Saturdays and 09:00 to 23:00 on Sundays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies B3 and B23 of the Mid Sussex Local Plan and Policy DP24 of the Submission District Plan.

23. No residential unit hereby approved shall be occupied unless and until a Waste Collection Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate bin and recycling collection arrangements to safeguard the appearance of the area and to accord with Policy B1 of the Mid Sussex Local Plan and DP24 of the submission District Plan.

24. The proposal shall be carried out in full accordance with the Energy Strategy compiled by Stansted Environmental Services Ltd dated 11.08.2017 and submitted to the Council on the 6th September 2017.

Reason: In the interests of sustainability and to comply with Policy B4 of the Mid Sussex Local Plan and Policy DP39 of the submission District Plan.

25. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with policy T5 of the Mid Sussex Local Plan and Policy DP19 of the submission District Plan.

26. No development shall be carried out unless and until the following details have been submitted to and approved in writing by the local planning authority:

- Drawings incorporating a vignette of a typical part of both the Queens Walk and Queensway elevations and sections at 1:20 scale showing the grouped balconies with the projecting framed surrounds, mezzanine/ground/lower ground floors and top floor set-back.
- 1:20 section drawing(s) showing typical window reveals.
- A section drawing showing the relationship of the pavement, building frontage and access to the toilet / sub-station on the Queensway elevation.
- A 1:200 elevation of the set-back part of the north elevation showing the fenestration serving the type 22 flat types.

The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies B1 and B10 of the Mid Sussex Local Plan, Policies DP24 and DP33 of the submission District Plan and Policies EG3 and EG5 of the Neighbourhood Plan.

27. 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. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can

obtain further information from:

https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-a_application_for_removal_or_variation_of_a_condition.pdf (Fee of £97 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
5. The applicant is advised that to satisfy condition 13 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate

sum will be calculated in accordance with the latest policy - currently the East Court & Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

6. 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.
7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
8. Regarding condition 20, if an A3 user(s) is intended for the commercial space then early consideration needs to be given to how the odour control system will operate. Any external extraction equipment on the facades of the building is unlikely to be acceptable visually.

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 4th October 2017: Would support approval.

MSDC Urban Designer

Summary and Overall Assessment

The principle of a scheme of this approximate mass, scale and layout has been accepted in the May 2017 approval of the planning application DM/15/5067. My consideration of this scheme is therefore just in terms of the key changes and details.

The proposed building will still be very large and it will dominate the surrounds. However overall it is an improvement upon the consented scheme, and benefits from a more resolved layout, better ordered facades and a marginal reduction in the overall height and massing. For these reasons, I have no objections to this application, but would recommend the following conditions:

- Drawings incorporating a vignette of a typical part of both the Queens Walk and Queensway elevations and sections at 1:20 scale showing the grouped balconies with the projecting framed surrounds, mezzanine/ground/lower ground floors and top floor set-back.
- 1:20 section drawing(s) showing typical window reveals.
- A section drawing showing the relationship of the pavement, building frontage and access to the toilet / sub-station on the Queensway elevation.
- A 1:200 elevation of the set-back part of the north elevation showing the fenestration serving the type 22 flat types.
- Drawings showing the details of the hard and soft landscaping including boundary treatments
- Samples of materials showing the treatment of facing walls.

Layout

The layout is more resolved than the consented scheme in the following respects:

- The car parking is better designed: firstly, the covered deck above the car parking allows the latter to be more satisfactorily divided-off from the residential areas, and allows the courtyard to properly set out as an attractive landscaped space that compensates for the tight enclosure; secondly, the site is optimised with the fuller excavation of the basement / lower ground floor that provides for a larger car park without any impact upon the quality of the design; thirdly, the ramp access arrangement has been improved to allow two-way movement.
- The back-to-back distances in the internal courtyard are greater (although it is still tight).
- Queens Walk is more legibly set-out as a result of the squared-off south-west corner in place of the previous projecting corner feature.
- The building lines are more consistent and are less tight on the Queens Road/Queensway corner. However, it is less fortunate that the Queens Walk elevation projects very slightly forward of the consented scheme given the narrow width of Queens Walk (but it will still be wider than the existing arrangement).
- The residential entrance on Queens Walk is better defined with a wider façade that is more glazed.
- The cycle stores are more accessibly positioned within the car park.

The applicant has successfully managed to negotiate with the utility companies, the integration of the sub-station within the envelope of the building. The access to this and the public toilets will be on a different level to the sloping pavement necessitating a retaining wall and railings that are not clearly shown on the drawings. A section drawing is needed to show this relationship, and the boundary treatment needs to be shown in elevation.

Elevations

All three elevations are better ordered with tidier facades and more consistent articulation and application of facing materials. This has especially helped on the Queensway elevation which suffered from an untidy mix of elements; the current scheme has rationalised and tidied-up the steps and staggers by employing a more consistent approach to the vertical articulation. The north-west corner of the Queens Road elevation previously had a clumsy relationship between the gabled 3rd floor and the squared-off 4th floor set behind it; this problem has been ironed-out and the flat-roofed and gabled elements are now more clearly defined from one another. Furthermore the reconfigured vehicle entrances are now more successfully integrated into the façade so they work with (rather than against) the natural rhythm of the façade.

A potential disadvantage of the more rationalised approach is that it provides less incident to break-up the longer and less articulated Queens Walk elevation. The series of grouped recessed balconies are of key importance in this respect; to allow them to convincingly perform this function, the balconies and balustrading need to read as if they are convincingly set-back from the façade. In addition the projecting frames also need to adequately project from the facades; as drawn there is a risk they may look too flat. I would therefore like a condition that reserves the design of these elements, and for additional details also to be required for the Queensway elevation given its prominence.

The large featureless east flank will be mostly screened from the public realm by existing building frontages on London Road, although it is likely to be partly visible from the eastern end of Queens Walk, and through the gap in the Queens Road frontage; however neither are prominent views.

For the sake of completeness, and as it will be visible from Queens Road, a drawing should be provided of the north elevation of the part of the building on the east side of the courtyard (incorporating flat type 22).

MSDC Conservation Officer

This proposal represents a revision of the approved scheme for the site (DM/15/5067). Although the revisions include some minor reductions in the bulk of the building at high level it remains, in my opinion, unacceptably dominant in views from and towards the nearby Conservation Area, including views of the listed West Street Baptist Chapel. For that reason my comments and conclusions in relation to the previous application remain pertinent, and I am attaching them here for your convenience (below).

I will not comment on the detailed design of the scheme as I understand that Will has provided advice in this respect.

Comments on original scheme:

The application site is a retail premises located to the west of London Road within the town centre of East Grinstead. The site is considered to be within the setting of the East Grinstead Conservation Area, the boundary of which lies a short distance to the south east, and of several listed buildings situated within the conservation area, including Grade II listed West Street Baptist Chapel, Grade II* listed Old Stone House, Clarendon House and 2B Judges Terrace, and Grade II listed 1 and 2a Judges Terrace, and the Grade II listed Constitutional Buildings on the High Street, as well as a run of other listed buildings to this western end of the High Street. It is also within the broader setting of Grade II* listed St Swithun's Church, which is a prominent local landmark due to its height.

The proposal is for the demolition of the existing buildings on the site and the erection of a mixed use development of substantial footprint and up to 6 stories in height. The existing buildings on the site are of no particular merit and their demolition is not considered in principle to harm the setting of either the conservation area or the nearby listed buildings. However because of its height, bulk and form the proposed new development is considered to be significantly detrimental in this respect.

The existing buildings fronting onto London Road and West Street are between one and three storeys in height, and these form at present the immediate setting of the conservation area and the listed buildings within it. Whilst the individual buildings are for the most part of no particular architectural merit the scale, form and materials of the existing frontage development are sympathetic to the established character of the conservation area and the create a harmonious setting for the heritage assets centred along the High Street.

