

29 August 2018

**PLEASE NOTE START TIME OF MEETING**

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 6TH SEPTEMBER, 2018 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 9 August 2018.
5. To consider the report of the Divisional Leader for Planning and Economy upon planning applications and other matters submitted to the Committee for determination.
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

## Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

## Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of District Planning Committee:** Councillors Robert Salisbury, John Wilkinson, Chris Hersey, Colin Holden, Gary Marsh, Norman Mockford, Pru Moore, Dick Sweatman, Anthony Watts Williams and Peter Wyan

## **Minutes of a meeting of the District Planning Committee held on 6 September 2018 from 2:00 p.m. to 2:52 p.m.**

**Present:** Robert Salisbury (Chairman)  
John Wilkinson (Vice-Chairman)

Pru Moore \*  
Christopher Hersey  
Colin Holden

Norman Mockford  
Edward Matthews  
Dick Sweatman

Anthony Watts Williams  
Peter Wyan \*

\* Absent

**Also Present:** Councillor Andrew McNaughton

### **1. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4**

The Committee noted that Councillor Margaret Hersey substituted for Councillor Moore.

### **2. APOLOGIES FOR ABSENCE**

The Committee noted that apologies had been received from Councillors Moore and Wyan.

### **3. DECLARATIONS OF INTEREST**

Councillor Christopher Hersey and Margaret Hersey both declared non-predetermined interests as serving Members of Lindfield Rural Parish Council; they advised that they have not taken part in any discussions on this application at the Parish Council.

### **4. MINUTES**

The Minutes of the Committee held on 9 August 2018 were agreed as a correct record and signed by the Chairman after an amendment was made to the comments made by Councillor Clarke with regard to DM/17/2739 – Hurst Farm. He commented that the residents will have to cross the road from West to East to walk to the new school, shop or hospital up Hurstwood Lane as no footpath has been included on the plan. The residents from the existing houses on the east side and the new development would need to cross to the west side to access the path for the town centre or bus stop for the town or station as the path is only on the west side and no path on the east side of Fox Hill.

## **5. APPLICATIONS AND OTHER MATTERS CONSIDERED**

### DM/17/3413 - Land at 37 – 55 Perrymount Road and 1-5 Clair Road Haywards Heath West Sussex RH16 3BN

The Chairman advised Committee that since the last application for this site the District Plan had been adopted and the new National Planning Policy Framework came into effect in July; the details of this planning application were identical to that which were reported to the Committee in January 2018 except for a proposed change in the location of the proposed vehicular access onto Clair Road.

Steve King, Planning Applications Team Leader introduced the report and drew Members attention to a couple of extra conditions which were detailed on the agenda update sheet.

The Chairman noted that no Members wished to speak so moved to the recommendation, which was agreed unanimously.

### **RESOLVED**

That permission be granted subject to the conditions suggested in Appendix A, the additional conditions outlined in the Agenda Update Sheet and the completion of a section 106 legal agreement to secure the necessary infrastructure provision and affordable housing.

### DM/18/1394 - Land at Barn Cottage Lewes Road Scaynes Hill Haywards Heath Reserved Matters Application in Relation to Outline Planning DM/16/3119 For 51 Dwellings for the Matters of the Appearance, Landscaping, Layout and Scale. New Plans Received Showing Amendments to Design.

Susan Dubberley, Senior Planning Officer, introduced the report and drew Member's attention to the agenda update sheet which contained details of the representations and amended conditions.

The Officer advised that currently the site is an open field with a two store building with a single storey extension, and highlighted areas of ancient woodland adjacent to the site. The scheme is a perimeter block layout with a mix of detached and semi-detached units with two x 3 storey blocks of flats at the entrance to the site. Following receipt of some objections the design was amended and the Urban Designer has no objections to the revised design and layout. She advised that there is a 15 meter buffer zone with the ancient woodland and that the Arboriculturist had no objections to the scheme.

Ms Kathrin Mann, on behalf of the applicant, spoke in support of the application. She advised that the design needed to take into consideration the sloping topography of the site and now had a perimeter design to protect the ancient woodland. The level of houses facing the Hillcrest properties had been reduced and the application had been revised in collaboration with the Independent Design Review Panel and the Urban Designer to meet all their requirements.

Councillor Linda Stockwell, ward Member for High Weald, spoke in objection to the application and was concerned with the two blocks of flats sited at the entrance to the development, which is also the highest point of the site. She advised that Scaynes Hill is a Category 3 settlement with no buildings over 2 storeys high. She commented that the blocks of flats will dominate the area, are out of keeping with the

design of the rest of the village and the application does not take into account DP26 of the District Plan which states that the design “ creates a sense of place while addressing the character and scale of the surrounding building and landscape”. With regard to the Hillcrest properties she welcomed the provision of large shrubs to screen the properties but not block their view, which would comply with DP26 of the District Plan which states that the application does not cause significant harm to the amenities of existing nearby residents which also includes privacy, outlook, daylight and sunlight.

Several Members were also concerned with the positioning and height of the blocks of flats at the highest point of the site and that DP3 of the District Plan was relevant as Scaynes Hill is a Category 3 settlement and the blocks of flats not in keeping with the character of the village; two storey blocks of flats were more in keeping with the rest of the village. The Chairman asked Steve King, Planning Applications Team Leader, to clarify the validity of DP3 in this application. The Officer advised that DP3 related to Village and Neighbourhood centre development. He advised that the policy was split into two parts: the first part related to village centres – Crawley Down, Cuckfield, Hurstpierpoint and Hassocks; the second part related to Small Village Centre Centres and Neighbourhood Centres in the towns and was concerned with the change of use of buildings. As Such the Team Leader advised that policy DP3 was not relevant to the determination of this application, the relevant policy for this application was DP26. A Member responded asking whether Scaynes Hill was a small or large village and that under DP26 the design did not reflect the character of the village.

A Member commented on the resolved boundary landscaping and wanted confirmation that the landscaping condition would ensure no planting of trees but only shrubs adjacent to the Hillcrest properties.

In response to queries concerning the location / design of the flats the Senior Planning Officer advised that the Urban Designer is content with the design.

A Member queried on the location of affordable housing within the site, one block of flats would be all affordable housing and it had not been spread around the whole site. In response the Senior Planning Officer advised that the Housing Department were content with the spread of the affordable housing on the site.

A Member stated that the blocks of flats were the contentious issue, and guided by the Ward Members, he was minded to oppose the application even though the applicant could appeal the decision if the application was refused.

The Planning Applications Team Leader advised that the Committee must look at the application as a whole. He advised that the layout was sound, the trees were protected, the layout provided a proper street scene and the fact that the flats would be 3 storeys and would be higher than any building in the village was not a reason to refuse the application, there has to be some identifiable harm from the proposed flats. Outline planning permission had already been granted for up to 51 units on this site and that the National Planning Policy Framework supports good design. He reminded Members that applicants had the right to appeal and the Independent Design Review Panel and the Councils Urban Designer had both supported the scheme. The Planning Applications Team Leader advised that in his view a refusal on the height of the blocks of flats would be difficult to defend at an appeal.

A Member responded that he was trying to get a good design throughout the site and suggested refusing the application as the siting of the flats at the entrance to the

scheme did not reflect the character of the village. In response a Member advised that it was difficult to refuse as the Independent Design Review Panel supported the scheme, the flats were a major issue and wanted the developer to note this. However he was minded to support the proposal.

In response to a comment that the Independent Design Review Panel thought the siting of the flats at the entrance was unsatisfactory and the elevations / roof forms were unbalanced, the Senior Planning Officer advised Members that comments were made before the final amendments were agreed with the Urban Designer and the Design Review Panel was content with the Urban Designer negotiating amendments.

The Chairman reminded the Committee of the amendments agreed by the Independent Design Review Panel and the Urban Designer. He noted that the Committee must have a sound planning reason to refuse the application.

In response to a question the Senior Planning Officer advised the Committee that the Independent Design Review Panel do consider the scheme in the round, including the overall look of the scheme and how it fits in with the locality.

Councillor Christopher Hersey proposed a motion to refuse the application as it did not meet DP26 of the District Plan as the sitting of the flats was not well designed within the scheme and did not reflect the character of the village. Councillor Edward Matthews seconded the motion.

The Chairman took Members to vote on the motion which were refused with 6 votes in favour and 3 votes against.

## **RESOLVED**

That the application is refused because it is out of keeping with the rural village due to the height and scale of the two blocks of flats at a high point on the site contrary to Policy DP26 of the Mid Sussex District Plan 2018. The Chairman and Vice-Chairman to be consulted on the exact wording of the refusal reason by officers.

## **6. ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS**

None.

## **7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10**

None.

Meeting closed at 2:52

Chairman.

## DOCUMENT B

## MID SUSSEX DISTRICT COUNCIL

## DISTRICT WIDE PLANNING COMMITTEE

6 SEP 2018

## INDEX TO ITEMS REPORTED

## PART I – RECOMMENDED FOR APPROVAL

ITEM	REFERENCE	LOCATION	PAGE
1	DM/17/3413	Land At 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath, West Sussex, RH16 3BN	11 - 75
2	DM/18/1394	Land At Barn Cottage, Lewes Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NE	76 - 100
3	DM/18/2581	21 - 23 Perrymount Road, Haywards Heath, West Sussex, RH16 3BN	101 - 143

