

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

16 AUG 2018

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MID SUSSEX DISTRICT COUNCIL

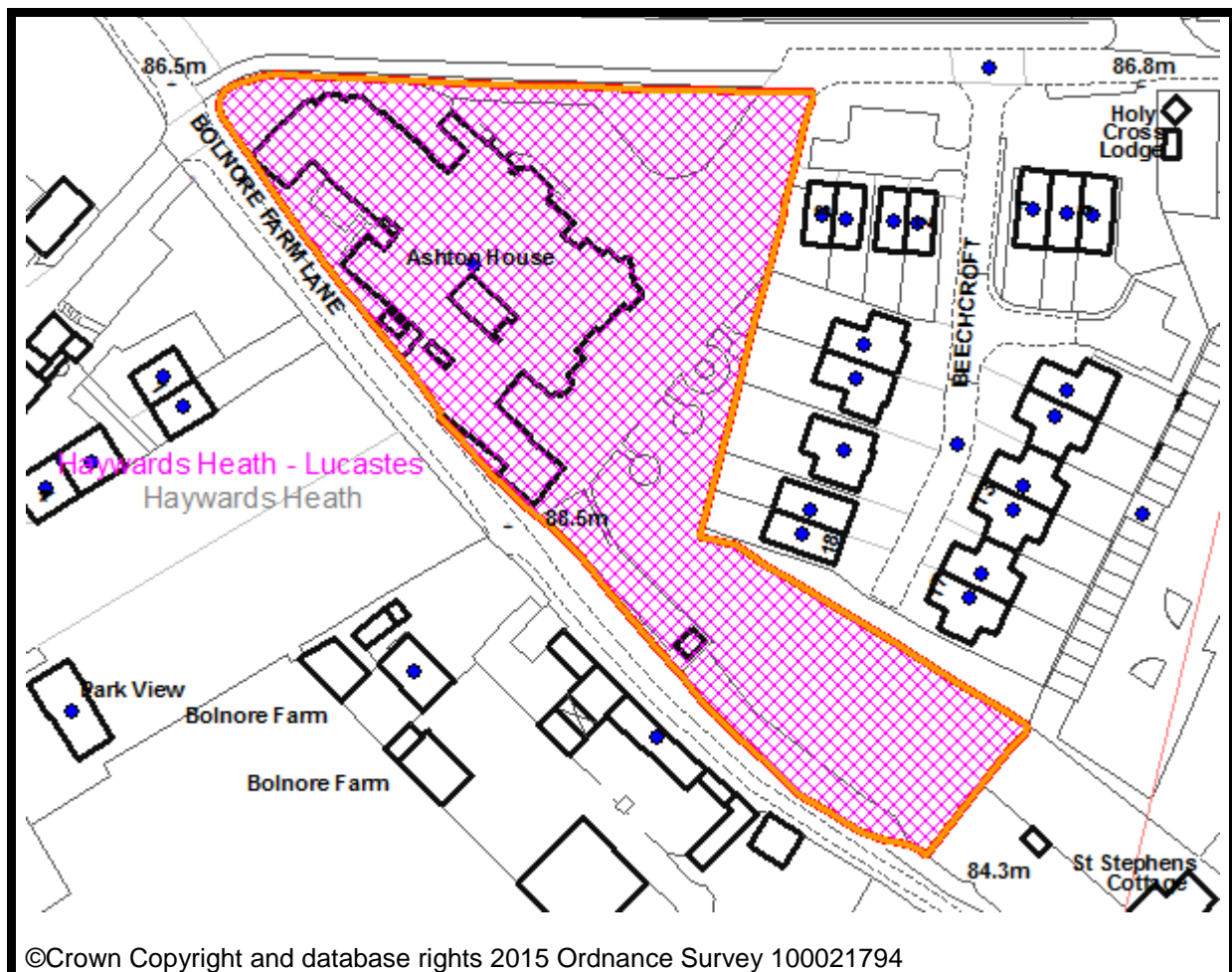
PLANNING COMMITTEE A

16 AUG 2018

PART I – RECOMMENDED FOR APPROVAL

Haywards Heath

1. DM/18/1076



**ASHTON HOUSE RESIDENTIAL AND NURSING HOME BOLNORE ROAD HAYWARDS HEATH WEST SUSSEX
ERECTION OF A TWO STOREY BUILDING TO PROVIDE NURSES ACCOMMODATION (22 NO. BEDROOMS) ALONG WITH PROVISION OF A NEW ACCESS, PARKING AND LANDSCAPING (AMENDMENT OF PREVIOUSLY APPROVED DM/15/4865 TO INCLUDE ADDITIONAL 6 NO. BEDROOMS IN ROOF AND INSTALLATION OF ROOFLIGHTS).**

MR GAJ RAGUNATHAN
GRID REF: EAST 532097 NORTH 123577

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Strategic Gaps / SWT Bat Survey / Tree Preservation Order / Archaeological Notification Area (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 20th August 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

The application has been called-in for determination by Cllr Knight for the following reason:

"There has been already significant development on this site and I need to understand if this is an overdevelopment. Cllr Rawlinson 2nds the call in."

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

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

The development scheme is considered to comply with Policies DP25 of the Mid Sussex District Plan and L5 of the Haywards Heath Neighbourhood Plan in terms of

the principle and need for this additional accommodation. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, and will maintain a supply of nurses to support the operation of the adjacent nursing home. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the loss of / reduction in the area of open space on the site, together with construction traffic and noise and additional vehicular movements within the cul-de-sac.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability, archaeology and biodiversity, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions.

For the above reasons, the development is deemed to comply with Policies DP1, DP21, DP25, DP26, DP29, DP34, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

11 letters of objection:

- More people will impact on nearby residents;
- Noise and disturbance on a daily basis and during the night;
- Increased traffic;
- Cars looking for spaces;
- Safety hazard;
- No need for further accommodation;
- Capacity of the plot stretched further;
- Road is in a state of disrepair;
- Restriction needed on the use of the building;
- Rooflights not in keeping with other houses;
- More taxis, deliveries;
- Lighting from additional bedrooms will cause disturbance to rural nature of Bolnore Farm Lane and its natural inhabitants including long-eared Bats;
- Current infrastructure cannot cope;
- Safety concerns due to temporary residents;
- History of significant project creep;
- No business case to justify the need for these additional staff;

- Significant number of smokers in what we understand from the staff to be the 'designated smoking point'.

SUMMARY OF CONSULTATIONS

(Full responses from Consultees are included at the end of this report as Appendix B)

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

Approve with conditions.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Urban Designer

No objection.

WSCC Drainage Strategy Team

To be reported.

WSCC Highways

No objection, subject to conditions.

Consultant Archaeologist

Condition recommended.

TOWN COUNCIL OBSERVATIONS

Having been opposed to the original application for the construction of a 16-bedroom nurses' accommodation building on this site (application number DM/15/4865 refers), the Town Council is very disappointed that permission was granted nonetheless. Whilst the principle of development must now be accepted, Members object to this latest application in the strongest terms possible.

Irrespective of the fact that the footprint of the proposed building will remain unchanged, the inclusion of a further 6 bedrooms in the roof space would result in the overpopulation and overuse of the facility. This would be to the further detriment of residents living in Beechcroft - through which access to the building will be gained - but would also have a negative impact on the residential amenities of prospective occupiers of the building.

In the unwelcome event that permission is granted, the Town Council requests that this is conditional on a) occupation of the accommodation building being restricted to employees of Ashton House only, and b) a Section 106 Agreement between the local planning authority, i.e. Mid Sussex District Council, and the owners restricting the building use.

Furthermore, it is requested that developer Section 106 contributions for Local Community Infrastructure are allocated towards highway improvements in Bolnore Road.