Further verified photo views have been supplied on Officer request and illustrate the impact on views from the western end of the High Street. These show that the current proposal would tower over the existing street frontage, particularly in views from the raised pavement to the southern side of the High Street, and from West Street, detracting from the existing harmonious townscape character of this part of the conservation area's setting, and creating an unacceptably dominant relationship of scale with the existing listed and non-listed buildings within the conservation area.

The building appears particularly monolithic from West Street, to the detriment of views from this part of the conservation area, which would include views featuring Grade II listed West Street Baptist Chapel, which would appear dwarfed by the new building. The building would also have a significant detrimental impact on the character of the approach to the conservation area along West Street.

Although the verified views submitted are less clear on this point (particularly due to the time of year with intervening trees being in full leaf) I also remain concerned about the potential impact on longer views of St Swithun's Church, for example from London Road, in which the church tower is, and has been since its construction, a prominent landmark due to its relative height. The introduction of a building of the scale proposed into the town centre landscape may detract from the historic prominence of the church, to the detriment of its appreciation as a local landmark.

In my opinion the proposed new development would result in substantial harm to the setting of the East Grinstead Conservation Area and the listed buildings located within it to the western end of the High Street, as well as potentially to the setting of St Swithun's Church. It would detract from the special interest of these heritage assets and from the context in which they are appreciated. The criteria set out in paragraph 133 of the NPPF would therefore apply. The proposal is also in my opinion contrary to the requirements of Policies B10 and B12 of the Local Plan, Policies DP32 and DP33 of the emerging District Plan and Policies EG3 and EG4 of the East Grinstead Local Plan.

I have not commented on the detailed architectural treatment or broader urban design considerations as I believe Will has provided a response in these respects.

MSDC Drainage

I have now been able to assess the revised drainage proposals for the above site. I see that it is proposed to keep the outflows into the surface water sewer in Queens Road the same as originally proposed at 16.34l/s and 20.76l/s and that this matches the 1 in 2 year flow rate from the existing site. I welcome this so do not object to the principle of the development changes, however, there is not enough detail within the documents supplied to say that a drainage condition is not necessary.

I am a little disappointed as in the original proposals there was mention of a green roof and permeable paving in Queens Walk but these proposals seem to have been abandoned.

In order to ensure that the drainage for this site will be adequate a drainage condition is necessary. In order to approve the drainage proposals under such a condition the following information is needed:

- Evidence that Southern Water have agreed to the rate of flows going into both their surface and foul water sewers as their consultation response stated that Network improvements may be necessary.
- Finalised plans of the drainage including details for the method of flow control into the surface water sewer and plans typical details and sections for the attenuation tanks.
- Finalised calculations for the drainage networks showing how the flows will be restricted into the public surface water sewer and that the site can accommodate surface water from the 1 in 100 year + climate change event within the site boundary and without any flooding of properties.
- A Management and Maintenance plan for the future (you have provided this) but an updated and finalised drainage plan should also be supplied in this document with an explanation of why the surface water drainage needs maintaining so future residents are aware.

I noted from my assessment of the revised plans that there are 2 underground storage crates proposed. These crates appear to be in series (i.e. one flows into the other) so they cannot be set at the same level to achieve the required storage.

MSDC Housing

Further to receipt of the updated Viability Assessment for the above, which was carried out due to amendments to the consented scheme, I can confirm that it is still not currently viable for the developer to provide any Affordable Housing.

I can also confirm that the actual policy requirement is for 39 affordable housing units to be provided (based on 30% of a total of 129 residential dwellings) and that a further viability review will be required when 75% of the dwellings are occupied.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 129 residential dwellings at the Former Martells Department Store, 1-4 Normans Gardens, And 26-36 And 38A Queens Road East Grinstead West Sussex RH19 4DW on behalf of the Head of Corporate Resources.

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units - projects as previously identified in respect of DM/15/5067.

Play £60,555
Kickabout £17,160
Formal Sport £108,732
Community Buildings £47,232

MSDC Waste

Having viewed the revised plans with the bin routes marked, I can confirm that we will be able to access the site and service all bins from store C.

The requirement for the management of the block to move bins from store A/B to the temporary set down point in store C will be essential for all bins to be serviced. As long as this requirement is clearly documented and fully understood once a management company take over responsibility for the building, I do not foresee any further issues with servicing the bins at the property.

MSDC Environmental Protection

No comments to make.

MSDC Trees

Generally acceptable soft landscaping proposals but need more information for the upper level.

MSDC Food Safety

I have been informed that your client has applied for planning permission to carry out alterations to the above mentioned premises. I have examined your plans with respect to food hygiene, health and safety and the provision of sanitary accommodation.

However, the plans do not show sufficient detail to enable me to comment fully on whether requirements of the relevant legislation have been met completely, because the area for commercial space for A1, A2 and A3 has not yet been finalised.

If the Planning Authority is minded to grant permission, I would strongly advise you to consult Mid Sussex Environmental Health on internal layout when the development is at a suitable stage. Please see attached guidance notes.

MSDC Contaminated Land

No comments to make.

West Sussex Highways

The various changes to the approved plans are noted. In highway terms, these changes seek to increase the number of parking spaces (by 26 (from 103 to 129)), various alterations to improve vehicle circulation within the private car park, and minor alterations to the vehicular access to be used for servicing (this appears to be relocated a very short distance to the east). These amendments are not considered material and in highway terms would not unduly affect the scheme that already has planning permission.

No highway objection would be raised.

As a further observation, retaining walls are indicated adjoining the public highway. The applicant should note that any structures that will retain the public highway will be subject to an approval in principle process that will need to be approved by the LHA prior to works adjoining the highway commencing. The following condition is suggested in these respects.

No works shall commence until such time as the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been completed in regards of the proposed retaining walls and written confirmation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the proposed adoptable structure is constructed to the required standard to safeguard the users of the public highway.

Further comments were subsequently received confirming the suggested condition is not necessary: the condition suggested within the WSCC consultation response dated the

17th October 2017 is unnecessary given that there are no retaining walls that adjoin the public highway.

West Sussex Infrastructure

Education			
Locality	East Grinstead		
Population Adjustment	212.7		
	Primary	Secondary	6th Form
Child Product	0.7125	0.7125	0.3848
Total Places Required	4.9875	3.5625	0.7696
Library			
Locality	East Grinstead		
Contribution towards Hassocks/Hurstpierpoint/Steypning	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£29,291		
Population Adjustment	212.7		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	129		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	212.7		
Net Parking Spaces	127		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£78,134
Education -	£84,089
Education - 6th Form	£19,702
Libraries	£29,291
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	HWIL

Total Contribution	£211,216
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The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 129 Net dwellings and an additional 127 car parking spaces.

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

Horsham & Mid Sussex Clinical Commissioning Group - NHS

By way of background as you know, Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham & Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Judges Close GP surgery who are planning to merge with Moatfield Surgery. Should a planning consent be given this would create a potential further 213 new residents/patients.

Moatfield Surgery and Queen Victoria Hospital are engaged in a planning process to improve Primary, Community and Secondary Care for East Grinstead patients with the aim of closer synergy by bringing more NHS services locally. However, this is likely to involve capital expenditure.

Judges Close surgery also does not have ideal premises being cramped and suffering from acute access issues at its town centre making a wider move to the Moatfield site a pre- requisite to accommodate more patients.

Capital Infrastructure works/plans, including an extension, are being worked up to accommodate the merger and in the circumstances, we therefore consider that a Section 106 application for a developer contribution towards Healthcare capital improvements to be entirely appropriate, should a planning consent be given. (Incidentally a Section 106 was previously sanctioned on the former mix of dwellings for the NHS CCG, DM/15/5067, dated 22nd May 2017)

In calculating our requirement we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer's approved formula.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients by diluting healthcare delivery.

This developer contribution calculated at £53,300 is on a proportionate pro rata basis and equates to an average of £413 per Flat.