## PART II – RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

## PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

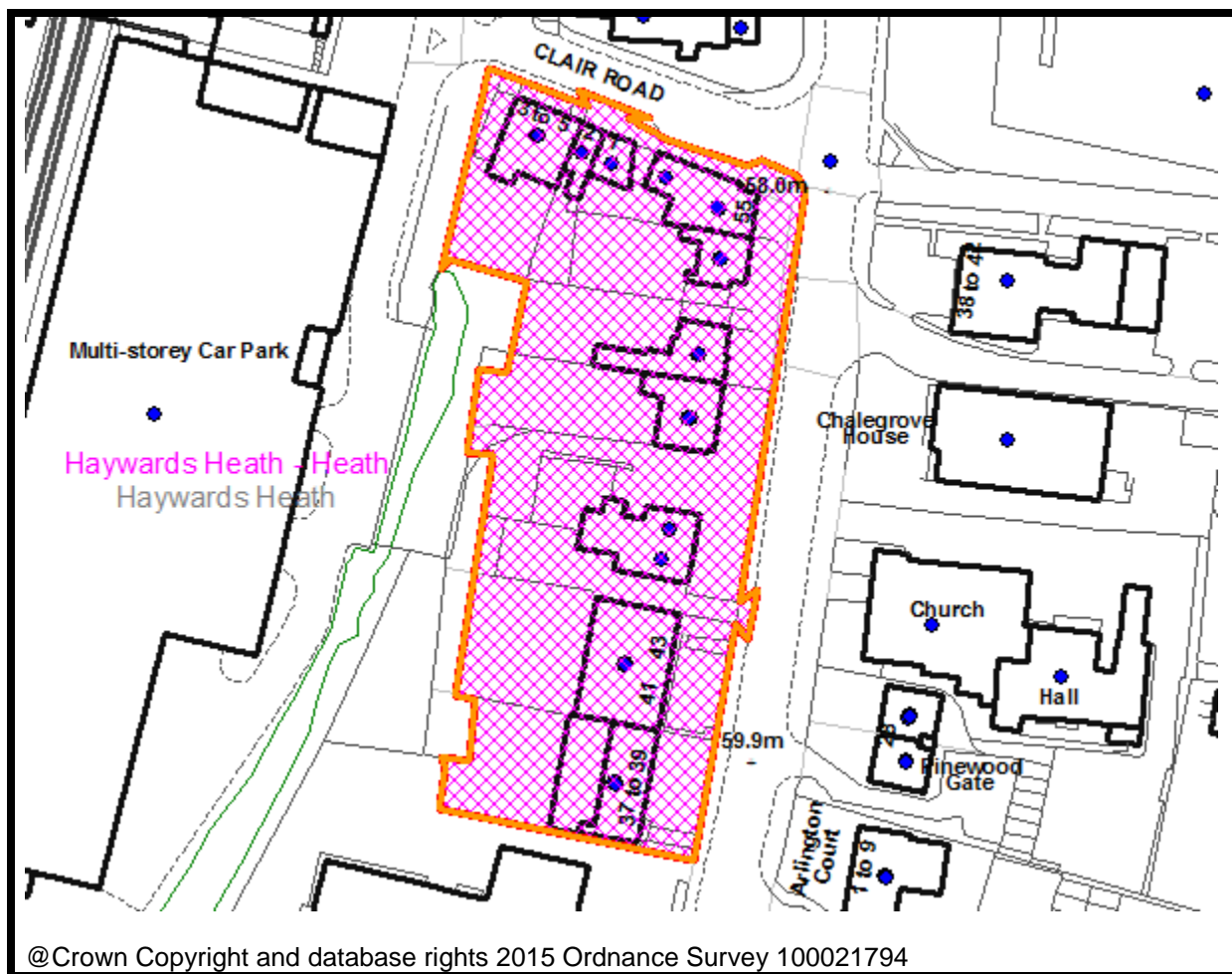
# MID SUSSEX DISTRICT COUNCIL

## DISTRICT WIDE PLANNING COMMITTEE

6 SEP 2018

### PART I - RECOMMENDED FOR APPROVAL

1. DM/17/3413



**LAND AT 37 - 55 PERRYMOUNT ROAD AND 1-5 CLAIR ROAD HAYWARDS HEATH  
WEST SUSSEX RH16 3BN  
OUTLINE PLANNING APPLICATION FOR REDEVELOPMENT OF THE SITE TO  
PROVIDE UP TO 145 NEW RESIDENTIAL UNITS INCLUDING 30% AFFORDABLE  
HOUSING AND 1209 SQ. METRES OF COMMERCIAL FLOORSACE (A2 USE**

**CLASS), TOGETHER WITH ASSOCIATED CAR PARKING. ALL MATTERS TO BE RESERVED EXCEPT FROM ACCESS. AMENDED PLANS RECEIVED 14TH DECEMBER SHOWING A REDUCTION IN THE SITE AREA AND A REDUCTION IN THE PROPOSED CAR PARKING FROM 103 TO 88 SPACES. AMENDED PLAN RECEIVED 25TH JULY SHOWING A REVISED POSITION OF THE VEHICULAR ACCESS ONTO CLAIR ROAD.**

**MR J BALL**

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

**ODPM CODE:** Smallscale Major Dwellings

**13 WEEK DATE:** 7th September 2018

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

**CASE OFFICER:** Steven King

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

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

The application was originally reported to the District Planning Committee meeting on 25th January 2018 when Members resolved to approve the application, subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. The legal agreement has yet to be completed and so therefore the planning permission has not been issued.

The applicants wish to make an amendment to the application in relation to the

vehicular access onto Clair Road. Amended plans have been submitted showing the access point onto Clair Road being moved some 6m to the east of the previously shown position for this access. All other elements of the scheme remain as was considered by the Planning Committee in January 2018.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for this part of the District comprises the District Plan (DP) (2018) and the Haywards Heath Neighbourhood Plan (2016). The National Planning Policy Framework (NPPF) (July 2018) is an important material planning consideration.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that this means that the planning system has an economic, social and environmental objective to meet in order to achieve sustainable development.

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

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

The provision of up to 145 dwellings on this highly sustainable site will make an important contribution to the district's housing supply. The built environment of this part of Haywards Heath will be improved. It is therefore considered that the development meets the social and environmental objectives of sustainable development.

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

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

the scheme.

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

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

Members resolved to approve this scheme at the District Planning Committee meeting in January 2018 subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. It is not considered that the proposal to slightly revise the location of the vehicular access onto Clair Road to serve the development should alter the decision that was made at the District Planning Committee meeting in January.

The proposal is therefore still considered to comply with the requirements of Policies DP1, DP6, DP17, DP20, DP21, DP27, DP28, DP29, DP31, DP38, DP39 and DP41 of the DP and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the conditions listed at Appendix A and subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

### **Recommendation A**

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

## **SUMMARY OF REPRESENTATIONS**

### Original plans

6 Letters of objection received:

- building will change from being 4 storeys high to 6/7 storeys high which is unnecessarily tall and will be an obstruction to the sunset;
- concerned about loss of yoga premises which are well located and well used;

- pleased that the originally proposed dull monolithic building has been split into four separate elements;
- concerned about the excessive height of the scheme;
- building will be too dominating and is out of scale with its surroundings;
- density will add to traffic on an already busy road;
- developer should reconsider the density, height, design and the scale of this scheme to create an acceptable redevelopment of the area;
- will cause a loss of light;
- don't object to the principle of the development but do request a more suitable design;
- parking is inadequate and will lead to unauthorised illegal parking

2 letters raising the following points:

- request a detailed traffic management plan during construction;
- concerned that asbestos may be present on site and that this is dealt with properly during demolition

#### Representations on amended access

None received.

### **SUMMARY OF CONSULTEES**

#### **County Planning Officer**

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

#### **Highway Authority**

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

#### Amended access plans

No objection is raised to the amended plans which result in the relocation of the permitted access to a location 6m to the east.

The reduction in visibility to the Clair Road/Perrymount road junction would still provide adequate visibility for vehicles turning into Clair Road at 20 mph (the previous access arrangements made provision for vehicles turning at 23.5mph).

### **WSCC Lead Local Flood Authority**

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

### **West Sussex Fire and Rescue Service**

To be reported.

### **Horsham and Mid Sussex CCG**

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

### **Sussex Police**

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

### **Leisure Officer**

Requests infrastructure contributions to the following items based on a formula:

- play equipment
- kickabout
- formal sport
- community buildings

### **Urban Designer**

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

I believe that this southern block should be limited to a total of 7 storeys (i.e. as per the other blocks) incorporating a single storey plinth ground floor; 4 storey middle section and 2 storey set back/stepped/ziggurat-profiled floors at the top extending symmetrically across more of the frontage (and with the middle block following suit that would also

generate a more even frontage). The slight reduction in overall volume that would likely be necessary could potentially be offset by a larger proportion of one-bed flats to approximately achieve the proposed overall number of units.

### **Housing Officer**

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

### **Drainage Officer**

No objection subject to conditions.

### **Contaminated Land Officer**

No objection subject to conditions.

### **Environmental Health Officer**

No objection subject to conditions.

### **Waste Contracts Officer**

Although I cannot find specific information about the number of bins they are planning to have, it appears they have allocated space for about 15 x 1100 bins. If the correct number of bins can be accommodated and our access requirements are met, I cannot foresee any other issues with waste storage and collection from this development.

### **HAYWARDS HEATH TOWN COUNCIL**

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

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

"Whilst it is acknowledged that the plans are for indicative purposes only and that all matters are to be reserved except for access, Members welcome the revisions to the

design and consider them a positive step in what it is hoped will be an ongoing evolution of the scheme. Furthermore, the proposal aims to deliver 30% affordable housing, which is key."

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

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

Conditions:

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

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

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

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

- local community infrastructure (LCI) public realm improvements to South Road;

- art in the community - town centre £10,000;
- support for Haywards Heath library £5,000;
- IWP - community infrastructure £35,000;
- sport £10,000;
- highways/transport £10,000."

#### Town Council comments on amended access

To be reported.

## **INTRODUCTION**

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

The application was originally reported to the District Planning Committee meeting on 25th January 2018 when Members resolved to approve the application, subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. The legal agreement has yet to be completed and so therefore the planning permission has not been issued.

The applicants wish to make an amendment to the application in relation to the vehicular access onto Clair Road. Amended plans have been submitted showing the access point onto Clair Road being moved some 6m to the east of the previously shown position for this access. All other elements of the scheme remain as was consider by the Planning Committee in January 2018.

## **RELEVANT PLANNING HISTORY**

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

## **SITE AND SURROUNDINGS**

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

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

Since the application was reported to committee in January a number of the buildings that used to occupy the site have been demolished.

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

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

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

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

In terms of planning policy the site is within the built up area of Haywards Heath as defined in the District Plan (DP). In terms of the Haywards Heath Neighbourhood plan (HHNP) the site is identified by the plan as lying within the commercial area within the built up area of the town.

## **APPLICATION DETAILS**

This application seeks outline planning permission for the redevelopment of land at 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial

floorspace (A2 use class), together with associated car parking. The matters to be determined at the outline stage are the principle of the development and the means of access. If this outline application is approved then a subsequent reserved matters application would need to be made for the appearance, landscaping, layout and scale of the site. The elevations and floor plans that have been submitted with this application are for illustrative purposes to demonstrate that this quantum of development could be accommodated on the site.

The illustrative plans show that there would be four separate building blocks. One block would be on the northwest part of the site fronting onto Clair Road. One would be on the corner of Clair Road and Perrymount Road. The other two blocks would front onto Perrymount Road. The plans show that there would be one vehicular point of access onto Clair Road and one vehicular point of access onto Perrymount Road. It is the point of access onto Clair Road that has been moved on the amended plans so that it is now some 6m to the east of its previous position.