INTRODUCTION

Full planning permission is sought for the erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

RELEVANT PLANNING HISTORY

There is a substantial history to the wider Ashton House Nursing home site, which was set out in the previous committee report (DM/15/4865). That application was for the erection of a 2-storey building to provide nurses' accommodation (16 no. bedrooms) along with provision of a new access, parking and landscaping. It was approved in September 2016 and is currently being implemented. All pre-commencement conditions were approved in February 2017 under ref: DM/17/0157 and associated tree works approved in May 2017 under ref: DM/17/1251.

SITE AND SURROUNDINGS

The main building on the site is a substantial 2/3-storey red brick Edwardian building in use as a nursing home, which has been heavily extended. It is set in the western corner of large gardens, although the original plot was fairly recently truncated on the eastern side by a new housing development (Beechcroft) to leave a car parking area to the front and side and a garden area to the south-east. Within this area, planning permission was granted for a new 2-storey accommodation block for nurses to be used in connection with the nursing home, together with an extension to the residential cul-de-sac providing a turning area and parking space for 5 vehicles.

There are good, attractive hedges on both the north and southwest sides of the site (albeit with some less dense sections), and these form the public boundaries of the site, both to public rights of way. Several trees along the south-west boundary are subject to a Tree Preservation Order.

The immediate area has a very strong Edwardian influence, expressed in a number of other properties including Bolnore Chapel, Bolnore Farm, Parkfield and Beech Hurst. There is the District Council nursery site opposite the main entrance to Ashton House. The surrounding area is well vegetated with significant hedgerows bordering

the road. The application site is located at the western extremity of Haywards Heath and within the built-up area as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan (it was previously outside the built-up area in the Mid Sussex Local Plan).

APPLICATION DETAILS

Full planning permission is sought for the erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

The additional accommodation will be provided entirely within the approved building envelope, and 12 new rooflights will be inserted in the rear roof slope.

As set out in the previous committee report, the building is located within an area to the far south-east of the site and adjacent to Birch Cottage and St Stephen's Cottage to the south-east and 17 and 18 Beechcroft to the north. The access serving this cul-de-sac will be extended through the existing fence where it currently terminates, to form a new turning head with 5 car parking spaces to the sides. A bin store will be located on the south-east flank of the building. A footpath will circle the building and lead back to the main gardens of the nursing home, which will be re-landscaped, leaving a reconfiguration of the existing car parking area to the front and the side of the nursing home for 30 cars (there being 30 spaces at present). The existing bin store to the front of the nursing home will be re-built in facing brickwork, alongside 4 storage sheds.

The footprint of the building will measure 18.8m in width to a maximum depth of 13.4m to a maximum height of 8.7m. The elevations will be symmetrically ordered when viewed from the front and rear, punctuated by gables and bays, with a consistent ridge height to the main roof, reflecting the style of dwellings approved for the Beechcroft development adjacent.

Internally the accommodation will now be arranged over 3 floors, with both ground and first floors containing an open plan living room/kitchen, with a mix of single and double bedrooms, some with en-suites, and some bathrooms off the main corridors. The new floor within the roof will contain 6 single bedrooms and 2 separate shower rooms.

LIST OF POLICIES

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP1: Sustainable Economic Development
Policy DP21: Transport

Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP29: Noise, Air and Light Pollution
Policy DP34: Listed Buildings and Other Heritage Assets
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Sustainable Construction Supplementary Planning Document (Jul 2006)
Dormer Window and Rooflight Design Guidance Supplementary Planning Guidance (Oct 2013)

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies include:

Policy E7: Sustainable Drainage Systems
Policy E9: Local Character
Policy L5: Community and Sporting Facilities

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

*"For **decision-taking** this means:*

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

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- The principle of and need for this development;
- The design and visual impact on the character of the area;

- The standard of accommodation;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Archaeology;
- The impact on trees;
- Biodiversity;
- Habitats Regulations; and
- Planning Balance and Conclusion

Principle of and need for this 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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Haywards Heath Neighbourhood Plan.

The scheme cannot be considered to constitute a housing development for policy purposes, as it does not fall into the C use category in the Use Classes Order 1987 (so is a sui generis use as a 'larger house in multiple occupation' where facilities are shared).

The principle of this accommodation was accepted by the council in granting the previous planning permission in 2016. Since then, the council has adopted the Mid Sussex District Plan and the site is now located in the built up area of Haywards Heath, when previously it was within a Countryside Area of Development Restraint.

Policy DP25 of the Mid Sussex District Plan relates to community facilities and local services, and includes specialist accommodation. It states (in part):

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

[and]

"Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document."

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

There is no current SPD on this matter but the Haywards Heath Neighbourhood Plan includes the following policy:

"Policy L5: The provision of new community service buildings including medical and educational services in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents."

The application scheme is therefore supported in the broadest terms. Regarding the need for this additional accommodation, the applicant has provided a statement in support of the proposal, which can be viewed on file, but in summary makes the following points:

- The additional accommodation space is required as Ashton House faces continuing difficulties in recruiting nursing staff;
- This is compounded by a shortfall of housing and rising house prices in the South East;
- The development will ensure that staff have available low cost accommodation as required and provide some certainty to staff moving to the area;
- The 2009 Strategic Housing Market Assessment indicates there is a lower provision of residential care in Mid Sussex in comparison with other areas across the South; however, it is expected to experience a higher proportion of growth in the over 65 population - an increase of 46% by 2026 and the number of people requiring dementia care in the same period is expected to increase by 1,495.
- The development will help support a facility that provides important care for the elderly, particularly those with dementia and other specialist care needs.

As before, it is recognised that the development does not seek to contribute towards the Council's housing supply, but will nevertheless relieve some of the need in the area whilst providing a suitable number of nurses that can contribute to the operation of the nursing home. As such, it is considered that the need to provide suitable care for this established facility should be afforded significant weight in this application as it will help support economic growth in the local area and provide healthy

communities, thus complying with the overall strategy of the District Plan, the Neighbourhood Plan and the NPPF.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

This application seeks to provide the additional accommodation within the roofspace, so the external appearance of the permitted building - when viewed from the front and sides - will not change. The only external alteration will be from the rear, with the addition of 12 rooflights. The council's Urban Designer acknowledges that these will slightly clutter the roof but they will not significantly detract from the overall design, particularly as they are on a less prominent elevation and are neatly ordered above the existing fenestration, thus retaining the symmetry of the building. They also optimize the potential of the site by utilizing the roof space.

It should also be acknowledged that several of the dwellings on Beechcroft benefit from habitable accommodation within their roof spaces, so this development would not be out of keeping with its immediate context.

For these reasons, it is considered that the development would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Standard of accommodation

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings.

The additional accommodation is for 6 single bedrooms lit by a double set of rooflights, together with 2 shower rooms. The permitted accommodation consists of a mix of single and double rooms, some with en-suites and some without (whose occupants would use communal bathrooms). Two communal living rooms and kitchens will also be provided for the residents. This type of on-site staff accommodation is not unusual, as planning permission was granted for a similar (though reduced amount and in a converted building) at Adelaide House Nursing Home in Oathall Road, Haywards Heath in 2010. As explained in the previous application, this allows very low rents to be applied, so acting as a benefit from staff who may choose to live on site (rather than elsewhere). It is recognised that nursing patterns are carried out on a shift basis, so it is likely that the building will not be occupied at full capacity all the time in terms of the usage of the communal areas. It is furthermore considered that the amount of accommodation being proposed is reasonably commensurate with the scale of the existing nursing home and therefore that the accommodation being proposed is acceptable for these reasons.