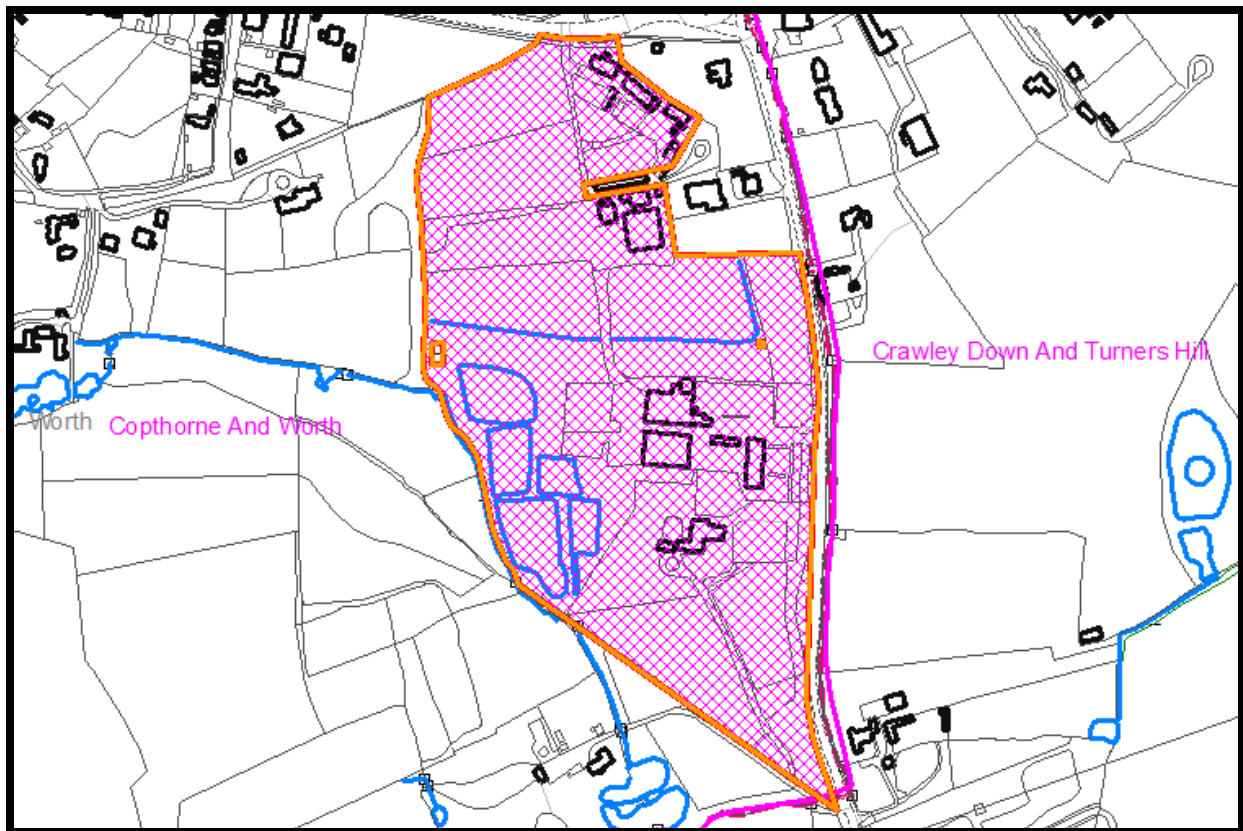
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

25 JAN 2018

PART III – OTHER MATTERS

4. DM/17/1490



Land Parcel At 533365 138976 Turners Hill Road Crawley Down West Sussex

Introduction

The applicant has appealed against the Council's non-determination of the application and an Informal Hearing has been set for the 27th February 2018 for an Inspector to hear the case. This report is before members to establish what decision the Council would have taken on the above application had it had the opportunity to do so. Officers will then

prepare a statement of case for submission to the Inspector.

Relevant Planning History

The site has an extensive planning history, mainly relating to commercial proposals, which are not considered relevant in the context of the current scheme, however, there have been three previous proposals for residential development on the site.

The first, for an unspecified number of dwellings, was considered by the Council under ref 00/01825/OUT.

The application was in outline, with only the principle of access to be considered, and was refused by the Council on the 24th November 2000 on grounds including highway safety and sustainability (reliance on the private car to access services). The decision was appealed and was dismissed by the Inspector who stated ('I accept that, in total, access to public transport would be greater than which, sadly, is available in many rural areas. I am not convinced however, that the availability of those services at the appeal site would avoid an increased use of the private car to an extent that would outweigh the more fundamental policy objections to housing in this location.')

The second was considered by the Council under ref DM/15/1339 and involved a very similar scheme to that proposed under the current proposal, the main differences relate to the total number of dwellings (up to 172) and the community involved provision for an under 5's nursery, rather than a shop. The application was refused by the District Planning Committee under a notice dated the 10th July 2015 for a total of seven reasons that included an unsustainable location, severe highway impact (respect of pedestrian/cycle links, access arrangements and junction improvements), impact on rural character of the area, ecology and lack of an agreed S106 Agreement.

The third application was submitted under ref DM/15/3975 where the applicant submitted an appeal against the Council's non-determination of the scheme. Following an Informal Hearing the Inspector dismissed the appeal due to insufficient pedestrian/cycle links to Crawley Down (therefore making the site unsustainable) and a lack of an agreed S106 Agreement to secure the necessary infrastructure to mitigate the impacts of the development. In dismissing the appeal the Inspector did not support the Council's case on many aspects, including highway and visual amenity. Relevant comment will be made in more detail to this appeal decision throughout the report below.

Site and Surroundings

The application site covers approximately 8.4ha and is located to the southwest of the Dukes Head roundabout, with Copthorne Common road (A264) to the north and the Turners Hill Road to the east.

The site is made of three different parcels of land, Firs Farm Barns Court and Friday Farm.

Firs Farm is a private residential property, accessed from Copthorne Common Road, which apart from the main dwelling, contains a number linked residencies, paddocks and a small cluster of small independent commercial units. The buildings are generally low key with no descript character or redeeming features.

Barns Court is a small commercial business park of approximately 1,500sqm made up of previous converted single storey agricultural buildings. To the west of the buildings are a series of five ponds that are used by a private fishing club. Access to Barn Court is taken from Turners Hill Road.

Friday Farm is a single private residence located to the south of Barn Court in extensive grounds and it too takes access from Turners Hill Road.

The surrounding area is generally formed of sporadic individual properties developed linear to the approach roads leading to the Dukes Head roundabout, with the exception of the small estate of Newland Park (circa approximately 50 dwellings) to the north of the A264. The Firs, located to the east of Firs Farm, is a Grade II listed building.

Paddocks and open countryside generally form the context of the wider environment to the south and east of the site, while to the west lies areas of designated ancient woodland. A public footpath runs through a paddock along the northern boundary of the site.

Application Details

The application is in outline form with all matters reserved except for access. As such the only matters for consideration are that of the principle of development and the means of access.

The proposed development, as submitted, seeks consent for the following;

- Up to 167 dwellings (30 per cent to be affordable)
- Up to 6000sqm of commercial space
- A community hub providing space a local shop and community spaces
- New access arrangement to Copthorne Common Road (A264)
- New access to Turners Hill Road (for residential use only)
- Alterations to existing access arrangements to Barns Court

In summary the supporting information shows that the majority of the proposed dwellings would be two storey in height (8m GF to Ridge), although there would be some pockets of three storey (11m GF to Ridge) to the north east corner and centre of the site. The Commercial units would again generally be two storeys in height (9m GF to Ridge) although, again, there would be some three storey elements (12m GF to Ridge). Up to 6,000sqm of commercial floor space is proposed and it is indicated that these could be externally treated as low scale modern farm / craft village style buildings. A 400sqm community hub is illustratively shown in the centre of the site that will provide for a local

shop and community spaces.

The landscape parameters plan identifies that the majority of existing boundary trees and vegetation will be retained, along with specifically identified trees within the site. It also outlines areas of additional hedgerow planting within the site to divide potential pockets of development.