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

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

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

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

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies include:

DP1 - Sustainable Economic Development

DP6 - Settlement Hierarchy  
 DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
 DP20 - Securing Infrastructure  
 DP21 - Transport  
 DP26 - Character and Design  
 DP27 - Dwelling Space Standards  
 DP28 - Accessibility  
 DP29 - Noise, air and light pollution  
 DP31 - Affordable Housing  
 DP38 - Biodiversity  
 DP39 - Sustainable Design and Construction  
 DP41 - Flood Risk and Drainage

### **Neighbourhood Plan**

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

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

Haywards Heath Masterplan Supplementary Planning Document (SPD)

### **National Policy and Legislation**

#### *National Planning Policy Framework (NPPF) (July 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 dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations

indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF 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.

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

Para 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

*National Planning Policy Guidance*

*Technical Housing Standards*

## **ASSESSMENT**

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the Haywards Heath Neighbourhood Plan (2016). The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

### **Principle of Development**

Since this application was originally reported to the Committee in January, the District Plan has been adopted and has superseded the Mid Sussex Local Plan. When the application was reported to Committee in January, because the District Plan had not been adopted, the Council could not demonstrate a 5 year housing land supply. This has changed with the adoption of the DP in March 2018; the position now is that the District Council has an up to date District Plan and can demonstrate a 5 year supply of housing.

In addition to this, the NPPF has been revised with the new version replacing the previous version in July 2018.

The site of the application lies within the built up area of Haywards Heath in close proximity to the railway station. Development plan policy seeks to resist the net loss of business floorspace (policy DP1 in the DP) unless 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.

In this case the proposal would result in the following changes on site:

- A2 (financial and professional services): a net increase of some 157sq m
- B1 (a) (office): a net reduction of some 950sq m
- D1 (non-residential institutions): a net reduction of some 250sq m
- D2 (assembly and leisure): a net reduction of some 150sq m

There would be no loss of residential accommodation.

It is clear from the above that there would be a net loss of employment floorspace at the site. It is considered that the proposed redevelopment of the site would bring about an alternative use whose benefits would outweigh the loss of commercial floorspace on the

site to accord with policy DP1 of the DP. These benefits would comprise the following: the provision of up to 145 new dwellings in a highly sustainable location, a more optimal use of the site, an improvement to the architecture and public realm of the site and surrounding area. In light of the above it is considered there is no conflict with policy DP1 of the DP.

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

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

Policy B2 in the HHNP states:

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

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

The Town Centre Inset and Policies and Proposals Map in the HHNP classifies this area as being a "commercial area", with the "Primary Town Centre" being shown as being further to the south on The Broadway, Church Road and The Orchards Shopping Centre. It is therefore considered that policy B2 is relevant to the determination of this application.

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

## Character and design

Policy DP26 in the DP seeks a high standard to design in new development. It 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.*

Policy E11 in the HHNP seeks to ensure that major development in prominent locations is supported by an assessment of the views to and from the development. Policy E9 in the HHNP states

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

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

The NPPF is supportive of good design and making efficient use of land. Paragraph 124 of the NPPF states that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 117 of the NPPF states in part *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*

Paragraph 122 of the NPPF states *"Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places."*

In this case it is important to note that the application is in outline form with only the principle of the development and the means of access to be determined at this stage; the elevations that have been submitted are for illustrative purposes. However given the fact

that the scheme is seeking consent for up to 145 dwellings on the site, it would necessitate buildings of the heights that have been shown on the illustrative elevations to achieve this quantum of development. Therefore it is considered to be reasonable to consider whether the principle of having buildings of this broad scale is acceptable in design terms having regard to the development plan policies identified above.

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

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

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

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

Policy E13 in the HHNP states:

*Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s) and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.*

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

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

### **Affordable housing**

Policy DP31 in the DP requires developments on sites such as this to provide 30% affordable housing on site. The applicants have advised that they are prepared to provide a policy compliant level of affordable housing on the site. The proposal is for a 100% flatted development and it is agreed that the affordable provision should be by way of 1 bed and 2 bed flats only. The Councils Housing Officer is satisfied with the indicative mix that is shown on the applicant's submissions (21 x 1 bed flats and 12 x 2 bed flats for affordable rent and 7 x 1 bed flats and 4 x 2 bed flats for shared ownership). The Housing Officer has noted that on the illustrative floor plans 10 of the 2 bed flats only meet the National Spaces Standards for 2 bed 3 person dwellings which they consider would not be acceptable, particularly for affordable rented housing where 2 bed units should accommodate 4 persons. As they have correctly identified, this matter would need to be addressed at a subsequent reserved matters application.

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

### **Energy Efficiency**

Policy DP39 in the DP seeks to ensure that new development has regard to the issue of energy efficiency and sustainable design. The applicants have provided a Sustainability Statement with their application. In summary it anticipates that the development would utilise high efficiency gas boilers, energy efficient lighting and external walls that have U values (U-values measure how effective a material is an insulator. The lower the U-value

is, the better the material is as a heat insulator) which perform better than the minimum standards required by Building Regulations, water efficient sanitary fittings, including low flow toilets, showers, taps and white goods.

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

### **Crime prevention**

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

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

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

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

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

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

### **Impact on residential amenity**

Policy DP26 in the DP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. There are residential properties in the flats to the north of the site on Clair Road and to the east of the site on Perrymount Road.

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

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

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

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

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

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

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

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

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

## Noise

Noise is a material planning consideration. In relation to noise policy DP29 of the DP states:

*The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

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

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

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

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

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

The Councils EHO has advised that he believes that the recommendations listed in the applicants acoustic report should ensure that future residents are protected in regards current environmental noise levels. Compliance with the recommendations of the applicant's acoustic report can be secured by appropriate planning conditions. With such conditions in place the application would comply with policy DP29 of the DP in respect of noise.

## Access, Parking, and Highway Safety

Policy DP21 in the District Plan states

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so."*

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

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

Policy E8 in the HHNP seeks to ensure that major development proposals will be designed to make the town more sustainable, having regard to a number of issues, including the promotion of walking, cycling and public transport and the promotion of car sharing.

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

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

The applicants have explained the need to relocate the proposed access onto Clair Road as follows:

*"Fairfax instructed i-Transport LLP to support an outline planning application (all matters reserved expect access) for a mixed-use redevelopment of 37-51 Perrymount Road and 1-5 Clair Road, Haywards Heath which obtained a resolution to grant permission in January 2018 (subject to signing of the S106).*

*Following this, further consideration of detailed design matters has been progressed. This results in the single access to Clair Road being relocated from the permitted location, to a location circa 6m east.*

*The adjustment to the location of the access is not significant and remains within the general location of the existing access to Clair Road and the previously permitted location. Forward visibility for vehicles turning into Clair Road is in excess of 25m (the distance for vehicles turning at 20mph to see a vehicle and stop in time). Visibility splays from the access provide for clear sight lines in both directions which are unchanged from the approved access. In particular, there is clear visibility to the junction of Perrymount Road and Clair Road.*

*The relocated access would be within the area currently occupied by the Clair Road parking layby. However, as included within the existing approval, this will be removed through amendments to the Traffic Regulation Order covering parking and waiting restrictions on both Clair Road and Perrymount Road. Therefore, parking will not be permitted in this location and visibility splays will not be obscured.*

*On the basis of the above, the minor relocation of the access to Clair Road has no highway or transport implications and does not change the conclusions of the Transport Statement submitted with the original application."*

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

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

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

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

The Highway Authority has considered the applicants submissions. They raised no highway objection to the original application, subject to a number of conditions and have raised no objection to the proposal to move the access on Clair Road from its previously proposed location to its new location. In relation to the access onto Perrymount Road it is proposed that the applicants will apply for a TRO to secure double yellow lines across the access and associated visibility splays. The National Planning Practice Guidance (PPG) sets out the Governments guidance on the use of planning conditions. It advises that it may be possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken. Case law has found that it is not appropriate to use such conditions where there is no possibility of the specified action being able to be complied with, since this would have the effect of

negating the planning permission. In this case, it can be expected that the applicants will apply for a TRO.

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

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

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

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

Since the above SPD was produced, the revised NPPF has been published. The NPPF has a clear emphasis on promoting sustainable transport and making efficient use of land where there opportunities to promote walking, cycling and public transport use. Paragraph 103 of the NPPF states in part *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."* Paragraph 105 states *"If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."*

It is clear from this that national guidance is promoting flexibility in relation to car parking standards to further the objectives that have been set out above.

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

The applicants have also submitted a car parking survey over 2 days (10th and 11th January 2018) that provides a snap shot of available on street parking in the vicinity on Perrymount Road and Clair Road. For the parking 9am to 6pm bays (of which there are some 33 spaces) on Perrymount Road, this survey shows that on the 10th January there were 10 cars parked and on 11th January they were 5 cars parked. On Clair Road there are 3 car parking bays (8am to 6pm) and on 10th January there was 1 car parked and on 11th January there were 3 cars parked.

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

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

In summary on highway matters, the only change in relation to the scheme since Members resolved to approve the scheme in January 2018 has been the proposed relocation of the vehicular access onto Clair Road; all other matters remain the same as in January 2018. In relation to planning policy, policy DP21 in the DP has replaced the transport policies that were in the Mid Sussex Local Plan. In addition to this, the Council's new development and infrastructure SPD (adopted in July 2018), expresses car parking standards as "minimum indicative standards" rather than "maximum standards" as in the old SPD. Finally, a revised NPPF has been published (July 2018). The new NPPF was published after the Council's new development and infrastructure SPD so this is the most recent document.

In light of all the above, it is considered that there are no grounds to come to a different conclusion on transport matters to the conclusion that was made at the District Planning Committee meeting in January 2018. It is considered that a safe access can be provided to the development and that in this highly sustainable town centre location, the level of car parking provision is satisfactory.

## **Drainage**

Policy DP41 in the DP seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It is intended that surface water would discharge to the adopted surface water sewer in Perrymount Road. Foul water would discharge to local public system.

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

## **Infrastructure**

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

*"54 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:

*"56 Planning obligations must 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."*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

#### West Sussex County Council Contributions:

Library provision: based on a formula

Education Primary: based on a formula

Education Secondary: based on a formula

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

#### District Council Contributions

Childrens play space: A contribution based on a formula is required to make improvements to play equipment at Haywards Heath Recreation Ground and a contribution based on a formula is also required toward kickabout provision to install basketball hoops at Beech Hurst.

Formal sport: A contribution based on a formula is required toward the cricket facilities at Haywards Heath Recreation Ground.

Community buildings: A contribution based on a formula is required toward the cost of improved community facilities at Clair Hall or a replacement building.

Local community infrastructure: A contribution based on a formula is required to go towards environmental improvements to Perrymount Road, The Broadway, South Road and Sussex Road.

#### Other contributions

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

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

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

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

## **Contaminated Land**

Paragraph 178 of the NPPF states

*"Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."*

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

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

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

## **Ecological matters**

Policy DP38 of the DP seeks to protect biodiversity.