Impact on neighbouring amenity

Policies DP26 of the Mid Sussex District Plan aims to protect amenity. The properties mainly affected by the development would be 17 and 18 Beechcroft to the north, St Stephens and Birch Cottage to the south-east and Bolnore Farm to the south. The additional activity generated by the proposal will affect all the owners of Beechcroft, due to the cul-de-sac being a private road.

17 and 18 Beechcroft are two dwellings located at the end of this recent cul-de-sac development and are occupied. It is noted that the design of this development did not provide a turning head at this part of the site (it being located towards the middle instead) and the southern boundary is consequently formed by a fence which terminates the view from the northern approach. The flank walls of both dwellings are sited between 14 and 15m from the front elevation of the proposed building, which is proposed to have an extended access and 5 additional parking spaces in front. The refuse storage facilities for the accommodation will be provided to the south-east flank of the building. Given these distances, it could not be said that the proposal would be overbearing to the amenities of these adjoining residents, particularly as no primary windows are affected. None of the rear gardens would be completely private as built, due to each dwelling being arranged over 2-storeys and

having a direct view over adjoining gardens, so it is not considered that the proposal would result in a harmful loss of privacy to these occupiers.

Properties at St Stephens and Birch Cottage were identified by the Inspector in a 2007 appeal decision that would suffer unacceptably harmful living conditions as a result of the proposal then. The key difference now is that the building subject of this application is oriented away from these properties (so only presenting a flank wall now). Whilst it is understood that there is an approximately 3m drop in land levels from the site to these two properties, there is a minimum distance of 16m between the proposed building and the boundary and 35m deep rear gardens, so a minimum distance of 51m between the buildings (with a rear to side relationship). With all these factors, and the significantly reduced scale of the proposed building, it is not considered that it would result in a significantly overbearing form of development to these occupiers or that would result in overlooking. A condition is applied to ensure that the first floor windows are obscure glazed and non-openable or top-hung opening only.

Bolnore Farm is located on the opposite side of the bridleway with some sections of dense screening along the boundary. The rear elevation is a minimum distance of 11m away from the front boundary but the buildings along this bridleway (set further back) present their front elevation towards the proposed building so it is not considered that the amenity of the occupiers would be significantly harmed in this respect by the addition of new rooflights.

For these reasons, it is considered that the proposal would comply with the above policy.

Access, parking and impact on highway safety

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The application has been accompanied by a Transport Statement. The Highway Authority has reviewed the scheme and raised no objection to the application on highway capacity, highway safety or parking provision grounds. The comments are reported in full in Appendix B. The site is sustainably located to the town centre and there are bus stops nearby providing frequent services. However, in order to ensure that the proposal makes provision for more sustainable means of transport to the private car, a condition is applied to any permission to ensure that cycle parking provision is made for the occupants and a Travel Plan provided and implemented.

As such, the above policy would be met by this proposal.

Drainage

Policy DP41 of the Mid Sussex District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate. Policy E7 of the Haywards Heath Neighbourhood Plan is similar in its aim.

The council's Drainage Engineer has recommended a condition can be applied to any permission and accordingly the above policies would be met.

Archaeology

Policy DP34 of the Mid Sussex District Plan states (in part):

"The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic."

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."

The Glossary to the National Planning Policy Framework (2018) defines Archaeological interest as follows:

"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point."

Paragraph 189 of the NPPF states:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The application has been accompanied by an Archaeological Desk Based Assessment, which the council's Archaeological consultant has commented on (reported in full in Appendix B) and a watching brief condition is recommended accordingly. On this basis, the above policy and guidance would be met.

Impact on trees

A Landscaping specification accompanied the previous application and details were approved under a condition of the previous consent. No further assessment is required to be made on this basis.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

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

A Preliminary Ecological Appraisal has been submitted as part of this application, which makes several recommendations for enhancements across the site. Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with the above policy, guidance and legislation outlined above.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (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) are 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.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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.

Other matters

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.

PLANNING BALANCE AND CONCLUSION

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

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

The development scheme is considered to comply with Policies DP25 of the Mid Sussex District Plan and L5 of the Haywards Heath Neighbourhood Plan in terms of the principle and need for this additional accommodation. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, and will maintain a supply of nurses to support the operation of the adjacent nursing home. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the loss of / reduction in the area of open space on the site, together with construction traffic and noise and additional vehicular movements within the cul-de-sac.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability, archaeology and biodiversity, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions.

For the above reasons, the development is deemed to comply with Policies DP1, DP21, DP25, DP26, DP29, DP34, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

Pre-commencement conditions

2. No additional development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

Construction phase

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

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

Pre-occupation conditions

4. The following matters shall be implemented in accordance with the details agreed as part of planning permission DM/15/4865:

- Materials;
- Hard and soft landscaping;
- Construction Management Plan;
- Site levels.

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 DP26 of the Mid Sussex District Plan.

5. The development hereby permitted shall not be occupied 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. The building hereby permitted shall not 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 and Policy DP41 of the Mid Sussex District Plan.

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

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

7. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

8. The building hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved by the Highway Authority after consultation with the Local Planning Authority and the Plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

9. The first floor landing and bathroom windows on the side (south-east) elevation of the building hereby permitted shall at all times be glazed with obscured glass and top hung opening only, unless otherwise agreed in writing by the Local Planning Authority, to whom a planning application must be made.

Reason: To protect the amenities and privacy of the adjoining properties and to accord with Policy DP26 of the Mid Sussex District Plan.

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

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

11. The building hereby permitted shall be occupied solely by no more than 26 (twenty-six) nurses registered for employment with Ashton House Nursing Home and shall not be let out to any other persons or used for any other purpose, otherwise a planning application must be made.

Reason: To provide for the need identified with this application and to avoid an over-intensification of the site in the interests of the amenities of the area, and to comply with Policy DP26 of the Mid Sussex District Plan.

12. No deliveries to or collections from Ashton House Nursing Home shall be carried out through this new access. Such deliveries or collections shall only be undertaken in connection with the building hereby permitted.

Reason: To safeguard the amenities of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. There shall be no restriction on the use of the car parking spaces shown on the approved plans by occupiers of, or visitors to, any of the buildings permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users and to comply with Policy DP21 of the Mid Sussex District Plan.

14. The recommendations set out in the Preliminary Ecological Appraisal by the Ecology Partnership (Feb 2016) 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 the NPPF requirements, Policy DP38 of the Mid Sussex District Plan

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800-1800hrs; Saturdays 0900-1300hrs; No construction/demolition work on Sundays or Public Holidays.

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. Before any further construction takes place, the applicant must contact the Local Highway Manager through the County Council's website to ensure that the condition of Bolnore Road is inspected before and after construction. Any damage to the highway agreed to result from construction must be made good.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	237900-01	A	12.03.2018
Block Plan	237900-22	E	12.03.2018
Proposed Site Plan	237900-34	M	12.03.2018
Proposed Floor Plans	237900-35	K	12.03.2018
Proposed Elevations	237900-36	C	12.03.2018
Proposed Sections	237900-45	-	12.03.2018
Landscaping Details	LV261PP1	B	12.03.2018
Drainage Details	CSD752-01	A	12.03.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

Having been opposed to the original application for the construction of a 16-bedroom nurses' accommodation building on this site (application number DM/15/4865 refers), the Town Council is very disappointed that permission was granted nonetheless. Whilst the principle of development must now be accepted, Members object to this latest application in the strongest terms possible.

Irrespective of the fact that the footprint of the proposed building will remain unchanged, the inclusion of a further 6 bedrooms in the roof space would result in the overpopulation and overuse of the facility. This would be to the further detriment of residents living in Beechcroft ' through which access to the building will be gained ' but would also have a negative impact on the residential amenities of prospective occupiers of the building.