Access to the site would be split between the residential and commercial elements. The residential scheme would take access from the A264 Copthorne Common Road to the north (left in / left out only) and from a new access (all directions) to Turners Hill Road in the south. The commercial aspects of the scheme would utilise the existing Barns Court business park entrance to Turner Hill Road (left out only). Improved pedestrian and cycle links are proposed to Copthorne and Crawley Down, along with two new crossing points to the A264.

The proposal would include a package of contributions towards infrastructure requirements to meet the demand of future residents.. The applicants are also proposing the delivery and future management of the communal areas/buildings through a Local Community Trust.

LIST OF POLICIES

Mid Sussex Local Plan

G1-3 - General Policies
B6 - Trees; Hedgerows and Woodlands
B18 - Archaeological Sites
C1 - Countryside Area of Development Restraint
C2 - Strategic Gap
C5 - Areas of importance for Natural Conservation
H4 - Affordable Housing
E7 - New Business Development in the Countryside
R3 - Play Space Provision
T4 - Transport and New Development
CS13 - Land Drainage

Development and Infrastructure SPD 2006

District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, that

are required in order to make the plan sound, on the 13th November 2017. The comments received have been sent to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in January 2018.

The most relevant policies, and the weight that can be attached to them is as follows:

- DP10 – Protection of the Countryside (Significant Weight)
- DP11 – Preventing Coalescence (Significant Weight)
- DP12 – Sustainable Rural Development and the Rural Economy (Significant Weight)
- DP18 – Securing Infrastructure (Little Weight)
- DP19 – Transport (Little Weight)
- DP20 – Rights of Way and other Recreational Routes (Significant Weight)
- DP27 – Noise, Air and Light Pollution (Little Weight)
- DP29 – Affordable Housing (Little Weight)
- DP32 – Listed Buildings (Significant Weight)
- DP36 – Trees, Woodland and Hedgerows (Some Weight)
- DP37 – Biodiversity (Some Weight)
- DP41 – Flood Risk and Drainage (Some Weight)

Worth Copthorne Neighbourhood Plan

Regulation 14 Draft Plan published. Consultation finished 30th April 2017. Material planning consideration but can be given little weight.

Relevant policies include;

- COP01 – Securing Sustainable Local Infrastructure
- COP05 – Control of New Developments
- COP06 – Sustainable Drainage Systems
- COP07 – Retention of Existing Employment Sites and use of Vernacular Buildings
- COP08 – Prevention of Coalescence (actual or perceived)
- COP09 – Protect and Enhance Biodiversity
- COP10 – Environment and Pollution
- COP11 – Promoting Sustainable Transport

Crawley Down Neighbourhood Plan

While the main part of site lies outside the Crawley Down Neighbourhood Plan boundary, the boundary line between the two plans in this location falls along Turners Hill Road and given the proposed two access points to the proposal onto this road, it is considered that the plan in this respect is relevant to the proposal.

The Crawley Down Neighbourhood Plan is made and part of the Development Plan and can be full weight.

The relevant plan policies are;

CDNP05 – Control of New Development
CDNP10 – Promoting Sustainable Transport

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking the document provides the following advice:

"187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

Paragraph 197 states that "In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

REPRESENTATIONS

A total of 22 letters of objection have been received making the following points;

- Unsustainable location for development
- Lack of access to important services
- The development will result in the deterioration of ancient woodland
- A minimum of 30 buffer zone should be provided to ancient woodland
- TPO's should be placed on all trees on the site
- Presumption in favour of development does not apply in this case
- Community 'sweeteners' are wishful thinking and shouldn't be taken into account
- Outside the built up area and therefore para 55 of the NPPF applies - it's doesn't comply with requirements
- An Environmental Impact Assessment should be undertaken
- Previous highway objections still remain
- Insufficient infrastructure to meet the demands of the development
- Crawley Down Neighbourhood Plan policies do apply to the proposal
- Development of the site would set a precedent
- Spoil the rural character of the area
- Highways impact would be severe
- Remote to all services

- Remote to Copthorne and Crawley Down villages
- Impact on local/strategic gap
- There is no need for additional housing in the area
- Detrimental impact of the ecological value of the site.

One letter of support to proposed cycle provision. One further letter of support received.

SUMMARY OF CONSULTEEES

Local Highway Authority

In summary, WSCC is not satisfied that safe and satisfactory walking and cycling provision can be provided from the development to Copthorne or Crawley Down villages and that the only safe routes would be within the site itself, sufficient evidence has not been provided to demonstrate that such routes can be provided.

The pedestrian and cycling links from the development to Copthorne village and Crawley Down village are considered substandard and their increased use as a result of the development would be to the detriment of pedestrian and cyclist safety. The proposal would therefore result in a severe impact on highway safety and would not accord with Paragraph 32 of the National Planning Policy Framework.

MSDC Housing Officer

No objection

MSDC Urban Designer

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. The scheme is consequently short on detail, with no elevations and only a sketchy site layout drawing provided, making it difficult to assess its design merits.

MSDC Environmental Protection

No objection subject to conditions

MSDC Contaminated Land Consultant

No objection subject to conditions

MSDC Tree and Landscape Officer

Object, while in outline form the proposal is likely to have a significant impact on the existing tree stock.

MSDC Landscape Consultant

No objections subject to conditions

MSDC Archaeological Consultant

No objection subject to conditions

Gatwick Airport

No objection subject to conditions

WSCC Flood Risk Management

No objection

Thames Water

No objection

NHS Trust

No objection subject to securing a financial contribution towards infrastructure

Sussex Police

No objection subject to securing a financial contribution towards infrastructure

WORTH PARISH COUNCIL

Strongly object, as previous, in that:

This project is not a sustainable development and fails all three dimensions of the sustainability test (Economic; Social; Environmental).

This once again is an outline application which does not comply with the spirit of the White Paper – Mending our broken Housing Market, as it does not give the local community (Worth Parish) the opportunity to comment on the design and setting nor does it give the local community (Worth Parish) access to any pre-application discussions that may have taken place. MSDC should insist on all such applications being Full Applications, such that full details are available for all.

This application is principally within the Copthorne boundary but access to the highway lies within the Crawley Down boundary. As for the previous application DM/15/3975, both the Copthorne Neighbourhood Plan, which has just completed Regulation 14 Consultation and the made Crawley Down Neighbourhood Plan apply.

The proposal does not comply with the following policies within the Crawley Down Neighbourhood Plan;

CDNP01 – Securing Sustainable Infrastructure

CDNP05 –

- a) Scale is not unobtrusive and is out of character with the area
- b) Density is too high and exceeds 25dph
- e) green spaces appear to be inadequate for this number

CDNP06 – Suitable Sustainable Drainage

Large area of hard standing that drains to a stream via the lagoon to Copthorne which has a flood risk. Development on this catchment should be resisted until the Copthorne problem is resolved.

CDNP08 – Prevention of Coalescence

The development contributes ribbon development on both the B2028 and A264 leading to potential coalescence by reducing the gap between Crawley Down and Copthorne.

CDNP09 – Protect and Enhance Biodiversity

It would appear that most is not all the trees within the site are to be cleared with the plantings as part of the development. This is unacceptable practice and we request that MSDC place TPO's on all trees that can sensibly be kept as part of any development.

CDNP10 – Promoting Sustainable Transport

- a) It has already been established by the dismissal of a previous appeal that the B2028 does not provide safe facilities for either walking or cycling to Crawley Down. The suggestion within the application that cutting back vegetation to the footpath will improve this is not adequate mitigation. The accident record for this section of road is poor, with incidents involving cyclists.

The proposal does not comply with the following policies of the Copthorne Neighbourhood Plan. The Copthorne Neighbourhood Plan has now completed regulation 14 consultation and should be afforded some weight;

COP01, COP05 a) and f), COP06, COP08 b), COP09 d), COP011 a) and f).