The application is accompanied by a combined Phase 1 Habitat Survey and Preliminary Ecological Appraisal. The report concludes that *"This development would see the loss of a large area of hard-standing of poor ecological value, four buildings of negligible value to bats, three buildings of low value to bats, a small area of amenity garden of low ecological*

*value, several sections of scattered trees and hedgerows and an area of scattered broad-leaved trees with medium ecological value (west bank).*" In relation to the removal of trees on the western side of the site the report advises that any vegetation removal or building demolition should be timed outside of the nesting bird season (1st March to 31st August) unless features are first hand search by a suitably qualified ecologist.

The application is also accompanied by a bat emergence/re-entry survey. The re-entry survey reported that *"no bats were observed re-entering any of the buildings at any time and only a single bat was observed during the survey, with a single common pipistrelle briefly observed commuting past building 1. The location of these buildings within an urban location, which are subject to high levels of artificial light suggests that there is little value present for roosting bats."* The report concludes in relation to the buildings on site that *"No further surveys or mitigation measures are considered necessary for the demolition of these buildings."*

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

### **Impact on Ashdown Forest**

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

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

### **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for this part of the District comprises the District Plan (2018) and the Haywards Heath Neighbourhood Plan (2016). The National Planning Policy Framework (July 2018) is an important material planning consideration.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states in paragraph 8 that *"Achieving sustainable development means that the planning system has three*

*overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

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

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

The provision of up to 145 dwellings on this highly sustainable site will make an important contribution to the district's housing supply. The built environment of this part of Haywards Heath will be improved. It is therefore considered that the development meets the social and environmental objectives of sustainable development.

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

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

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

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

Members resolved to approve this scheme at the District Planning Committee meeting in January 2018 subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. It is not considered that the proposal to slightly revise the location of the vehicular access onto Clair Road to serve the development should alter the decision that was made at the District Planning Committee meeting in January.

The proposal is therefore still considered to comply with the requirements of Policies DP1, DP6, DP17, DP20, DP21, DP27, DP28, DP29, DP31, DP38, DP39 and DP41 of the DP and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

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

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

### **Pre commencement conditions**

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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

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

4. (1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:
  - a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
  - b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1) c that any remediation scheme required and approved under the provisions of condition (1)

c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

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

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

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

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development

- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

### **Pre occupation conditions**

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

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy E8 of the Neighbourhood Plan.

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

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

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

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E11 of the Neighbourhood Plan.

16. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the program agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E11 of the Neighbourhood Plan.

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

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy E8 of the Neighbourhood Plan.

### **Construction stage**

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

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

### **Post occupation**

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

22. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 30dB. Rating Level

and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

## **APPENDIX B – CONSULTATIONS**

### **Haywards Heath Town Council**

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

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

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

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

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

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

Conditions:

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

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

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

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

Local community infrastructure (LCI) - public realm improvements to South Road;

Art in the community - town centre - £10,000;  
Support for Haywards Heath library - £5,000;  
IWP - community infrastructure - £35,000;  
Sport - £10,000;  
Highways/transport - £10,000.

## County Planning Officer

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

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

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

The advice is as follows:

### 1. School Infrastructure Contribution

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

### 1.2 Financial Contribution

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

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

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

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

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

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

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

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

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

## 2. **Library Infrastructure Contribution**

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

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

## 2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

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

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

## 3. Transport (TAD) Contribution

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

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

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

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

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

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

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1200

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

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

### **General points**

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

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

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

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

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

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

### **Highway Authority**

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

### **21st November comments**

### **Background**

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

### **Proposed Development**

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

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

### **Access**

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

## **Car Parking**

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

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

## **Clair Road layby**

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

## **Swept Path Analysis**

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

## **Travel Plan**

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

## **Conditions:**

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

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

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

Reason: In the interests of road safety

*Access closure (prior to first occupation)*

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

Reason: In the interests of road safety.

*Car parking space (details required)*

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

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

*Car Park Management Plan*

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

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

*Construction Management Plan*

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

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

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

*Travel Plan (to be approved)*

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

Reason: To encourage and promote sustainable transport.

*Provision or Extension of Waiting Restrictions*

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

Reason: In the interests of road safety.

*Swept Paths*

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

Reason: In the interests of highway safety,

*S106*

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

*Informative**Minor Highway Works*

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

**Amended plans showing revised access onto Clair Road**

No objection is raised to the amended plans which result in the relocation of the permitted access to a location 6m to the east.

The reduction in visibility to the Clair Road/Perrymount road junction would still provide adequate visibility for vehicles turning into Clair Road at 20 mph (the previous access arrangements made provision for vehicles turning at 23.5mph).

**WSCC Lead Local Flood Authority**

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

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

## Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	
Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	
Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within or adjacent to the site boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.</p>	

### **Future development - Sustainable Drainage Systems (SuDS)**

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

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

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

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

### **Horsham and Mid Sussex CCG**

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

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

Horsham & Mid Sussex CCG cover the entire catchment area of Mid Sussex District Council and this proposed development would create potentially 226 new

residents/patients and in view of the proposed site's close proximity to Haywards Heath Health Centre these patients may choose to register with a town centre practice such as Newtons at Haywards Heath Health Centre where the 1980s building is struggling to cope.

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

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

This is also reflecting a number of changes in the NHS particularly with the increasing demand for Complementary Community healthcare services generally. Accordingly, further additional demand from new housing developments, will necessitate some building redesign to better accommodate these services.

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

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

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

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

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

### **Sussex Police**

Thank you for your correspondence of 03rd January 2018, advising me of amendments to outline planning application for the redevelopment of the above site to provide 145 new residential units including 30% affordable housing and 1207 sq. metres of commercial floor-space (A2 use class), together with associated car parking. All matters to be

reserved except from Access and Layout at the above location, for which you seek advice from a crime prevention viewpoint.

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

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

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

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

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

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

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight

to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

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

### **Leisure Officer**

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

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

#### **CHILDRENS PLAYING SPACE**

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

#### **FORMAL SPORT**

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

#### **COMMUNITY BUILDINGS**

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

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

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

## **Urban Designer**

### **Introduction**

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

### **Demolition of Existing Buildings**

I have no objections to the loss of the existing buildings as they mostly have little architectural merit and do not maximise the site's potential; and although parts of the late Victorian frontage still retain a little of their charm this has mostly been lost to unsympathetic extensions and behind thresholds cluttered with parking.

### **Elevations / Massing**

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

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

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

- They are better articulated: the windows are now vertically grouped with the balconies in-set providing a sense of structural depth that will help animate the façade; deep

reveals (suggested by the shadowing across the windows) will also help (previously the window arrangement was too repetitive, the façade too flat and the balconies poorly integrated generating an uninteresting/monotonous-looking frontage).

- The vertical repetition of the brick bays together with the consistent separation gaps between the blocks and vertically grouped fenestration generates more underlying rhythm and order than the original submission with its horizontal banding, unequal sized separation gaps and clunky bridge-links.
- The articulation of the prominent corner "drum" is more resolved, particularly in relation to the Clair Road elevation.
- The upper floor parapets work better as an extension of the building face instead of the glazed balustrades that looked bolted-on and the solid face more successfully screens the set-back top floors (helping to reduce the scale) and generate more integrated elevations.

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

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

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

## **Layout**

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

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

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

### **Housing Officer**

The applicant is proposing a development of 145 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (44 units). The proposal is for a 100% flatted development and it is agreed that the affordable provision should be by way of 1 bed and 2 bed flats only. The proposed mix is for 21 x 1 bed flats and 12 x 2 bed flats for affordable rent and 7 x 1 bed flats and 4 x 2 bed flats for shared ownership. This mix meets our tenure split requirement of 75% rented and 25% shared ownership and will meet a range of housing needs but in particular the need for smaller units of affordable rented accommodation in the district. The location of the affordable housing in the illustrative layout would be acceptable and accords with our clustering policy of no more than 10 units per cluster. However, the affordable units should have a separate core so as to avoid issues for RPs with shared service charges with the market units.

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

### **Drainage Officer**

No objection subject to conditions.

### **Contaminated Land Officer**

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

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

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

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

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

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

### **Recommendation: Approve with conditions**

- 1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:
  - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
  - c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

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

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;

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

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

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

### **Environmental Health Officer**

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

### **Environmental Noise and Vibration**

Given the proximity of the site to the railway line and a B road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to. Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter are dealt with at the planning stage.

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

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

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

**Table 7.1 Minimum Glazing and Trickle Ventilator Sound Reduction Requirements**

Façade Reference	Minimum Glazing Reduction Performance ( $R_{w,g}$ dB)	Minimum Trickle Ventilator Reduction Performance ( $D_{ne,w}$ dB)
A	38	38
B	34	32
C	30	32

**Figure 7.2 Location of Façade Reference Groups**

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

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

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

### **Noise emissions from the completed development**

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

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

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

### **Additional noise concerns**

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

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

### **Construction Noise**

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

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

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

### **Recommendation: Approve with conditions**

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

2. Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the

windows closed, for habitable rooms in Façade Reference Groups A & B, as laid out table 7.1 and Figure 7.2 of the Noise Planning Report by Hilson Moran (ref: 23108/C/RT01/00/01), dated the 4th July.

Reason: To safeguard the amenity of residents.