In the unwelcome event that permission is granted, the Town Council requests that this is conditional on a) occupation of the accommodation building being restricted to employees of Ashton House only, and b) a Section 106 Agreement between the

local planning authority, i.e. Mid Sussex District Council, and the owners restricting the building use.

Furthermore, it is requested that developer Section 106 contributions for Local Community Infrastructure are allocated towards highway improvements in Bolnore Road.

MSDC Drainage Engineer (Original comment)

Recommendation: No objection subject to conditions

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will manage surface water drainage through the use of a new soakaway on site, and a gravel slipway distribution mat. These new soakaways are proposed to replace an existing soakaway. No details of percolation testing or runoff rates and volumes have been provided.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water drainage to the existing mains sewer via a pumping station.

Suggested Conditions

C18D - Single Dwelling

The development hereby permitted shall not commence 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. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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 Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

Additional comment

I write in response to the above application and particularly the communication from Mr Hamilton. Please take this as an addendum to the original drainage consultation response.

I have looked at the records from the time that Beechcroft was constructed and have attached the drainage layout plan for information purposes. The design of the surface water drainage for Beechcroft was difficult as the ground conditions were not found to be suitable for a soakaway to cater for the entire development. For this reason the surface water drainage is stored underneath the tarmaced access road and permeable driveways in the voided stone. This storage area has a restricted outlet into a soakaway which is situated in the grass area beyond the fence to the south of the development. As this soakaway could not meet the necessary infiltration rate an overflow inverted soakaway was constructed which, once full, then discharges down the embankment to the access track below.

The principle of moving the drainage would be acceptable but the owners of the drain i.e. the residents of Beechcroft that use the drain should give their permission and approval of the proposals. This would be a private agreement between the two parties and Beechcroft residents should employ a suitable representative to handle this matter. It appears that the applicants believe that they have the right to move the existing surface water drainage without permission but I doubt that this is the case. Confirmation should be sought by referring to the Deeds of the properties and the terms of the drainage agreement entered into by Shanly Homes with Ashton House Nursing Home.

Notwithstanding the above the drainage for the new nurses accommodation should be agreed with the LPA at the application stage as clearly the ground conditions are poor at this site. Proposals are to utilise a soakaway so the applicants need to supply evidence of infiltration testing and calculations to show that the soakaway will be able to cope with a 1 in 100 year storm event. The future maintenance of the drainage systems should also be confirmed.

I would suggest that the residents of Beechurst should reach agreement with Ashton House to have any new drains inspected to ensure that they are suitably constructed.

MSDC Environmental Protection Officer

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise. Conditions are therefore recommended in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

1. 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.

2. 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

3. 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.

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 5th April to 11th April that the applications listed below will require address allocation if approved.

Planning application number
DM/18/1280
DM/18/1288
DM/18/1324
DM/18/1401
DM/18/1407
DM/18/1076
DM/18/1274
DM/18/1364

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Urban Designer

This application is largely the same as the 2016 approval except for the addition of 12 skylights in the rear roof slope that serve 6 additional bedrooms. While the skylights slightly clutter the roof, they have nevertheless been neatly organised into 6 pairs of windows and I do not feel they significantly detract from the design particularly as they are located on the less visible rear roof slope. They also enable the building envelope to be optimised by utilising the roof space. I therefore raise no objection to this application.

WSSC Drainage Strategy Team

To be reported.

WSSC Highways

The proposal is for an increase of six in the number of bedrooms over the previous planning consent for living accommodation. The proposal is for staff accommodation only. This is unlikely to lead to traffic capacity issues on Bolnore Road or at any of the junctions along the road. Still, residents nearby are concerned about the effects of extra traffic, especially as the eastern stretch of Bolnore Road is not maintained as a public road. Traffic will increase, though the increase will be modest.

Five extra parking spaces are proposed, the same as for the previous consent. The transport statement for the previous consent found spare capacity in the site car park. The current transport statement does not repeat this conclusion, though it argues that travel by staff to and from the site will be minimised by the availability of the new rooms. It also says that car ownership in this staff sector is lower than for the general population. Bicycle parking must be provided.

Bolnore Road east of 26 Bolnore Road is a Byway Open to All Traffic (BOAT). This is primarily a designation for recreational use and the road is maintained to allow for this use. Occupiers of properties on the BOAT have private rights of access over the road, so we assume that they are responsible for maintenance resulting from those private rights. This must include the operators of Ashton House.

There are moves afoot to enable the full adoption as a highway of the part of the BOAT over which traffic regularly moves. The moves are in their early stages. This must include the raising of the make-up of the BOAT to a standard where it can become a public road. The road could then be maintained using public funds, rather than from property holders.

Bringing the construction of the road to a standard where it can be adopted as a highway will need funds. We therefore recommend that Ashton Care Homes Limited be asked to contribute an amount of money to be agreed to reconstruction of the road via a Section 106 planning agreement. The money could be added to other amounts raised locally.

The highway authority finds it difficult to object to the proposal because of the intention to retain staff on-site (implying low traffic impact), the modest incremental impact of the proposal compared with the consented use and the nearness of the site to everyday facilities. Parking on site is adequate given the nature of the use.

CONDITIONS

PARKING

There shall be no restriction on the use of the car parking spaces shown on the approved plans by occupiers of, or visitors to, any of the buildings permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users.

BICYCLE PARKING

No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

CONSTRUCTION TRAFFIC PARKING

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

PROTECTION OF HIGHWAY FROM MUD etc.

Before any of operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided to ensure that the operator can make all reasonable efforts to keep the road outside clean and prevent the creation of a dangerous surface on the road.

Reason: To ensure that the development should not prejudice highway safety or cause inconvenience to other highway users.

INFORMATION

Before construction begins, the applicant must contact the Local Highway Manager through the County Council's website to ensure that the condition of Bolnore Road is inspected before and after construction. Any damage to the highway agreed to result from construction must be made good.

Consultant Archaeologist

Recommend Archaeological Condition

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application is located partly above the line of Archaeological Notification Area DWS8680 - 'Route of the Roman road through Mid Sussex'. An archaeological desk based assessment was not however provided in support of the original planning application (15/4865) and in the absence of advice from our office, an archaeological condition was not attached to the original grant of planning permission.

An archaeological desk based assessment has however been submitted in support of the current planning application amendment (Orion 2018). The findings of the desk based assessment indicates that amendments to planning application do not have archaeological implications, however below ground works associated with the granted planning application itself does carry an archaeological risk. With this as a consideration, it should be noted that had our office been consulted with regards to the original planning application we would have recommended that an archaeology condition be attached to planning permission if granted. The wording of the recommended archaeology condition would have been as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Given the archaeological risk associated with below ground works comprising the original planning application it is recommended that a retrospective archaeology condition (worded as above) be attached to the planning permission amendment. It is envisaged that the archaeological fieldwork would comprise the following:

Watching Brief

A Watching Brief involves a professional archaeologist monitoring development groundworks and recording any remains exposed. It is undertaken in accordance with a Written Scheme of Investigation, agreed with the Local Authority prior to commencement. If or when archaeological deposits are observed, the archaeologist will request a period of time for adequate recording of such remains. If significant archaeological deposits are encountered during the watching brief, further archaeological work may be required to mitigate the archaeological resource.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information. This response relates solely to archaeological issues.