It should be noted that although both Copthorne and Crawley Down undertook searches for suitable land to develop, neighbourhood plan has allocated sites for development but both have included permissive policies for development.

In the opinion of the Parish Council, little has changed since the previous application DM/15/3975 was dismissed on appeal.

ASSESSMENT (Consideration of Key Issues)

The previous appeal decision in relation to application DM/15/3975 is a material

consideration to take into account when considering what the Council's decision would have been had it determined the application. Having considered all relevant matters it's considered that the main issues that would have needed to be considered in the determination of this application are as follows;

- Principle of Development
- Access and Transport (including location sustainability)
- Affordable Housing
- Ashdown Forest
- Infrastructure

Other matters that will need to be considered include impact on the character and appearance of the area, drainage, ecology and impact on heritage assets.

Principle of Development

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (2008) and the Mid Sussex Local Plan (MSLP) (2004).

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 49 of the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council's district plan is at an advanced stage and the Council believes that it has

established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time.

Prior to the Supreme Court judgement of the 10th May 2017 (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) case law had stated that Policy C1 of the Mid Sussex Local Plan was a "policy for the supply of housing" and was therefore not considered to be up to date by virtue of paragraph 49 of the NPPF in the absence of a 5 year housing land supply.

However, the Supreme Court's judgement has made a clear ruling which now favours the narrow view of paragraph 49. That is policies for the supply of housing capture only those policies that are directly related to housing supply and seek to satisfy paragraph 47 which requires LPA's to 'boost significantly the supply of housing.'

The implication for this is that Policy H1 of the MSLP is clearly out of date as it is the Mid Sussex Local Plan's principle housing supply policy and makes provision for housing only until mid-2006. However, policies such as C1 of the MSLP, which are not directly related to the supply of housing, would now not be considered "out of date" per se under paragraph 49 following the Supreme Court ruling.

However the weight to be given to these policies, within the planning balance set by paragraph 14 remains with the decision maker. The weight is considered to be reduced in the context of the lack of a 5 year housing land supply given the aim of the NPPF to boost significantly the supply of housing.

The recent Written Ministerial Statement of December 2016, which deals with Neighbourhood Plan and housing land supply, is normally a material consideration in the determination of applications. However, the fact that there is currently no draft Neighbourhood Plan for the Parish means that the Statement is not applicable in this instance.

As the Council cannot currently demonstrate an agreed 5 year supply of deliverable housing sites para 14 of the NPPF is applicable. This states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”}

The second bullet point of the ‘decision taking’ section currently applies as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that must be taken is that the development is assessed against paragraph 14 to see whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to Birds and Habitats Directives. In this case, as the proposal will need to be subject to an Appropriate Assessment under the Habitat Directive (see later section in report), paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply.

In such an instant, the planning balance exercise that needs to be applied is ‘untitled’.

Therefore the key test that must be undertaken therefore when assessing this application is as set out within para 14 of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

Access and Transport

Paragraph 32 of the NPPF states in respect of transport matters;

Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;
- Safe and suitable to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

This is reflected within Policy T4 of the Mid Sussex Local Plan where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. Policy DP19 of the District Plan Submission version is based upon similar aims. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the Local Plan it is considered that the

relevant test in this case is of 'severe' impact, and in these circumstances the Local Plan Policy has diminished weight in this respect.

The relevant policies within the both referenced Neighbourhood Plans seek to promote sustainable transport within the neighbourhood plan area.

Access Arrangements and highway network

The proposed access arrangements to the site remain as previous considered by the Inspector and while the Local Highway Authority raised a number of objections in relation to these proposals, the Inspector did not support them. Similarly, the Local Highway Authority raised a number of objections in relation to the potential impact of the proposal on the local highway network and again the Inspector did not support. In concluding on these matters the Inspector stated;

'39. I therefore conclude that the proposal would not necessarily have an unacceptable effect on highway safety and network performance. I further conclude that it would thus not conflict with Local Plan Policy T4, Neighbourhood Plan Policies CDNP05 and CDNP10 and the NPPF in this regard'.

In reaching this view the Inspector considered that appropriate conditions could be imposed upon on any approval to address the concerns of the Local Highway Authority and provide suitable comfort that the development could not proceed/be occupied with the agreement of such details. In light of this, the Local Highway Authority is satisfied that in this instance a similar approach can be adopted and have not forwarded an objection on this basis.

Given that the Local Highway Authority have not raised an objection to the proposals on these specific matters, it can be considered that in terms of site access arrangements and impact highway network, the application complies with Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the District Plan Submission Version and policies CDNP05 and CDNP10 of the Crawley Down Neighbourhood Plan.

Locational Sustainability

In considering accessibility of the site by walking, cycling and passenger transport it is important to remember that while distance is a factor that may affect how a journey is made, principles such as whether a route is convenient, accessible, safe, comfortable and attractive, are matters that should also be taken into account.

The previous appeal on the site was dismissed on the basis that the Inspector was not satisfied that acceptable pedestrian and cycle links to Crawley Down were provided and in the absence of these routes for sustainable modes of transport, the proposal would not seek to minimise reliance on private car trips and would conflict with relevant Development Plan policies and the NPPF. In reaching this view, he considered that suitable improved links could be provided to Copthorne and that the facilities within these

villages were *'very generally at the highways authority's suggested maximum walking distances and within its cycling distances'*. He then considered that the site was not remote from these villages.

In terms of local services to the site, there is a small shop associated with a petrol filling station and the Dukes Head public house. This, in your officers' opinion, does not constitute the full range of facilities required to meet the needs of the occupants of the proposed dwellings and they would have to look further afield to the villages of Copthorne and Crawley Down, as well as towns of East Grinstead and Crawley, to obtain all but a few everyday services. This view is supported by an appeal Inspectors decision on land at South Place, Copthorne Common Road, which is on the northern side of the A264 almost opposite to the site subject to this proposal who stated;

'12. In terms of access to local facilities the appellant refers to a small convenience shop linked to a petrol filling station on the southern side of the A264 opposite the site, However, although this may provide for some emergency shopping such a small facility is unlikely to result in a reduced demand generally to travel further afield for most provision'.

It is noted that the applicants are proposing the inclusion of a local shop space within the 'community hub' and state that this would initially be let to a national provider (Waitrose, Sainsbury and Co-op are mentioned) however, there are no definite details and the Council have no way of ensuring that such a shop would be taken up (a legal agreement can make provision for a building but cannot ensure its occupation by a retailer). Experience has shown within the district that shop facilities on residential schemes (of much greater scale than proposed here) are very difficult to deliver and maintain and given the relatively limited number of dwellings proposed is not considered that there is sufficient demand to ensure such a shop can be supported in the long term.

An integral part of the proposals is the provision of improved pedestrian/cycle links to both Copthorne and Crawley Down. While the previous Inspector was satisfied that improvements to links to Copthorne could be implemented in an appropriate manner that could result in a satisfactory means of pedestrian/cycle access, no improvements were proposed to Crawley Down and as a result he concluded that the proposal would be likely to result in a high dependence on private car trips to Crawley Down and that the site did not represent a sustainable location in transport terms contrary to Development Plan policies and the NPPF. This was sufficient to dismiss the appeal.

The Local Highway Authority has reviewed all the information submitted in support of the proposals and has made the following concluding comments;

'21. In summary, WSCC is not satisfied that safe and satisfactory walking and cycling provision can be provided from the development to Copthorne or Crawley Down villages and that the only safe routes would be within the site itself, sufficient evidence has not been provided to demonstrate that such routes can be provided.

22. The pedestrian and cycling links from the development to Copthorne village and

Crawley Down village are considered substandard and their increased use as a result of the development would be to the detriment of pedestrian and cyclist safety. The proposal would therefore result in a severe impact on highway safety and would not accord with Paragraph 32 of the National Planning Policy Framework.'