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

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

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

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

### **Waste Contracts Officer**

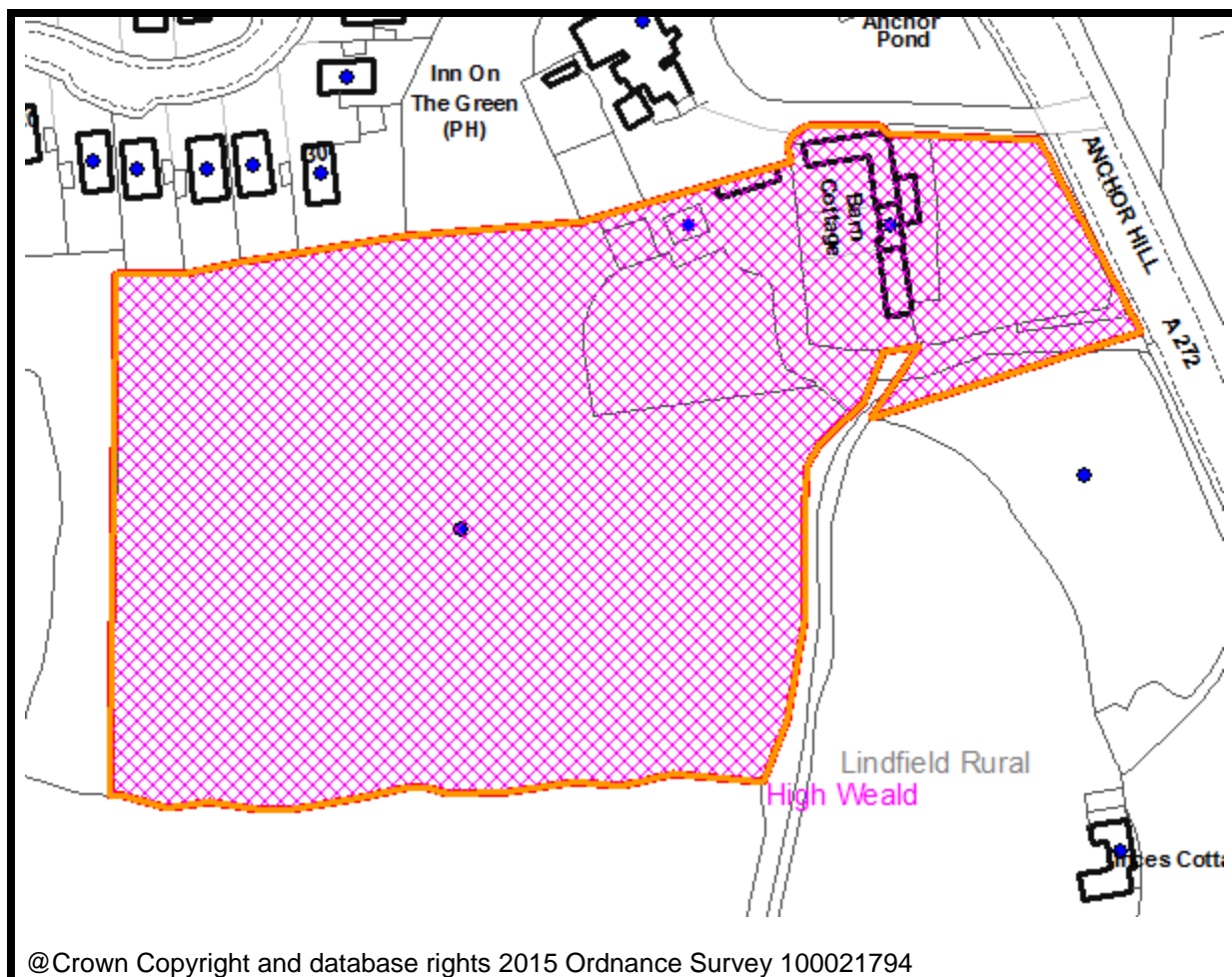
Although I cannot find specific information about the number of bins they are planning to have, it appears they have allocated space for about 15 x 1100 bins.

Given that there are 145 properties, we would recommend that there is sufficient bin store space to house 38 x 1100 bins in total (20 refuse and 18 recycling) to allow storage for alternate week collections. We would not have an issue regarding how many bin stores there are in total but there should be refuse and recycling bins in each store and we would need to gain access with a refuse freighter to within 10 metres of each store.

If we are required to enter the site to service the bins (which I think we would need to) we would need to see a swept path analysis using a refuse freighter of 10.5 metres in length, to ensure access is possible and that we can turn the freighter around.

If the correct number of bins can be accommodated and our access requirements are met, I cannot foresee any other issues with waste storage and collection from this development.

## 2. DM/18/1394



**LAND AT BARN COTTAGE LEWES ROAD SCAYNES HILL HAYWARDS HEATH  
RESERVED MATTERS APPLICATION IN RELATION TO OUTLINE PLANNING  
DM/16/3119 FOR 51 DWELLINGS FOR THE MATTERS OF THE APPEARANCE,  
LANDSCAPING, LAYOUT AND SCALE. NEW PLANS RECEIVED SHOWING  
AMENDMENTS TO DESIGN.  
MR WESLEY MCCARTHY**

**POLICY:** Asset of Community Value / Ancient Woodland / Areas of Special Control for  
Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified  
Roads - 20m buffer / Planning Agreement / Planning Obligation / SWT Bat  
Survey / Tree Preservation Order / Advance Payment Code (WSCC) /

**ODPM CODE:** Smallscale Major Other

**8 WEEK DATE:** 3rd July 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

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**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission (DM/16/3119) that was granted consent by the Council under a notice dated 7th February 2017 for up to 51 units. The scheme makes suitable provision for the 15 affordable units secured under the S106 Legal Agreement.

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

It is considered that the overall layout of the scheme is sound. The layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces.

The applicants have proposed a fairly traditional design approach for the houses and this is considered to be acceptable. The incorporation of two 3 storey blocks of flats near the entrance to the site is also supported as this would add interest to the scheme and mark the entrance to the development. There are some design concerns about the detailing of the windows of the proposed houses, but it is considered that these can be addressed by condition.

This arrangement with outward facing building frontages (towards the boundaries) both safeguards and reveals the attractive woodland ( including ancient woodland) on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries

Overall it is considered that the details of the reserved matters are acceptable and comply with the policies that have been identified in the report. The applicants have amended the scheme to address the initial concerns of the Design Review Panel and the Councils Urban Designer.

The scheme is considered to create an acceptable residential environment and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances along with appropriate screening will ensure that significant harm in the form of overlooking or loss of privacy should not occur. The proposal provides suitable ancient woodland buffers.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan.

### **RECOMMENDATION**

It is recommended that permission be granted subject to the conditions suggested in Appendix A.

### **SUMMARY OF REPRESENTATIONS**

9 representations have been received objecting to this application. These letters have objected to the proposal for the following reasons:

- Request that residents of Hillcrest are consulted on tree planting along the boundary with Hillcrest. Concerned that tree will grow and cast a shadow on the gardens if the wrong type of planting is used.
- Loss of privacy, and outlook for resident in Hillcrest.
- Dismayed to see that the layout of the proposed estate has now been altered since the outline planning stage with some significant environmental implications.
- The 3-storey block of apartments (Plots 1 - 11) is totally out of character with the village, where there are no other houses of this nature and height.
- The currently proposed layout of a perimeter road with all the gardens facing inwards, means that these garden corridors will be completely cut off from the surrounding woodland.
- Further the layout of the houses with a 'ring road' around the outside looks to be forward planning to further development outside the neighbourhood plan and outside the agreed built up area.
- The access to the site is on a fast, and somewhat dangerous section of the A272, any development would require major adjustments to the A272 to make access safe.
- The houses and flats are not in keeping with the village. Scaynes Hill does not have many (if any) 3 storey buildings, and these are imposing when placed behind a row of bungalows.
- The development should incorporate maximum 2 storey homes, and be arranged so as to minimise the amount these properties overlook the properties on Hillcrest Lane.

- Thought that the house designs would be more architecturally imaginative than just following the current trend of high building and steep roof pitches.
- Note that dwellings 1-11 are contained in a building of 3 storeys and that this has been positioned at the highest point in the site. This will be particularly visible as it is also at the entrance to the site and nearest to the main road.
- No solar panels have been included in this development, despite the obvious availability of much suitable roof space.
- If bungalows were included this would free up larger properties for younger families and reduce the impact on existing properties which are all single storey.
- Should be 6ft high close boarded fencing on boundary with Hillcrest.
- Will the houses have solar panels on their roofs? It seems to me that the development would be very suitable for district heating, where a central boiler, possibly fuelled by wood-chip, would supply heating for all of the houses.
- Requested that the layout be amended to allow for a more meaningful buffer along the western boundary of the application site, that could be planted with both hedging and specimen trees.
- Essential that there is a 15m buffer zone with ancient woodland and also to the trees on the east boundary.
- Should be low cost wildlife friendly measures incorporated into the design, such as bat boxes, and hedgehog highways.
- Requested that a 6ft close boarded fence be erected along entire western boundary.
- The northern most turning area appears to fall well within the root protection area of the Oak tree that sits in the north west corner of the application site.
- Overlooking of the garden on the western boundary from the proposed dwellings and disturbance from vehicles manoeuvring around the site, it also results in [...]
- The visitor parking spaces are being positioned extremely close to the mutual boundary.
- The two storey height facing the western boundary intensifies the sense of overlooking and loss of privacy issues outlined above.

Amended plans:

4 letters of representation have been received:

- Amendments are only minor redesign and still contain a 3 storey block of flats contrary to DP12, DP15 and DP26 of the district plan and policy 2 of the Neighbourhood Plan;
- In conflict with Lindfield Rural Neighbourhood Plan;
- Unsustainability with its inhabitants almost entirely dependent on their cars;
- Steep, especially to the flats, continue to present as a problem;
- Suggests a compromise could be using the roof space to accommodate the flats thus reducing their height by one whole storey;
- Regret that the Urban Designer and Design Panel in their reports continue to ignore the wishes of residents in Hillcrest Lane by pushing for trees allegedly to soften the border;

- The three-storey blocks of flats (nos. 1 to 11) proposed at the entrance, combined with the adjoining flats no. 12 to 17, would create an overbearing, urban environment that is entirely out of keeping with the rural character of Scaynes Hill;
- Flats would also create an ominous precedent for further, creeping urbanisation that could not fail to degrade the character of Scaynes Hill.

## **SUMMARY OF CONSULTATIONS**

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

### **WSCC Highways:**

No objection.

### **MSDC Urban Designer:**

No objection.

### **MSDC Housing:**

No objection.

### **MSDC Arboriculturist:**

No objection.

### **MSDC Street Naming and Numbering Officer:**

Request informative is added to any decision notice granting approval.

### **Ecologist:**

I am concerned that the proposed layout does not provide for a minimum buffer of 15m (appears to be nearer 12m at the eastern end) between the access road and the edge of ancient woodland (unlike the illustrative plan supporting the outline application).

### **Southern Water**

No objection.

## **INTRODUCTION**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for 51 dwelling, following outline planning

approval under DM/16/3119. Accordingly the principle of the development has been established.

## **RELEVANT PLANNING HISTORY**

DM/16/3119 Outline planning permission for the removal of the existing dwelling on the site (Barn Cottage) and the erection of up to 51 units (including 30% affordable units). Approved 7 Feb 2017.

## **SITE AND ITS SURROUNDINGS**

The site is approximately 1.9ha and is located on the west side of Lewes Road and comprises of a large open field and an existing two storey dwelling on the site with a single storey annexe building to the rear. There is a public footpath running across the front of the site which continues in a southerly direction. The woodland to the south and west of the site is designated as Ancient Woodland. Immediately to the west of the site boundary is a residential garden which runs the full length of the site. To the north of the site are the rear of residential properties in Hillcrest Lane and a public house.

The site lies just outside of the built up area boundary of Scaynes Hill, with the boundary running along the rear of properties in Hillcrest Lane.