MID SUSSEX DISTRICT COUNCIL

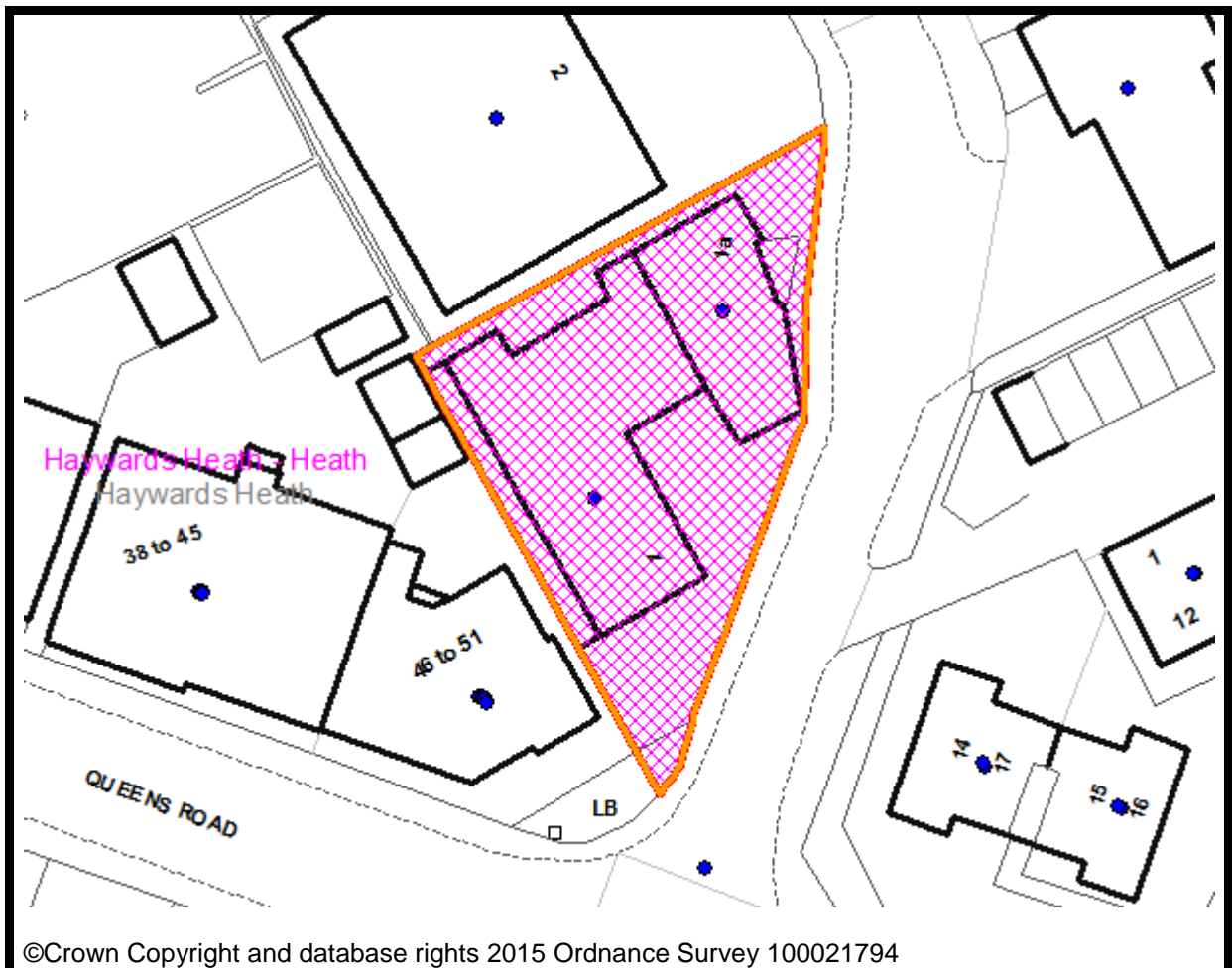
PLANNING COMMITTEE A

16 AUG 2018

PART II – RECOMMENDED FOR REFUSAL

Haywards Heath

2. DM/18/0616



**1B - 1C BRIDGE ROAD HAYWARDS HEATH WEST SUSSEX RH16 1UA
DEMOLISH THE EXISTING SINGLE STOREY COMMERCIAL BUILDINGS
AND CONSTRUCT 9 FLATS WITH ASSOCIATED LANDSCAPING.
DAVID/LISA THOMAS
GRID REF: EAST 533610 NORTH 124842**

POLICY: Built Up Areas / Flood Map - Zones 2 and 3 / Planning Agreement /
Planning Obligation / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 31st July 2018

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

CASE OFFICER: 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

The application seeks planning permission for the demolition of the existing single storey commercial building and the construction of 9 flats.

This application has been called into committee by Cllr Ash-Edwards and seconded by Cllr Ellis to consider the impact of the loss of employment space and the balancing exercise required.

The proposed building would be three storeys with a pitched roof and include undercroft parking and a raised terrace to the rear at first floor level over the parking area. Two of the first floor flats would have an allocated private space on the terrace and the remainder would be for communal use.

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

National planning policy states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the poor design, in particularly the front elevation, on a site which is located in a highly visible corner location would not contribute positively to the visual amenity of the locality and would form an obtrusive and incongruous feature within the street scene.

It is considered that there is potential for noise and disturbance and overlooking of the rear of properties from the raised first floor communal terrace.

These factors weigh heavily against the proposal.

While the proposal would result in the loss of the existing employment use on the site, the site is located on the fringe of the industrial estate and is seen in the context of the residential flats on Queens Road; the buildings are also in poor condition, with a low internal head height. In addition the existing staff (3 full time and 3 part-time) would be relocated to applicant's other premises on the Charlswood Business Centre in East Grinstead. Weighing against this loss and in favour of the scheme is that the development will provide 9 residential units in a 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 some positive weight.

There will be a neutral impact in respect of a number of issues such as drainage, traffic and the Ashdown Forest.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

RECOMMENDATION

It is recommended that planning permission be refused for the reasons set out in appendix A.

SUMMARY OF REPRESENTATIONS

3 letters of representation received making the following objections:

- Object to the building being more than three storeys. The adjacent block of flats is three storeys and this proposed building should be similar.
- The proposed four storey building will have a significant overbearing impact and loss of outlook to/from the properties in Queens Court.
- Bridge Road is an industrial estate and all buildings in this road should be kept commercial and not changed to residential.

Haywards Heath Society

Whilst Members of the Town Council's Planning Committee note that this application represents a different scheme to that proposed under application number DM/17/0683, they are of the opinion that the revisions make little or no difference to the reasons given for objecting the first time round.

Therefore, the Town Council objects to this application on the following grounds:

1. The building of nine, two-bedroom flats - now with ten on-site parking spaces - would give rise to an overdevelopment of the site;
2. The provision of ten car parking spaces on site is inadequate and unacceptable because it would inevitably lead to (or indeed worsen) parking problems in nearby

roads and on existing residential developments which have their own private parking (i.e. instances of unauthorised parking). Examples of the roads/developments likely to be most affected are Queens Road, Bridge Road, Queens Court, Gordon Road, Sydney Road and Greenways;

3. Because the site forms part of the Bridge Road Business Estate, it is not in an appropriate location to provide residential accommodation. If this proposal were to be permitted, in close proximity to commercial premises, it would increase the potential for conflict between different types of use, i.e. residential versus commercial;

4. The site is situated at the start of the Bridge Road Business Estate and if this redevelopment to residential use were to be permitted, it would result in the loss of the site for commercial use, which would be regrettable when one of the objectives of the Haywards Heath Neighbourhood Plan is to maintain and grow the town's employment base. This change of use could set an unwelcome precedent for similar proposals for the Bridge Road Business Estate;

5. The Town Council's opposition to the loss of commercial space is further supported by Mid Sussex District Council's own recent application to install formal 'Business Estate' signage right next to the application site at the entrance to the Bridge Road Business Estate (application number DM/17/2551 refers);

6. The likely on-street parking problems that would ensue as a result of the development would make it more difficult for commercial/heavy goods vehicles to negotiate and turn into/out of a busy Bridge Road. This would add to the hazards faced by highway users in the vicinity of the Business Estate and would be detrimental to highway safety. It is requested that West Sussex County Council (WSCC) Highways is made aware that Bridge Road is a 'restricted width' road;

7. If permission were to be granted, it would undermine the progress of a WSCC Highways works programme for the Queens Road neighbourhood, the aim of which is to deliver road safety improvements that include better crossing points and routes to school.