It is noted that the Local Highway Authority still have concerns over the provision of improved links to Copthorne, which the previous Inspector considered could be *'implemented in an appropriate manner'* and *'result in a satisfactory means of pedestrian and cycle access'*. The Inspector conclusions on the links to Copthorne are contrary to those made by the Inspector considering the appeal site on Land at South Place, who concluded the following on the basis that improvements could be made to the footpath link to Copthorne in accordance with the appropriate standards;

'However, even with such an improvement I am not convinced that a footpath alongside such a busy road and flanked by woodland would be greatly more attractive to use. Moreover, widening the footpath and cutting back vegetation would have an increasingly urbanising effect to the detriment of the rural character and appearance of the rural area along this length of road'.

It is acknowledged that the Inspector dealing with this site was aware of the conclusions made by the other Inspector on Land at South Place when making his decision, however there are other appeal decisions (albeit for single dwellings) within the area that support the view that a site in this is location is not sustainable from a transport perspective and your officers continue to support this view. Pedestrian/cycle links to both Copthorne and Crawley Down would require users to walk/cycle considerable distances alongside extremely busy roads with fast moving traffic that would be unattractive to all but the hardened user.

In summary of all these issues, while no objections have been raised with regard to the matters associated with the proposed vehicular accesses and impacts on the surrounding local highway network, the Local Highway Authority have identified that the proposed pedestrian and cycling links from the development to Copthorne and Crawley Down are substandard and their increased use would be detrimental to pedestrian and cycle safety. Therefore a severe impact on highway safety has been identified. Moreover, given the sites location and the lack of appropriate links to Copthorne and Crawley Down, the future occupiers of the site would be highly dependent of the private car for most trips and as such the site is not situated in a sustainable location in transport terms. The proposals are therefore contrary to Mid Sussex Local Plan Policies G2 and T4, District Plan Submission Version Policy DP19, Crawley Neighbourhood Plan Policy CDNP10 and emerging Copthorne Neighbourhood Plan Policy COP11.

Affordable Housing

The scheme would be required to deliver 30 per cent affordable housing, as per the Council's adopted local plan policy H4, which on the basis that 167 dwellings were

achieved, this would equate to 50 dwellings. 38 units would need to be for affordable rent and 12 for shared ownership.

There would be a requirement for the units to be integrated across the site in clusters of no more than 10 units, however, as this is an outline scheme, with layout reserved, this would need to be considered at the detailed stage.

The affordable housing provision would need to be secured through a suitable S106 Agreement and without one being in place the application is contrary to Policy H4 of the MSLP.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority – in this case, now the Planning Inspectorate – has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

As the Council is no longer the competent authority it is unable to undertake the initial screening process, however, from the information submitted by the applicant it is considered that there is insufficient information to enable the Council to conclude that there is no likelihood of significant effects.

On this basis the proposal would be contrary to the Conservation of Habitats and Species Regulations 2010, Mid Sussex Local Plan Policy C5, Policy DP15 of the District Plan Submission Version and the NPPF.

Infrastructure

The NPPF sets out the Government's policy on planning obligations in Para's 203 and 204. Respectively these paragraphs state;

"Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through planning conditions."

and;

"Planning obligations should only be sought where they meet all the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development."

Policy G3 of the local plan requires applicants' to provide the costs of additional infrastructure required to service their development and mitigate their impact. These are usually through the signing of a legal agreement. All request for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are set above as part of the Para 204 of the NPPF. It is recognised that the issue of infrastructure has featured prominently in the representations received.

In order for the proposal to mitigate its impacts and provide the necessary infrastructure as required through the Development Plan policies a Section 106 Legal Agreement is required to secure financial contributions, as well as affordable housing. It would include the following heads of terms;

- The provision of 30 per cent affordable housing
- Primary school contribution to WSCC
- Secondary Education contribution to WSCC
- Sixth form contribution to WSCC
- Library contribution to WSCC
- TAD contribution to MSDC
- Formal Sport contribution to MSDC
- Community Building contribution to MSDC
- Local Community Infrastructure contribution to MSDC
- Health Contribution to MSDC
- Police Contribution to MSDC

It should be noted that officers are requesting a contribution towards community buildings as there are already two community buildings within 2km of the site and it is not considered that there is the demand/capacity to support a further one.

While it is appreciated that there is local concern over the current state of infrastructure provision within the area and the additional pressures further development would have on this, the securing contributions by means of a Section 106 Legal Agreement, to off-set the impact caused by the proposed development, is an acceptable mechanism by which these concerns can be addressed to as point where it would not be appropriate to refuse planning permission on these grounds alone.

Officers are currently in negotiation with the applicant over the S106 Agreement and are hoping to reach to have an agreed document by the hearing. In order to protect the Council's position the proposal as it currently stands does not make satisfactory arrangements to secure Infrastructure so the proposal is currently contrary to Mid Sussex Local Plan policies G3 and H4 and policies DP18 and DP29 of the District Plan Submission Version. In the event that agreement is reached, the officers will not pursue the matter further at the hearing.

Other Matters

Landscape / Impact on Character of Area

The Council previously put forward a reason for refusal based upon the detrimental impact of the development of the site, for residential/commercial purposes, upon the rural character and appearance of the area. Unfortunately, the Inspector did not support the Council's case on this matter and concluded the '*the site contributes little too the intrinsic beauty and character of the countryside which the NPPF seeks to protect*' and '*that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area and that it would thus not conflict with the NPPF*'. In light of this, it is not proposed that any objection be raised with regard to these matters in respect of this appeal.

Ecology and Biodiversity

No objection was raised to the previous appeal on these matters and this proposal is supported by similar ecological appraisal and protected species report that looks at the baseline conditions of the site, assess the likely impact and propose mitigation / management measures.

The Council's ecology consultant did not raise an objection previously subject to a number of conditions and such conditions could include an appropriate ancient woodland buffer (of 15m) to the woodland located off site but potentially impinged by the proposed development.

It is considered that the proposal as submitted, and subject to condition in the event that permission were to be granted, complies with Mid Sussex Local Plan Policy C5, Policy DP37 of the District Plan Submission Version and the para 109 of the NPPF.

Drainage and Flooding

The site is located within Flood zone 1, an area with a low probability of flooding (less than 1 in 1000 annual probability) and is thus deemed appropriate for all land uses in the technical guidance of the NPPF.

With regard to the policy context then the NPPF, para 100 states that where development is necessary it should be made safe without increasing the flood risk elsewhere and opportunities should be taken by new development to reduce the causes and impacts of flooding. Para 103 reaffirms the need to ensure that flood risk is not increased elsewhere. Policy CS13 of the local plan states that planning permission will not be granted for development unless it can be satisfied that the site can be adequately drained.

No objection was raised on this matter previously and it is not considered that there have been any material changes in circumstances that would warrant a different view now. On this basis,, and having regard to the NPPF and Local Plan Policy CS13, the proposed development is acceptable with regard to the issue of drainage and flooding.

Impact on Heritage Assets

The Firs is a Grade II listed building that is located between the north eastern boundary of the application site and the Dukes Head Roundabout. The listing description states that it dates from the mid-19th century.

From a policy perspective, policy B10 of the MSLP seeks to protect listed buildings and their settings and development that would affect their historic or architectural character will not be permitted.

The NPPF sets out in as a core planning principle (para 17) of the Framework is to conserve heritage assets in the manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires great weight should be given to its conservation. The more important the assets, the greater weight the weight should be. Where the harm is considered to cause less than substantial harm to the significance of the assets, para 134 of the NPPF requires that any such harm should be balanced by public benefits that clearly outweigh the harm.

In addition to the above Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.

In respect of the previous scheme your officers made the following comments;

'As the applicants are seeking approval of the submitted parameter plans it is open for the Council to seek alterations or control certain elements by condition and if it were minded to approve the application a condition could be imposed to restrict the building heights in proximity of The Firs. In light of this, it is considered that the development would have a neutral effect on the listed building and in undertaking in considering this aspect of the application, the Council have had regard for its obligations under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

The matter was not commented on by the previous Inspector and as such it can be considered that he was satisfied that the principle of development would not harm the setting of the Listed Building and any such future Reserved Matters would consider the matter on their merits. It is not proposed that a different position should be adopted in respect of this matter in relation to this appeal.