## **APPLICATION DETAILS**

This application seeks reserved matters consent for the approval of the appearance, landscaping, layout and scale pursuant to outline permission DM/16/3119 which provides for the development of the site for up to 51 dwellings.

The proposed development is a mix of houses and flats. The internal layout of the site follows the principle of a perimeter block layout with a road running around the outside of the site with houses then facing onto the street. Within the centre a mews courtyard is also proposed.

The houses are a mix of detached and semi-detached two storey houses. Some of the houses are linked detached, with a single storey garage set between the houses. The houses would be of a traditional design approach and some of the garages would have dormer windows on their front roof slope.

The two blocks of flat near the entrance are 3 storeys and 2/3 storey. The nearest block of flats to the site entrance (plots 1-11) would be 3 storeys with a principle elevation facing onto the adjacent green with the footprint wrapping round the rear parking area. The adjoining block (plots 12-17) would be three storeys at the front and would then drop down to 2 storeys. Both blocks would be of a fairly traditional design with Juliette balconies to some of the flats.

The proposed materials are a mix of brick, weather boarding and tile hanging for the elevations and a mix of clay and slate roof tiles.

The application would provide a mix of units including 30% affordable. The accommodation schedule would be as follows:

Affordable Housing (total of 15):

2 x 2 house  
2 x 3 bed house  
3 x 1 bed apartment  
8 x 2 bed apartment

Market Housing (total of 36):

10 x 3 bed 2 storey house  
1 x 3 bed 2 storey house  
2 x 4 bed 2 storey house  
2 x 4 bed 2 storey house  
4 x 4 bed 2 storey house  
9 x 4 bed 2 storey house  
2 x 5 bed 2 storey house  
2 x 2 bed apartment  
4 x 2 bed apartment

## **LIST OF POLICIES**

### **District Plan)**

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

Relevant policies include;

DP21: Transport  
DP26: Character and Design  
DP27: Dwellings Space Standards  
DP29: Noise, Air and Light Pollution  
DP30: Housing Mix  
DP37: Trees, Woodland and Hedgerows  
DP38: Biodiversity  
DP41: Flood Risk and Drainage  
DP31: Affordable Housing

### **Lindfield and Lindfield Rural Neighbourhood Plan**

The neighbourhood plan was made in 2016 and carries full weight).

The most relevant policy is:

Policy 1 - A Spatial Plan for the Parishes

## 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."*

Section 12 of the NPPF concerns design and para 121 states in part:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'*

Para. 130 states in part:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*

Planning Practice Guidance

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

### **Assessment (Consideration of Key Issues)**

This is a Reserved Matters submission where the principle of development has already been established under the approval granted under reference DM/16/3119.

The principle of a housing development on the site has already been established through the outline planning permission and the scheme is seeking to deal with the outstanding matters pursuant to that permission. The following need to be considered in the determination of this application;

- Layout - the way in which the buildings, roads and open space are provided within the development and their relationship to spaces outside the development;
- Scale - the height, width and length of the buildings proposed in relation to their context;
- Appearance - the design of the buildings and the visual impression that they make; and
- Landscaping - the treatment of public and private space to enhance or protect the site's amenity through hard and soft landscaping measures.

The main issues for consideration are the layout and quality of the environment created, the design and form of the proposed buildings, the relationship of the development with existing residential properties, landscaping, proposed parking levels and the provision of affordable housing.

### **Layout and design**

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*

The scheme has been carefully considered the Design Review Panel and the MSDC Urban Designer and the full comments can be found in appendix B to this report. It is considered that the layout of the scheme is sound. In relation to the layout of the scheme the Urban Designer states:

*The layout is generally well organised with the access road looping around the site adjacent to the boundaries. This arrangement with outward facing building frontages (towards the boundaries) both safeguards and reveals the attractive woodland on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries.*

Your officer agrees with this assessment.

In respect of the design of the individual houses and flats within the site, the scheme has been the subject of negotiations with the applicants following the comments from the Design Review Panel and Urban Designer. The changes that have been made have sought to address those comments and improve the overall design of the scheme.

In regard to the amendments to the flats, the objections to the height of the flats are noted and it is recognised that the amendments include an increase in sections of ridge height. However it is considered that these changes represent an improvement to the design of these dwellings which will enhance the character of the scheme, this is particularly important given that the flats will form the entrance to the development and will be most visible from the road. The Urban Designer has now removed his original objection and commented:

*The roof on 1-11 is now resolved with the marginal raising of the eaves line that has avoided the plethora of downpipes and the uncomfortable abrupt step in the roofline on the original drawings. The previously cluttered frontages and unconvincing pastiche-designed windows and doors have been replaced with a cleaner aesthetic including consistently-designed entrance doors / canopies and windows with larger glazing panels that reflect the more contemporary character of the rest of the building. Additional interest and punctuation has been achieved by incorporating more vertically grouped French windows and Juliet balconies. The block 12-17 has been improved with the loss of the corner bay which integrated poorly with the rest of the building; the symmetrically designed gable frontage that has replaced it is well ordered and appropriately reflects and responds to the gables that bookend the southern elevation of block 1-11.*

Some of the proposed houses have also been amended and amendments include the narrow fronted houses now organised mostly as repeated detached houses rather than a mix of detached and semi-detached and which now gives an underlying rhythm while addressing the sloping site better. The Urban Designer has commented that:

*The narrow-fronted houses have been significantly improved as result of reconfiguring them with a gable rather than a pitched roofed frontage. As well as giving the buildings a more interesting frontage, it delivers less exposed solid brickwork at the side, reduces the overall height of the roof and increases the separation gap between the roofs. The lower roofline and larger separation gaps especially helps to reduce the massing when viewed from the Hillcrest houses.*

Other changes are the introduction of a pergola structure over the parking for plots 18-19 which reduces the visual dominance of the parking. Defensible space has been introduced in front of plots 23-24, 41-42 and consequently the adjacent parking court is less hard-edged.

The prominently positioned house on plot 51 has been amended with a reconfigured roofline incorporating a hip on both sides in order to give the front elevation a better balance and improves the juxtaposition with plot 50 (which also benefits from a gable frontage) as it provides a greater sense of separation. A projecting bay window on the front/east elevation has been included to add interest to the elevation.

Small window panels still feature on the houses and the Urban Designer has objected to these as they would look fussy and lack authenticity (particularly as the glazing bars are likely to be fake ones) and also reduces daylight penetration. The applicant has agreed that the window details can be the subject of a planning condition and the details will be required to simplify the design with larger window panes, similar to those on the blocks of flats.

Overall, the Urban designer concludes:

*"The revised drawings have significantly improved the elevations which are now more resolved, better articulated and address the sloping site.*

*I therefore withdraw my previous objection to this planning application."*

It is therefore considered that the layout and design of the scheme is acceptable and complies with policy DP26 of the District Plan.

### **Affordable Housing and housing mix**

Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

The applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30% (15 units). Housing has no objection stating:

*The proposal includes 3 x 1 bed flats and 8 x 2 bed flats for affordable rent and 2 x 2 bed houses and 2 x 3 bed houses for shared ownership. This reflects our policy requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The affordable housing is to be located in 3 separate locations within the development which, together with a tenure blind approach, will aid social integration and community cohesion.*

In light of the above it is considered that the application would comply with Policy DP31 of the District Plan.

### **Residential Amenity**

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

The nearest residential neighbours are properties in Hillcrest Lane whose rear gardens are located on the northern boundary of the site and no.15 Hillcrest Lane whose garden lies to the west of the side boundary and runs the full length of the site.

In regard to the impact on those properties in Hillcrest Lane immediately to the north of the site, the plan show that there would be distance of between 25m to 28m between the rear of the bungalows in Hillcrest and the proposed houses, with the new access road and a landscape buffer in between. Initially the landscaping plan showed trees along the boundary with Hillcrest however this has been amended to address residents' concerns regarding overshadowing of their gardens from any new tree planting trees. The exact details of the landscaping would be fully considered as part of the landscaping condition which is attached to the outline planning permission and will need to be submitted and agreed prior to the commencement of any development on the site.

In regard to the bungalow itself at no.15 Hillcrest Lane, this would be some 35m away from the nearest new dwelling. In terms of the side garden boundary there would be a new access road running alongside the boundary with visitor parking shown on the boundary and the new houses themselves would be between 10m and 11m away from the boundary. The owner of no.15 Hillcrest Lane has requested that screening in the form of planting and a close boarded fence be erected along the length of the garden as there is currently only a post and wire fence on the boundary.

It is inevitable that there will be some impact on adjoining residential properties given that the site is currently open land apart from the existing two- storey dwelling on the site and single storey annexe building. However in the case of those properties in Hillcrest Lane immediately to the north of the site it is considered that given the distances that there

would be between properties there would not be significant impact on amenity. In regard to no.15 Hillcrest while there will be some impact on the rear garden, appropriate boundary screening would overcome some of the privacy issues and a condition requiring details of boundary treatments forms part of the recommendation.

It is therefore considered that the application complies with Policy DP26 of the Mid Sussex District Plan.

### **Access and Transport**

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.

Transport and highways issues were addressed in detail at outline application stage, including the access, although the submitted layout at this stage was only illustrative, WSCC have raised no objection as the road will not to be adopted and have made the following comments:

*Notwithstanding the above, the majority of the points previously raised by WSCC related more to matters that would influence the future adoption as public highway. As the applicant has confirmed the site is not being adopted, these matters would no longer be relevant. Viewing the layout on a general basis (putting aside the point that a through road would seem a more practicable arrangement), there would be no highway objection.*

While concerns have been raised by residents in regard to access to the site being on a fast, and dangerous section of the A272. These issues have previously been considered as part of the outline scheme and were considered acceptable with WSCC satisfied with the access arrangements and concluding that the development would not worsen or result in any severe highway impacts.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

### **Landscaping**

Policy DP37 of the Mid Sussex District Plan states that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

The woodland to the south and west of the site is designated as Ancient Woodland. A 15m buffer zone is shown to the south of the site in front of the woodland while to the west the residential garden which runs the full length of the site forms a buffer between the site and the woodland.

The District Council Arboriculturist has commented that none of the surrounding trees will be significantly impacted by the development.

A landscaping plan has been submitted with the application and an indicative planning palette. A condition requiring a detailed landscaping plan forms part of the conditions of the approved outline application. The landscaping scheme will be considered by the Council's Tree and Landscape Officer as part of a separate condition discharge application, it is considered that the level of details submitted with the reserved matters is therefore acceptable. On this basis, it is not considered that the proposal would be contrary to the above policies.

### **Other Matters**

The consultant Ecologist was initially concerned that the proposed layout did not provide for a minimum buffer of 15m between the access road and the edge of ancient woodland (unlike the illustrative plan supporting the outline application) however the plans have been amended so that there is now no encroachment of the road into the 15m buffer.