Whilst Members acknowledge that the existing buildings are outdated and in need of replacement, they would prefer to see the site retained for commercial use as part of the Bridge Road Business Estate, with a facility that is innovative, small-scale and self-contained.

In the unwelcome event that permission is granted despite the Town Council's objections, it is requested that developer Section 106 contributions for community infrastructure are allocated as follows:

- a. £3,000 towards energy efficient LED lighting in Clair Park;
- b. £1,500 towards play equipment for the disabled, seating and picnic tables in Clair Park.

SUMMARY OF CONSULTATIONS

Drainage engineer:

No objection.

WSCC Highways:

No objections.

MSDC Street Naming and Numbering Officer:

Request informative is added to any decision notice granting approval.

MSDC Urban Designer:

Objects: In layout terms the scheme is an improvement upon the previous withdrawn application proposal (DM/17/0683).

This is an awkward / constrained site and the chamfered footprint allows the building frontage to define the street by wrapping around the corner while providing space at the rear to accommodate the parking in the undercroft area, and a sizeable external terrace at first floor level decked over the parking. Given the scale of the adjacent blocks of flats, a 3 storey building is acceptable here. Unfortunately the revised drawings do not address my previous concerns and the front elevation is poorly designed in a number of respects and further undermined by an inconsistent building line and projecting bay that adds to an unbalanced and poorly resolved facade. For this reason I object to this application.

MSDC Environmental Health:

No objection subject to conditions.

MSDC Environmental Health - contaminated land:

No objection subject to conditions.

MSDC Leisure:

No objection subject to contributions.

Introduction

The application seeks planning permission for the demolition of the existing single storey commercial building and construction of 9 flats.

Planning history

DM/17/0683 Demolition of the existing single storey commercial building and construction of 9 two bedroom flats.
Withdrawn 28.09.2017.

Site and surroundings

The single storey B1 unit is located on the corner of Bridge Road Queens Road and forms part of the Bridge Road Business Park. The unit is currently split into two and in use as an electrical supplier which is open to trade and the public and a small motor bike repair shop.

To the west of the site is a three storey block of flats which fronts onto Queens Road, to the north another industrial unit and across the access road are further two and three storey blocks of flats, along with an ambulance station.

Application details

The application seeks planning permission for demolition of the existing single storey commercial building and construction of 9 flats.

The proposed building would be three storeys with a pitched roof and include undercroft parking and a raised terrace to the rear at first floor level over the parking area. Two of the first floor flats would have an allocated private space on the terrace and the remainder would be for communal use. Proposed materials are render and brickwork, concrete tiled roof and Upvc windows and doors.

LIST OF POLICIES

District Plan

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

The most relevant policies are:

Policy DP1: Sustainable Economic Development

Policy DP4: Housing

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

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Space Standards

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP37: Trees, Woodland and Hedgerows

Policy DP39: Sustainable Design and Construction

Policy DP38: Biodiversity

Policy DP41: Flood Risk and Drainage

Neighbourhood Plan - Haywards Heath Neighbourhood Plan Made on 15 December 2016

Policy E9 (Design and Character)

Policy E13 (good quality private outdoor space which is appropriate to the development proposed)

Policy H8 (Windfall sites)

National Policy and Legislation

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "significantly boosting the supply of homes"

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

"For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

However, paragraph 12 makes clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan),

permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Planning Practice Guidance

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

ASSESSMENT

Principle of development

The application seeks planning permission for demolition of the existing single storey commercial building and construction of 9 flats.

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) Any local finance considerations, so far as material to the application, and
- c) Any other material considerations."

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

The Haywards Heath Neighbourhood Plan has a similar policy, Policy H8, which states:

Development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

It is therefore considered that the principle of a residential development within the built up area is acceptable.

In regard to the loss of employment space Policy DP1 States:

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

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

In support of the application the applicant has submitted a statement arguing that the units are on the fringe of the industrial estate, turn their back on the estate and are seen in the context of the residential flats on Queens Road; the buildings are in poor condition, domestic in scale with low internal roof space and a low internal head height. The applicant also operates from another unit on the Charlswood Business Centre in East Grinstead and has confirmed that the existing staff (3 full time and 3 part-time) would be re located to this unit.

In addition the application would provide 9 flats on the site with a mix of 1 bedroom and 2 bedroom units in a sustainable location, which will make a positive contribution to additional housing in the district.

Given the above it is considered that the loss of the employment land and premises can be justified in this particular case.

Impact on the character of the area

DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and states:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on*

privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);

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

Policy E9 of the Haywards Heath Neighbourhood Plan 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.*

The design of the application has been amended in order to overcome some of the concerns of the Urban Designer, however the changes are not considered sufficient to address the main issues and the Urban Designer is still objecting for the following reasons:

Layout

The revised drawings have made the following improvements to the layout:

- *The crown-topped roof allows more headroom in the top / third floor, and a consistent roof pitch.*
- *The first floor deck marginally extends the private terrace thresholds.*
- *The outlook from the ground floor flat has been marginally improved with the provision of some modest defensible space at the front. The re-positioning of the rear living room window to the side will make a very slight difference as it now faces the flank wall of the adjacent block rather than the undercroft car park (but neither provide a good outlook).*

The bin store is even more clumsily incorporated than before, as along with the cycle store it generates an incongruous projecting bay. Some of the internal spaces are still awkwardly configured.

Elevations

My principal issue is with the front elevation as the other elevations will be less visible from Bridge Road / public realm, although the northern flank will be partly visible and some articulation is needed here (not provided in the revised drawings).

While the previous front elevation was poor in other respects it did at least benefit from a consistent building line. This has now been disrupted by the projecting bay that accommodates the bin store (as well as the cycle store) at ground floor level which unbalances the façade and is awkwardly juxtaposed with the weakly articulated gabled central entrance bay.

The ground floor / site plan still shows insufficient information; it needs to clearly show the outline of the building above the vehicular access and parking areas. The ground floor arrangement is still unsatisfactory; as well as having too much dead façade, the front wall of the bin store does not coordinate with chamfered corner of the upper floors, and the wide span over the vehicular access seems to defy the structural requirements (and the elevations suggest there are more columns than shown on the site plan) and the inset columns combined with the open void at ground floor level gives the northern wing a flimsy base, and will not provide a screen for the car parking behind.

The front elevation is also unsatisfactory in the following respects:

- The lack of vertical articulation exaggerates the scale of the building and the monotony of the elements results in a bland utilitarian-looking façade. Attention needs to be given to modelling, detailing and providing the façade with visual interest.*
- The dormer windows inappropriately dominate the façade and clutter the roof; while the 3rd floor window in the central gable looks uncomfortably squeezed-in.*
- The squat bathroom windows, the off-centre front door are untidy elements that combine with the inconsistent building line to generate a poorly resolved elevation.*

It is therefore considered that the poor design, in particularly the front elevation, on a site which is located in a highly visible corner location would not contribute positively to the visual amenity of the locality and would form an obtrusive and incongruous feature within the street scene.

In view of the above it is therefore considered that the proposal would not comply with policy DP26 of the District Plan and Policy E9 of the Neighbourhood Plan.