Proposed Business Expansion

The proposed development involves the redevelopment and expansion of the existing Barns Court business park from approximately 1,500sqm to a maximum of 6,000sqm. Given its location, policy E7 of the Mid Sussex Local Plan is of relevance. Officers had concerns previously that the proposal did not comply with this policy, particularly with regard to highway and visual impact matters, however, the Inspector did not agree on these matters. Given the Inspectors decision it is not considered that the issue should be

forwarded as part of the Council's case in respect of this appeal.

Whether the proposal would be sustainable development

As set out previously, sustainable development is described as the golden thread running through both plan-making and decision-taking (paragraph 14), and the Framework contains policies on delivering sustainable development. The NPPF sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 of the Framework states that the policies in paragraphs 18 - 219, taken as a whole, constitute the Government's view as to what sustainable development means for the planning system. In this part of the report, your officers will describe the main factors that inform their judgement as to whether the proposal would be a sustainable form of development. In reaching that view your officer has taken account of all the matters referred to in this report.

THE ECONOMIC ROLE

The proposed development would generate a number of direct and indirect jobs during the construction period. The additional population would help generate more local spending in the local community and generate New Homes Bonus funding (which is a material planning consideration), as well as additional Council Tax receipts. The proposed commercial element would contribute towards the regional objectives of the Gatwick Diamond and Coast 2 Capital LEP by delivering economic growth although regard must be given to the deficiencies of this element of the scheme against the local plan policy E7.

The proposal would also result in economic benefits in terms of the direct boost to the local economy during the construction phase and subsequent benefits from additional dwellings and businesses in the locality (residents spending in the local economy and so on). These are all factors that weigh in favour of the development.

SOCIAL ROLE

The provision of up to 167 dwellings will make a significant contribution to the district's housing supply and will help meet the identified need, particularly in respect of affordable homes. The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generation with accessible local services that reflect the community's needs and supports its health, social and cultural well-being. It is not considered that the potential provision of a shop facility on site attracts any beneficial weight as there are concerns regarding its deliverability and long term viability and notwithstanding this the site is remote from the essential services that are required to meet a community's everyday needs and the relative isolation would not foster strong social ties such as through out of school clubs, entertainment and sporting activities without a likely reliance on private transport.

ENVIRONMENTAL ROLE

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and

enhancing the natural, built and historic environment.

The site is poorly served and would result in a reliance on the private car. As a result, the location of the development fails to reduce greenhouse gas emissions, notwithstanding any energy efficient credentials of the final design, and risks adversely affecting the natural environment through adding to air pollution contrary to the aims in section 11 of the NPPF.

Balanced against this, the development, with suitable conditions attached would ensure that the historic environment, i.e. the listed building setting, and the ecology/biodiversity value of the site could be maintained without detriment.

Taking all the relevant factors into account it is concluded that the proposal does not represent a sustainable form of development.

Planning Balance and Conclusion

As the Council are unable to currently demonstrate a five year supply of housing land it follows that relevant policies for the supply of housing are not considered to be up-to-date. In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development and states that permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to Birds and Habitats Directives. In this case, as the proposal will need to be subject to an Appropriate Assessment under the Habitat Directive, as there is currently insufficient information to determine otherwise, paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply.

In such an instant, the planning balance exercise that needs to be applied is 'untilted'.

Turning to the balance of planning issues, the provision of up to 167 dwellings, including the provision of 30 per cent affordable housing is a matter that attracts significant weight in favour of granting permission, however, given that it is not considered that the proposal constitutes a sustainable form of development, the weight attached to this should be reduced accordingly. The creation of additional commercial floor space and the jobs that would be directly created as a result are matters that attract weight in support of the scheme. The economic benefits that the development generates, including the new homes bonus, job creation during the construction phase and additional spend within the local economy post construction, are matters that should attract positive weight.

In terms of adverse impacts then it has been highlighted that the site is not located in a sustainable location and will result in future residents being reliant on the private car to meet their everyday needs, which has a resultant detrimental impact on the use of natural resources. Furthermore, the Local Highway Authority have indicated that the proposed

pedestrian and cycle links from the development are substandard their use would result in a severe impact on highway safety. It is considered that these adverse impacts should be given very significant weight.

Insufficient information has been provided to establish that the proposal is unlikely to have a significant likely effect on a European site of nature conservation importance in respect atmospheric pollution on the Ashdown Forest Special Protection Area (SPA), particularly arising from traffic emissions. While separate legal tests apply under the Habitats Regulations, the proposal is contrary to Development Plan policies and the NPPF in this regard very significant weight should be given to this adverse impact.

It is clear that the proposal does not comply with the Development Plan or the NPPF. The very significant adverse impacts outweigh any benefits of the proposal. It is therefore considered that were officers in a position to recommend a decision on the application, it would have recommended that it be refused for the following reasons;

1. The development is considered to be in an unsustainable location in transport terms being remote from the nearest villages and having poor walking and cycling and public transport accessibility to local shops, services and employment opportunities. The development would therefore result in a high dependence on the private car and the harm caused by development of this site is not outweighed by the benefits of the proposal and therefore the development is not deemed to constitute 'Sustainable Development' for the purposes of the NPPF. The proposal conflicts with policies G2 and T4 of the Mid Sussex Local Plan, policy CDNP10 of the Crawley Down Neighbourhood Plan and paragraph 30 of the National Planning Policy Framework.
2. The pedestrian and cycling links from the development to Copthorne village and Crawley Down village are considered substandard and their increased use as a result of the development would be to the detriment of pedestrian and cyclist safety. The proposal would therefore result in a severe impact on highway safety and is not deemed to constitute 'Sustainable Development' for the purposes of the NPPF. The proposal conflicts with policy T4 of the Mid Sussex Local Plan, policies CDNP06 and CDNP13 of the Crawley Down Neighbourhood Plan and paragraph 32 of the National Planning Policy Framework.
3. Insufficient information has been provided to enable the Council to conclude that the proposal would not have a likely significant impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy C5 of the Mid Sussex Local Plan, Policy DP15 of the District Plan Submission Version and paragraph 118 of the NPPF.
4. In the absence of a completed S106 Agreement the proposal fails to meet Policies

G3 and H4 of the Mid Sussex Local Plan in respect of the infrastructure and affordable housing requirement to serve the development

For members benefit, the full comments of the **Local Highway Authority** are set out below;

1. This is an outline planning application for the approval of access details for the demolition of existing buildings and the erection of a residential development of up to 167 dwellings, a community hub including space for a local shop and improvement and alterations to the existing commercial business park to achieve a redevelopment of up to 6,000sq.m of commercial space with green infrastructure on land at Firs Farm, Turners Hill Road, Crawley Down. There will also be associated works to include landscaping, works to ponds, informal and formal open space, selective tree removal, pedestrian, cyclists and public transport infrastructure, car parking and cycle parking.

Background

2. This application is substantially identical to that of DM/15/3975 which was dismissed at appeal APP/D3830/W/16/3142489 due to the lack of a safe and accessible pedestrian and cycle link to Crawley Down and failure to secure a signed s106.
3. The WSCC response to application DM/15/3975 set out a number of objections to the application (A copy of which is shown in appendix A). Whilst the appeal was dismissed the inspector found that a number of the LHA objections to the proposal could be reasonably resolved by conditions. No additional information in respect of those elements and as a consequence should the LPA be minded to approve the application it would be appropriate to impose the same conditions.