### **Planning balance and Conclusion**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission (DM/16/3119) that was granted consent by the Council under a notice dated 7th February 2017 for up to 51 units. The scheme makes suitable provision for the 15 affordable units secured under the S106 Legal Agreement.

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

It is considered that the overall layout of the scheme is sound. The layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces.

The applicants have proposed a fairly traditional design approach for the houses and this is considered to be acceptable. The incorporation of two 3 storey blocks of flats near the entrance to the site is also supported as this would add interest to the scheme and mark the entrance to the development. There are some design concerns about the detailing of the windows of the proposed houses, but it is considered that these can be addressed by condition.

This arrangement with outward facing building frontages (towards the boundaries) both safeguards and reveals the attractive woodland (including ancient woodland) on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries

Overall it is considered that the details of the reserved matters are acceptable and comply with the policies that have been identified in the above report. The applicants have amended the scheme to address the initial concerns of the Design Review Panel and the Councils Urban Designer.

The scheme is considered to create an acceptable residential environment and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances along with appropriate screening will ensure that significant harm in the form of overlooking or loss of privacy should not occur. The proposal provides suitable ancient woodland buffers.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority the detailed design of the pergolas situated over the parking for the flats. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

2. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority the detailed design of the windows to the houses. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, finishes and type of all boundary treatment to be erected. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## APPENDIX B – CONSULTATIONS

### WSCC Highways:

At the outset, in connection with the applicant's final statement within their letter, I would say that the internal layout was given very limited consideration at the outline stage. This was for the reason that matters in these respects were not being approved at that time and would be considered in detail as part of the reserved matters. The sketch layout plan provided for the outline (that showed two distinctly separate no through roads) and that submitted for the reserved matters are quite notably very different.

Notwithstanding the above, the majority of the points previously raised by WSCC related more to matters that would influence the future adoption as public highway. As the applicant has confirmed the site is not being adopted, these matters would no longer be relevant. Viewing the layout on a general basis (putting aside the point that a through road would seem a more practicable arrangement), there would be no highway objection.

### MSDC Housing:

The applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30% (15 units). The proposal includes 3 x 1 bed flats and 8 x 2 bed flats for affordable rent and 2 x 2 bed houses and 2 x 3 bed houses for shared ownership. This reflects our policy requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The affordable housing is to be

located in 3 separate locations within the development which, together with a tenure blind approach, will aid social integration and community cohesion.

### **MSDC Street Naming and Numbering Officer:**

I note from the list of planning applications received during the week 12th April 2018 to 18th April 2018 that the applications listed below will require address allocation if approved.

Planning application number(s)

DM/18/1408

DM/18/1435

DM/18/1526

DM/18/1394

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](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

### **MSDC Urban Designer:**

#### **Revised drawings as set out in the drawing issue register 23/7/18**

The layout is generally well organised with the access road looping around the site adjacent to the boundaries. This arrangement with outward facing building frontages (towards the boundaries) both safeguards and reveals the attractive woodland on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries. The revised drawings have significantly improved the elevations which are now more resolved, better articulated and address the sloping site.

I therefore withdraw my previous objection to this planning application but would recommend that conditions are included to cover the following elements:

- The design of the windows on all the houses to address both the Design Review Panel's (DRP) and my issues about the plethora of glazing bars and enable their replacement with larger window panels.
- A detailed landscaping design including boundary treatment and the design of the pergola's over the parking. Of particular importance is the configuration of the northern

boundary and the need for tree planting at the front of the site to help soften the development.

- The facing materials.

## Layout

The block of flats 1-11 has been sensibly configured so that it addresses not only the entrance way into the site but also faces and defines the adjacent "Green" and thereby helps makes this existing open space more of a focus within the village. The rear court parking between the two blocks is also mostly screened from the access road.

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

- The narrow fronted houses are better organised mostly as repeated detached houses rather than a mix of detached and semi-detached and now benefit from underlying rhythm while addressing the sloping site better (refer also below).
- The parking around plots 18-19 is less dominant with the introduction of a pergola structure over the parking.
- Defensible space has been introduced in front of plots 23-24, 41-42 and consequently the adjacent parking court is less hard-edged.

While the layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces, it is unfortunate that the opportunity has not been taken to loop the access road right around the block as it would assist legibility, avoid the need for steps and engineered turning heads (which may meet minimum standards but still look tight).

The open space provision is modest and relies on the threshold area at the site entrance. I understand that Leisure Services have advised that a play area is not needed because of the proximity of the recreation ground. However the opportunity needs to be taken to introduce new tree planting on this open space threshold with the A272 to compensate for the loss of trees necessary to facilitate the vehicular access and help re-establish the sylvan character of this part of Lewes Road and soften the impact of the development upon the surrounds, especially the 3 storey block at the front of the site.

The northern boundary with the "Green" is not clearly shown, and needs to be resolved. As well as the boundary treatment, there appears to be an opportunity to design a direct pedestrian link from the development to the pub (as I understand a service access road is legally required) between the two blocks of flats that avoids a less attractive/more circuitous route via the main road. Further details are needed to assess this fully.

## Elevations

Both the DRP and I had issues with the elevations in the original application submission. These have been mostly addressed:

- The blocks of flats benefit from a more cohesive design. The roof on 1-11 is now resolved with the marginal raising of the eaves line that has avoided the plethora of downpipes and the uncomfortable abrupt step in the roofline on the original drawings. The previously cluttered frontages and unconvincing pastiche-designed windows and doors have been replaced with a cleaner aesthetic including consistently-designed entrance doors / canopies and windows with larger glazing panels that reflect the more contemporary character of the rest of the building. Additional interest and punctuation has been achieved by incorporating more vertically grouped French windows and Juliet balconies. The block 12-17 has been improved with the loss of the corner bay which integrated poorly with the rest of the building; the symmetrically designed gable frontage that has replaced it is well ordered and appropriately reflects and responds to the gables that bookend the southern elevation of block 1-11.
- The narrow-fronted houses have been significantly improved as result of reconfiguring them with a gable rather than a pitched roofed frontage. As well as giving the buildings a more interesting frontage, it delivers less exposed solid brickwork at the side, reduces the overall height of the roof and increases the separation gap between the roofs. The lower roofline and larger separation gaps especially helps to reduce the massing when viewed from the Hillcrest houses.
- The longer street elevations are also better organised as a series of repeated detached houses that work better than the part detached and part semi-detached groupings both in dealing with the topography and generating a pleasing rhythm.
- The houses (with a couple of exceptions with less visible flanks) now feature consistent facing materials both at the front and back and in terms of the repeated groupings of the same house type.
- The prominently positioned house on plot 51 has been improved with a reconfigured roofline incorporating a hip on both sides that gives the front elevation a better balance and improves the juxtaposition with plot 50 (which also benefits from a gable frontage) as it provides a greater sense of separation. A projecting bay window on the front/east elevation also adds interest. Nevertheless the DRP felt that the prominence of the northern elevation from the site entrance demands a fully fenestrated frontage with a re-located chimney. While an additional window has been incorporated into a now symmetrically composed north elevation that benefits from strong order, the chimney and small windows remain that give the impression that it is a secondary elevation.

Small window panels still feature on the houses. They look fussy and lack authenticity (particularly as the glazing bars are likely to be fake ones) while they also reduce daylight penetration and inelegantly accentuate variations in window proportions and sizes. The applicant has agreed that this can be the subject of a planning condition that seeks to simplify the design with larger window panes as achieved on the blocks of flats.

**MSDC date stamped 6/4/18 with revised layout PL008-rev P4 and plot 47 house design.**

I agree with all of the Design Review Panel's comments dated 12/6/18, and have the following additional concerns.

**Layout**

- The car parking around the plots 18-19 is unfortunately dominant and hard-edged, and I would like this to be softened. This could include be achieved with a pergola structure over the right angle parking and extending a brick wall in front (and perhaps around the side too) of the parking spaces immediately adjacent to plot 18.
- Plots 23-24, 41-42 do not benefit from any defensible space, and the upper parking court is particularly hard-edged. Unfortunately the back to back distances of the houses and rear gardens are already tight and the only way of addressing this issue would be to reduce building depths (which at 10m are quite deep).
- I would like the boundary treatment on the northern boundary with the pub and green to be identified to ensure that the north elevation of the block of flats 1-11 properly addresses the green.

**Elevations**

- In addition to the DRP's criticisms, the additional glazing bars on the windows lack authenticity (particularly as they are likely to be fake ones) and generate incongruously small window panes which inelegantly accentuate variations in window proportions and sizes. The latter contribute, along with the irregular roofline, to untidy and poorly ordered elevations on both blocks of flats. The projecting balconies on block 12-17 are also clumsy elements that integrate poorly with the rest of the building.
- Further to the panel's comments on the design of the narrow fronted houses and the relationship of the buildings with the sloping site, the houses on plot 20, 30 and 45 would benefit from being handed as detached houses separated by parking/garages.
- In addition to the panel's concerns about 20/21, the identical houses that form each half of the semi-detached pairing on plots 18/19 have an unsatisfactory replicated facades (which seems to be a hangover from the pre-application three-house terrace) that is at odds with the roof-form and fails to take the opportunity to create a more harmonious symmetrical façade. This can be easily addressed by mirroring the facades which will also help if there are level differences.
- Plot 51's southern gable flank has an uncomfortable proximity and juxtaposition with plot 50's flank. This can be resolved if 51 is re-designed with a hip on both sides and by gable-fronting 50.
- Adjacent houses of the same design adopting different facing materials / porch details can read as an unconvincing attempt to disguise the standard designs and gives the impression this is an exercise in facadism that undermines architectural integrity. It is also beneficial to make a feature of a consistent run of building as it has the advantage of both rhythm and harmony.

These issues are too great and numerous to deal with through condition, I therefore object to the application in its current form.

### **Design Review Panel:**

The panel agreed that the blocks of flats and the house on plot 51 were now satisfactorily laid-out and appropriately addressed the entrance to the site while fully revealing the tree belt along the east boundary and providing a building frontage on the northern boundary facing the pub and green. Overall it was considered that this arrangement in combination with the perimeter block layout (that reveals the surrounding tree belts on the south, east and west sides) of the remainder of the site generates a suitable layout.