The impact on neighbouring amenities

Policy DP26 of the District Plan seeks to protect neighbour amenity.

The nearest residential neighbour is the three storey block of flats that adjoins the site to the west, to the north is another industrial unit and to the east is the access road. In terms of the impact on the adjoining flats, the windows on the side elevation that face onto the application site are to bathrooms or a landing at first and second floors, while the ground floor window is already screened by existing building and side boundary fence.

The windows on the proposed development that would face the side boundary with the adjoining flats would be some 12.5m away from the side boundary and this is considered acceptable in this fairly dense town centre location. However the proposed communal roof terrace would be located alongside the joint side boundary in close proximity to rear bedroom windows on the adjoining flats facing Queens Road. It is considered that there is potential for noise and disturbance and overlooking of the rear of properties from the raised first floor roof terrace.

In view of the above it is therefore considered that the proposal would not comply with policy DP26 of the District Plan and Policy E9 of the Neighbourhood Plan.

Amenity of future occupiers

Environmental Health initially raised concerns regarding the location of the site, and the potential impact of noise from existing nearby premises. In response the applicant has now provided an acoustic report which has been assessed by Environmental Health, who are satisfied that the recommendations listed in the report should ensure that future residents are protected in regards to current environmental noise levels. Conditions are therefore recommended to ensure glazing and acoustic trickle vents are installed at the property if all other aspects of the proposals were acceptable.

Standard of accommodation

Policy DP27 of the District Plan seeks to ensure that Dwelling space standards comply with The Government's Technical Housing Standards - Nationally Described Space Standards document, which sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

The plans show that the proposed scheme can achieve these standards and would comply with Policy DP27 of the District Plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The WSCC drainage engineer has considered the application and has no objection to the application subject to conditions.

Therefore the application is considered to comply with policy DP41 of the District Plan.

Traffic issues

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The WSCC Highways has reviewed the information relating to highways and no objections are raised in principle to the proposed access and parking arrangement, subject to conditions, including those to ensure that the car parking and cycle parking are provided.

In view of the above it is considered that the proposal would accord with MSDP policy DP21.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (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) are 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.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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 has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development of a net increase of 9 units, 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. Sufficient windfall capacity exists within the development area. This means

there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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.

In view of the above it is considered that the proposal would accord with MSDP policy DP21.

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 DP20 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. In accordance with the adopted SPD the required levels of contributions are set out below:

WSSC contributions:

Education - Primary £10,725

Education - Secondary £11,543

Education - 6th form (no contribution)

Libraries £2,694

TAD £5,983

District Council Contributions:

Equipped play/ Kickabout facilities £14,945

Formal sport £9,302

Community Buildings £5,335

AND

Local Community Infrastructure £4,215

These contributions would need to be secured through an appropriately worded Section 106 planning obligation. On the basis that officers are not intending to support the application on other grounds, a reason for refusal based on failure to service the development through local infrastructure and affordable housing provision is required.

The application would therefore not comply with policy DP20 of the District Plan.

Planning balance and conclusion

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

National planning policy states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the poor design, in particularly the front elevation, on a site which is located in a highly visible corner location would not contribute positively to the visual amenity of the locality and would form an obtrusive and incongruous feature within the street scene.

It is considered that there is potential for noise and disturbance and overlooking of the rear of properties from the raised first floor communal terrace.

These factors weigh heavily against the proposal.

While the proposal would result in the loss of the existing employment use on the site, the site is located on the fringe of the industrial estate and is seen in the context of the residential flats on Queens Road; the buildings are also in poor condition, with a low internal head height. In addition the existing staff (3 full time and 3 part-time) would be relocated to applicant's other premises on the Charlswood Business Centre in East Grinstead. Weighing against this loss and in favour of the scheme is that the development will provide 9 residential units in a 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 some positive weight.

There will be a neutral impact in respect of a number of issues such as drainage, traffic and the Ashdown Forest.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

APPENDIX A – REASONS FOR REFUSAL

1. The design of the proposed building is not considered to be of sufficient quality and would not contribute positively to the visual amenity of the locality, forming an obtrusive and incongruous feature within the street scene. In particular the front elevation is poorly designed in a number of respects and is further undermined by an inconsistent building line and projecting bay that adds to an unbalanced and poorly resolved façade. The proposal therefore fails to accord with policy DP26 of the Mid Sussex District Plan and Policy E9 of the Neighbourhood Plan.
2. The proposal does not satisfy the requirements of Policy DP20 of the District Plan in respect of infrastructure requirements to service the development as supplemented by the Council's Supplementary Planning Document 'Development Infrastructure and Contributions' dated July 2018.
3. The proposed communal roof terrace would be located alongside the joint side boundary in close proximity to rear bedroom windows on the adjoining flats facing Queens Road. It is considered that there is potential for noise and disturbance and overlooking of the rear of the existing properties from the raised first floor roof terrace. The proposal therefore fails to accord with policy DP26 of the District Plan and Policy E9 of the Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	160303/01-001	-	09.02.2018
Block Plan	160303/01-002	-	09.02.2018
Existing Floor and Elevations Plan	160303/02-001	-	09.02.2018
Proposed Floor Plans	160303/03-001	C	25.06.2018
Proposed Floor Plans	160303/03-002	A	04.05.2018

Proposed Floor Plans	160303/03-003	A	04.05.2018
Proposed Floor Plans	160303/03-004	A	04.05.2018
Proposed Roof Plan	160303/03-005	A	04.05.2018
Proposed Sections	160303/04-001	A	04.05.2018
Proposed Elevations	160303/05-001	A	04.05.2018
Proposed Elevations	160303/05-002	A	04.05.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

Whilst Members of the Town Council's Planning Committee note that this application represents a different scheme to that proposed under application number DM/17/0683, they are of the opinion that the revisions make little or no difference to the reasons given for objecting the first time round.

Therefore, the Town Council objects to this application on the following grounds:

1. the building of nine, two-bedroom flats ' now with ten on-site parking spaces ' would give rise to an overdevelopment of the site;
2. the provision of ten car parking spaces on site is inadequate and unacceptable because it would inevitably lead to (or indeed worsen) parking problems in nearby roads and on existing residential developments which have their own private parking (i.e. instances of unauthorised parking). Examples of the roads/developments likely to be most affected are Queens Road, Bridge Road, Queens Court, Gordon Road, Sydney Road and Greenways;
3. because the site forms part of the Bridge Road Business Estate, it is not in an appropriate location to provide residential accommodation. If this proposal were to be permitted, in close proximity to commercial premises, it would increase the potential for conflict between different types of use, i.e. residential versus commercial;
4. the site is situated at the start of the Bridge Road Business Estate and if this redevelopment to residential use were to be permitted, it would result in the loss of the site for commercial use, which would be regrettable when one of the objectives of the Haywards Heath Neighbourhood Plan is to maintain and grow the town's employment base. This change of use could set an unwelcome precedent for similar proposals for the Bridge Road Business Estate;
5. the Town Council's opposition to the loss of commercial space is further supported by Mid Sussex District Council's own recent application to install formal 'Business Estate' signage right next to the application site at the entrance to the Bridge Road Business Estate (application number DM/17/2551 refers);
6. the likely on-street parking problems that would ensue as a result of the development would make it more difficult for commercial/heavy goods vehicles to negotiate and turn into/out of a busy Bridge Road. This would add to the hazards

faced by highway users in the vicinity of the Business Estate and would be detrimental to highway safety. It is requested that West Sussex County Council (WSCC) Highways is made aware that Bridge Road is a 'restricted width' road;

7. if permission were to be granted, it would undermine the progress of a WSCC Highways works programme for the Queens Road neighbourhood, the aim of which is to deliver road safety improvements that include better crossing points and routes to school.