Existing highway characteristics

4. The existing highway characteristics have not significantly changed since the last application. The A264 Copthorne Common Road is a very busy primary route carrying in excess of 30,000 vehicles per day weekdays and over 2,200 vehicles in the AM and PM peaks. It provides the main road link between the towns of Crawley and East Grinstead which connects to M23 Junction 10 and the A22 in East Grinstead to the east of the site with additional junctions with the A2220 Copthorne Road, the B2028 Turners Hill Road and a number of more minor roads serving the villages of Copthorne and Crawley Down. It is a wide single carriageway road of generally good horizontal alignment and primarily semi-rural in nature with occasional ribbon development. The road is subject to a 50mph speed limit and has street lighting across the site frontage, including the Dukes Head roundabout where the A264 Copthorne Common Road/Snow Hill meets the B2028 Turners Hill Road. There are narrow footways on both sides of the road with the southern footway running adjacent to the main carriageway and terminating at the Dukes

Head roundabout. The northern footway runs adjacent to the main carriageway, but diverges on its approach to the roundabout and is separated from the carriageway by a grass verge. A bus stop layby is located immediately to the east of the Firs Farm access next to the westbound carriageway. There are no separate cycling facilities adjacent to the road or controlled crossing facilities near the site, so cyclists have to share the main carriageway with traffic and pedestrians either have to walk across the main carriageway or use the splitter islands at the roundabout.

5. The B2028 Turners Hill Road is a busy district distributor route carrying in excess of 13,000 vehicles per day weekdays and over 1,000 vehicles in the AM and PM peaks. It provides an important road link to Haywards Heath to the south and Horley and Lingfield to the north and serves a number of villages and communities with connections to the primary route network at Copthorne (A264) and Haywards Heath (A272). It also connects to the B2110 at Turners Hill and a number of more minor roads along its length, including the village of Crawley Down. It is a single carriageway road of varying horizontal alignment that is primarily semi-rural in nature with trees and hedgerows lining the route. These are commonly in very close proximity to the carriageway which has the effect of restricting forward visibility around bends and reducing the verge width for adequate footway provision. The road is subject to a 40mph speed limit and has only partial street lighting on its approach to the Dukes Head roundabout. There is a single narrow footway adjacent to the east side of the road opposite the site, but no separate cycling facilities, so cyclists have to share the main carriageway with traffic.

Vehicle Speeds and Flows

A264 to Copthorne (Between Pembley Green and Petrol Filling Station)

6. Average 5 day two way vehicle flows are 31,538 with 85th% speeds of 44.3mph eastbound and 41.8mph westbound and mean speeds of 38.2mph eastbound and 36.3mph westbound. The existing speed limit is 50mph. HGV flows are 5.2% of weekday traffic (or 4.75% of weekly traffic) A total of 122 pedestrians and 36 cyclists were recorded in a 12hr period.

B2028 Turners Hill Road to Crawley Down (south of Copthorne Common Road and Friday Farm)

7. Average 5 day two way vehicle flows are 13,880 with 85th% speeds of 46.3mph northbound and 42.9mph southbound and mean speeds of 40.9mph northbound and 37.7mph southbound. The existing speed limit is 40mph. HGV flows are 5.3% of weekday traffic (or 4.4% of weekly traffic) A total of 24 pedestrians and 41 cyclists were recorded in a 12hr period.

(Between Chart Cottage and The Lodge)

8. Average 5 day two way vehicle flows are 13,783 with 85% speeds of 42.7mph northbound and 40.5mph southbound and mean speeds of 37.7mph northbound and 35.2mph southbound. The existing speed limit is 40mph. HGV flows are 3.6% of weekly traffic (or 2.9% of weekly traffic) Given the fairly limited nature of accesses and businesses between the two count site the % difference is questioned.

Current Application

9. In order to address the previous reason for refusal the applicant has submitted additional details in the form of:
 - A Pedestrian & Cycle Link Improvement Strategy
 - Scheme Drawings

Following a site meeting on the 11/05/17 additional documents have been provided

- Speed surveys and pedestrian flows
- A safety audit and designers response.
- Revised scheme drawings

Following further correspondence

- Revised scheme drawings including the highway boundary were provided.

Review of information provided

10. There appear to be numerous instances where the infrastructure proposed is not consistent with relevant guidance, and that as a result of this I am not satisfied that a safe walking and cycling link between the site and Crawley Down can be achieved. Any departures from relevant guidance (LTN 1/12 para 7.38 minimum effective width requirements, para 7.31-7.34 absolute minimum effective width requirements and LTN 1/12 table 7.4 and paragraph 7.60 buffer width) need to be supported by a design audit setting out the justification behind for the level of provision. LTN 1/12 details the preferred minimum effective width is 3m (para 7.38) and absolute minimum effective width is 2.5m (paras 7.31 to 7.34). Buffer widths should be added for kerb upstands, vertical features and depending on the speed limit of the carriageway. The proposals do not met the absolute minimum in a number of locations or take in account the inclusion of buffer widths.
11. No design audit has been provided nor any have any departures from standard been identified or an application received seeking consent for departure from those standards.
12. It is noted that the previous inspector thought that a link to Copthorne could be provided without a 1.5m buffer zone. The 1.5m buffer zone is recommended within

LTN 1/12 Section 7.6 and the Design Manual for Roads and Bridges Vol 6 Section 3, Part 5, TA 90 (Highways Agency, 2005b). At a number of points along Copthorne Road, the width provided is severely constrained and represents a significant concern.

13. No consideration of edge constraints reducing the effective width alongside both routes has been made in line with LTN1/12 Table 7.4 at a number of points the effective width of the route would be reduced by 0.5m due to the presence of properties, boundary fences and walls. Such area of concern where the maximum additional width should be applied is along Copthorne Common Road outside Heathview Cottages and Eden Cottage where vertical upstands of cycle parking and the existing property boundary would reduce the effective width to 0.7m and along Turners Hill Road outside Tollgate Cottage, Woodside Cottage and Well house where the effective width would be reduced to 1.55m.
14. The applicant highlights that “A significant and hugely beneficial element of the works could be to reduce the current speed limit on each road; from 50 mph to 40 on the Copthorne Common Road and from 40 mph to 30 on the Turners Hill Road.” However neither of these roads meet the criteria necessary for a reduction in the speed limit nor has any speed limit reduction application been received nor consultation undertaken, whilst the applicant maintains the speed limit changes are not essential for the scheme they are still included as proposals within the scheme drawings.

Specific location Concerns

15. Whilst the applicant maintains the proposals can be implemented within the highway boundary these do not reflect the relevant design guidance and would require control over a parcel of land that is common land along Copthorne Common Road which is not within the control of the applicant nor are any consents in place which would allow the implementation of the proposal as proposed should planning consent be granted for the scheme.
16. Non-compliant signage is suggested at the bus layby on Copthorne Road.
17. No design work has been provided to demonstrate that the provision of a signalised crossing on Copthorne Common Road close to the Borers Arm Road as proposed is achievable. The section of road has a 50mph limit and proximity to Borers Arm Road.
18. An ‘approx. 5m wide carriageway’ width to act as a village traffic calming feature within Crawley Down is proposed without any supporting information provided to establish the impact of this on vehicle flows /HGVs.

Safety Audit

19. A designers response has been provided, in which the issues raised in the safety audit have not been accepted or in part. In line with WSCC Safety Audit adopted policy an exception report should be provided and signed by WSCC. This has not been received. I am not satisfied that the issues raised can be resolved within land in the control of the applicant.

Additional Information

20. The applicant has offered the sum of £100,000 towards improvements to the Worth Way.

Conclusion

21. In summary, WSCC is not satisfied that safe and satisfactory walking and cycling provision can be provided from the development to Copthorne or Crawley Down villages and that the only safe routes would be within the site itself, sufficient evidence has not been provided to demonstrate that such routes can be provided.

Inadequate pedestrian and cycle links

22. The pedestrian and cycling links from the development to Copthorne village and Crawley Down village are considered substandard and their increased use as a result of the development would be to the detriment of pedestrian and cyclist safety. The proposal would therefore result in a severe impact on highway safety and would not accord with Paragraph 32 of the National Planning Policy Framework.