Whilst Members acknowledge that the existing buildings are outdated and in need of replacement, they would prefer to see the site retained for commercial use as part of the Bridge Road Business Estate, with a facility that is innovative, small-scale and self-contained.

In the unwelcome event that permission is granted despite the Town Council's objections, it is requested that developer Section 106 contributions for community infrastructure are allocated as follows:

- a. £3,000 towards energy efficient LED lighting in Clair Park;
- b. £1,500 towards play equipment for the disabled, seating and picnic tables in Clair Park.

Drainage engineer:

Summary and overall assessment

An infiltration blanket is proposed beneath the undercroft car parking area on site. As part of any discharging of conditions we will require in addition to the information listed below confirmation that an infiltration blanket will have no negative impacts onto the structural integrity of the proposed development.

This proposed development will need to fully consider how it will manage surface water runoff. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non- statutory Technical Standards for SuDS, so that run- off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding

- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and 2 and is deemed to be a low to medium fluvial flood risk. The Flood Risk Assessment report has reviewed the fluvial flood risk to the site, and concluded that the site shall remain outside of Flood Zone 3 taking into account climate change.

The proposed development is within an area identified as having possible low to medium surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

The Flood Risk Assessment states infiltration is likely to be suitable on the site and an infiltration blanket shall be utilised within the undercroft parking space on site as well as incorporation of a green roof.

As part of any discharging of conditions we will require, in addition to the information listed below, confirmation that an infiltration blanket will have no negative impacts onto the structural integrity of the proposed development.

Foul Water - Foul Water Drainage Proposals

The Flood Risk Assessment states foul water drainage shall utilise the existing sewers on site.

WSCC Highways:

Visibility splays of 2.4m by 15.6m to the north and 14.4m to the south have been demonstrated. The LHA consider that in proximity to the junction with Queens Road vehicles will be travelling below the posted limit. Furthermore, if the splays were taken to a 1m offset into the carriageway to represent the track of a vehicle then a slightly greater splay would be achievable with approximately 17m in the leading direction, which equates to a stopping sight distance speed of 14.5 mph.

Furthermore, speeds are low and thus a 2m 'X' distance could be used, cars would be anticipated to be emerging in this location considering the context of the surrounding road network and splays are considered suitable for the anticipated vehicle speeds.

As per previous comments, car parking will remain unallocated to serve the needs of the development and details of the cycle storage should be maintained in perpetuity via condition. The existing access should be closed off as per the plans and a crossover licence would be required for the new access, located further north.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Details Approved

Access closure

No part of the development shall be first occupied until such time as the existing vehicular access onto Bridge Road has been physically closed in accordance with the approved planning drawing 03-001 Rev C.

Reason: In the interests of road safety.

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 2.4 metres by 15.6 metres to the north and 2.4m by 14.4m to the south have been provided at the proposed site vehicular access onto Bridge 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.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Details Required -

Pedestrian Visibility

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Bridge Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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.

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.

INFORMATIVE

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

MSDC Street Naming and Numbering Officer:

I note from the list of planning applications received during the week 8th February 2018 to 14th February 2018 that the applications listed below will require address allocation if approved.

Planning application number(s):

DM/18/0509
DM/18/0385
DM/18/0558
DM/18/0616
DM/17/5238
DM/18/0591

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Urban Designer:

Summary and Overall Assessment

In layout terms the scheme is an improvement upon the previous withdrawn application proposal (DM/17/0683). This is an awkward / constrained site and the chamfered footprint allows the building frontage to define the street by wrapping around the corner while providing space at the rear to accommodate the parking in the undercroft area, and a sizeable external terrace at first floor level decked over the parking. Given the scale of the adjacent blocks of flats, a 3 storey building is acceptable here. Unfortunately the revised drawings do not address my previous concerns and the front elevation is poorly designed in a number of respects and further undermined by an inconsistent building line and projecting bay that adds to an unbalanced and poorly resolved facade. For this reason I object to this application.

Layout

The revised drawings have made the following improvements to the layout:

- The crown-topped roof allows more headroom in the top / third floor, and a consistent roof pitch.
- The first floor deck marginally extends the private terrace thresholds.
- The outlook from the ground floor flat has been marginally improved with the provision of some modest defensible space at the front. The re-positioning of the rear living room window to the side will make a very slight difference as it now faces the flank wall of the adjacent block rather than the undercroft car park (but neither provide a good outlook).

The bin store is even more clumsily incorporated than before, as along with the cycle store it generates an incongruous projecting bay. Some of the internal spaces are still awkwardly configured.

Elevations

My principal issue is with the front elevation as the other elevations will be less visible from Bridge Road / public realm, although the northern flank will be partly visible and some articulation is needed here (not provided in the revised drawings). While the previous front elevation was poor in other respects it did at least benefit from a consistent building line. This has now been disrupted by the projecting bay that accommodates the bin store (as well as the cycle store) at ground floor level which unbalances the façade and is awkwardly juxtaposed with the weakly articulated gabled central entrance bay.

The ground floor / site plan still shows insufficient information; it needs to clearly show the outline of the building above the vehicular access and parking areas. The ground floor arrangement is still unsatisfactory; as well as having too much dead façade, the front wall of the bin store does not coordinate with chamfered corner of the upper floors, and the wide span over the vehicular access seems to defy the structural requirements (and the elevations suggest there are more columns than shown on the site plan) and the inset columns combined with the open void at ground floor level gives the northern wing a flimsy base, and will not provide a screen for the car parking behind.

The front elevation is also unsatisfactory in the following respects:

- The lack of vertical articulation exaggerates the scale of the building and the monotony of the elements results in a bland utilitarian-looking façade. Attention needs to be given to modelling, detailing and providing the façade with visual interest.
- The dormer windows inappropriately dominate the façade and clutter the roof; while the 3rd floor window in the central gable looks uncomfortably squeezed-in.
- The squat bathroom windows, the off-centre front door are untidy elements that combine with the inconsistent building line to generate a poorly resolved elevation.

MSDC Environmental Health - contaminated land:

The application looks to demolish a single storey building on the edge of an industrial estate, and build 9 flats.

Currently the building is occupied by an electrical supplier and a motor bike repair shop.

I have reviewed the information held on the contaminated land GIS, which identifies that the site has historically been used for industrial purposes, and still is used as motor bike repair centre. In addition, site investigation reports on the adjacent site (Princess Court) identified hydrocarbon contamination to be present within soils.

Based on the above, 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 prior to construction and works, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

MSDC Environmental Health

The application looks to demolish a single storey building on the edge of an industrial estate, and build 9 flats.

Environmental Health previously raised concerns concerning the location of the site, and the potential impact of noise from existing nearby premises.

In order to deal with these concerns an acoustic report has now been submitted by KP acoustics (ref: 17337.NIA.01), dated the 12th April 2018.

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. The recommendations look to ensure glazing and acoustic trickle vents are installed at the property.

Internal noise levels in line with BS8233:2014 will only be met with windows closed. However due to small margin of exceedance in this case, additional ventilation would not be required.

Conditions regarding the recommended glazing and acoustic trickle vents should be conditioned.

MSDC Leisure:

Thank you for the opportunity to comment on the plans for the development of 9 residential dwellings at 1B - 1C Bridge Road Haywards Heath West Sussex RH16 1UA 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 District Plan and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Heath Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area. This facility will face increased demand from the new development and a contribution of £14,945 is required to make improvements to play equipment (£8,123) and kickabout provision (£6,823).

FORMAL SPORT

In the case of this development, a financial contribution of £9,302 is required toward cricket provision at 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 £5,335 is required to make improvements to St Richards Church Hall, Sydney Road, Haywards Heath which is made available for community use.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (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.