The panel nevertheless had the following issues with the scheme:

- Particularly given their prominence at the entrance of the site, the design of the blocks of flats and house on plot 51 are unsatisfactory. While the layout of the blocks of flats within the site had been improved, the elevations were now less cohesive than the pre-application scheme. Both blocks of flats suffer from unbalanced elevations chiefly resulting from the awkward juxtaposition of the different roof forms. The hierarchy of the block 1-11 was questioned with the small windows used in the prominent end/entrance bay, and the larger windows in the bridging block. The corner bay on block 12-17 is an over-dominant feature that integrates poorly with the rest of the elevations, and would be better omitted. The designs of both blocks need to be more ordered and simplified / rationalised. There were also concerns about the height of the blocks of flats and whether they might be too imposing upon the public house and the A272; contextual sections are therefore needed to show these relationships.
- The northern flank is the most prominent element of the house on plot 51, but it has not been designed to properly address the entrance approach. It needs to read convincingly as a fully fenestrated frontage with a re-located chimney.
- The introduction of small window panels with more glazing bars was a fussy/unconvincing element and contributed to the problems with the blocks of flats. Consideration should be given to reverting to the more rationalised window pattern that featured in the houses and flats in the previous pre-application scheme.
- Many of the houses were still poorly proportioned with narrow fronts and deep plans exposing large gable flanks. The panel agreed this could be resolved by reorganising the roof with a gabled front and pitched roof flank; as well as improving the building form this would deliver less exposed solid brickwork at the side, reduce the overall height of the roof and increase the separation gap between the roofs. The latter should also help reduce local concerns about the building mass by opening up views from the rear of the Hillcrest Lane bungalows which back on to the northern boundary of the site.

- The semi-detached house on plot 20/21 does not deal with the sloping site satisfactorily. Its symmetry is incongruously undermined by its stepped configuration that generates inconsistent window levels and relationships with the roofline. The panel felt that with the introduction of the gable fronted houses, the repeated detached house arrangement could work better than the semi-detached groupings both in dealing with the topography and generating a pleasing rhythm.
- While it was noted that some of the houses now featured consistent front and back treatment, there were still some where the front facing materials incongruously peeled away at the sides.
- Consideration should be given to further softening of the northern boundary with tree planting as well as shrubs to provide a screen that would benefit both sides of the boundary. As the residents of the Hillcrest properties were concerned about the impact upon reduced sunlight into their gardens (as well as the mass of development), a section drawing in combination with a sun path would help demonstrate the amount of overshadowing; because the trees would be planted due south when the sun is highest in the sky and 2m below the level of the Hillcrest gardens, it was felt the shadowing would be minimised.
- The turning heads still look tight particularly on the south west corner. The case officer has advised that this has not been fully tracked and that the Council's Refuse team will be advising whether the turning heads are sufficient. Either way, it would be a neater solution (avoiding unattractive turning heads) to loop the access road around the block as advised by WSCC Highways.
- The panel were interested to understand the legal requirement upon the developers to provide a service access road that connects to the northern boundary with the public house; it was felt this should allow the applicant an opportunity to design a direct pedestrian link to the pub that avoids a less attractive/more circuitous route via the main road.
- The panel were still disappointed about the limited consideration that had been given to sustainability.

Overall Assessment: The panel support the scheme subject to changes that address the above issues.

### **Ecologist**

This is relevant to both this application as well as the reserved matters application for layout, but I am concerned that the proposed layout does not provide for a minimum buffer of 15m (appears to be nearer 12m at the eastern end) between the access road and the edge of ancient woodland (unlike the illustrative plan supporting the outline application).

### **MSDC Aboriculturist**

I don't think a full AIA is necessary on this site as none of the surrounding trees will be significantly impacted by the development.

However, I would seek some advice on whether the woodland buffer to the South of the site will require some planting.

### **Southern Water**

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development.

Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Councils technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

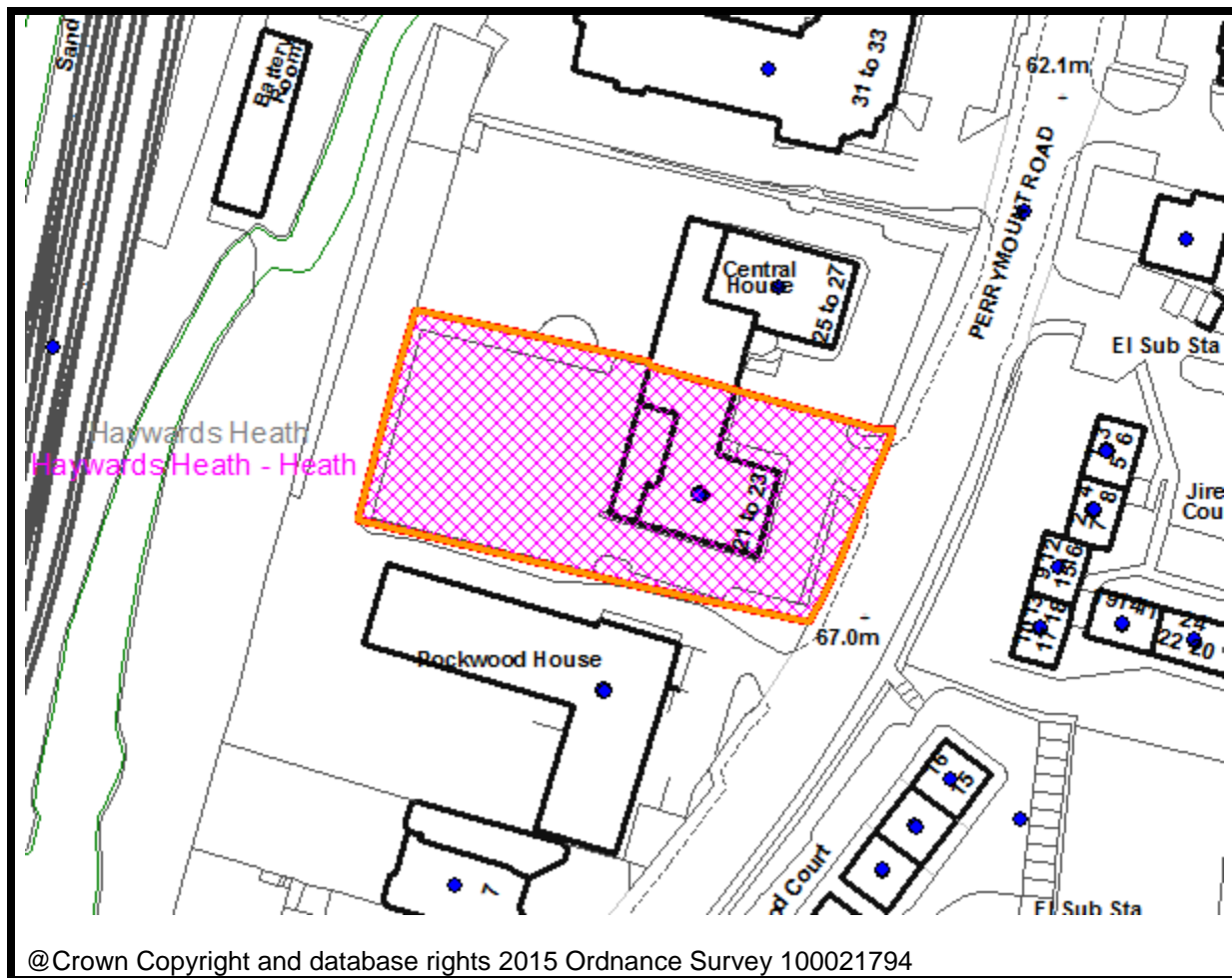
We request that should this application receive planning approval, the following condition is attached to the consent:

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### 3. DM/18/2581



**21 - 23 PERRYMOUNT ROAD HAYWARDS HEATH WEST SUSSEX  
DEMOLITION OF EXISTING 2,995SQM OFFICE BUILDING AND REPLACE WITH  
7,575SQM OFFICE BUILDING WITH PARKING FOR APPROXIMATELY 91  
VEHICLES AND LANDSCAPED PUBLIC REALM.  
COMMERCIAL FREEHOLDS AND INVESTMENTS**

**POLICY:** Built Up Areas / Classified Roads - 20m buffer / Planning Agreement /  
Planning Obligation / Supplemental Planning Agreement / SWT Bat Survey /  
Trees subject to a planning condition / Highways Agreement (WSCC) /

**ODPM CODE:** Smallscale Major Offices

**13 WEEK DATE:** 25th September 2018

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

**CASE OFFICER:** Joanne Fisher

## **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**

Planning permission is sought for the demolition of the existing 2,995sqm office building and its replacement with a new 7,575sqm office building with parking for approximately 91 vehicles and landscaped public realm at 21 - 23 Perrymount Road, Haywards Heath.

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

The replacement of the existing building with an enlarged building retaining and increasing the commercial floor space for a B1 (office) use for the site will provide economic benefits to the area and seeks to enhance employment land within Perrymount Road in a sustainable location within Haywards Heath. Whilst the building will be increased in scale to that existing, it is considered that the design of the replacement building is acceptable and will not cause detriment to the character of the area or to the street scene. These are material considerations which weigh in favour of the development.

Whilst the concerns from the Town Council concerning the amount of car parking proposed is noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre.

There will be a neutral impact on the amenities of surrounding occupiers and to the Ashdown Forest.

On the basis of the above, the application complies with policies DP1, DP21, DP26 and DP37 and DP41 of the District Plan and policies E8, E9, B3, T1 and T3 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103, 108, 124 and 127 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion

of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 6th December 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

## **SUMMARY OF REPRESENTATIONS**

1 letter of comments from the Haywards Heath Society who are supportive of the scheme but share the Town Council concerns regarding parking inadequacies.

## **SUMMARY OF CONSULTEES**

### **WSCC Highways Authority**

No objection subject to conditions.

S106 Contributions - £177,780

### **WSCC Flood Management Team**

No objection.

### **MSDC Urban Designer**

No objection subject to conditions.

### **MSDC Drainage**

No objection subject to conditions.

### **MSDC Tree Officer**

No objection.

## **MSDC Environmental Protection**

No objection subject to conditions.

## **HAYWARDS HEATH TOWN COUNCIL**

The Town Council supports the application to deliver a high-quality office building in this prominent, sustainable location, subject to the following conditions:

1. Euro-bin facilities - these will be collected by a commercial waste operator - no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
2. The building shall be future-proofed to provide plug in provision for additional electric car charging points, as required;
3. Provision of drinking water/drinking fountains on every floor to reduce use of single use plastic bottles.

The application complies broadly with the aspiration of our extant Neighbourhood Plan, and the Town Council makes the following comments in relation to the application:

- It complies with Policy B3 of the Haywards Heath Neighbourhood Plan, however Members raised concerns relating to the adequacy of the on-site car parking provision;
- We note the proposals were considered by Mid Sussex District Council's Design Review Panel (DRP) in November 2017, however we are disappointed that the Town Council was not made aware of such an important upcoming scheme until the recent submission of the formal application. Notwithstanding this omission, Members are encouraged by and indeed supportive of the proposed contemporary design;
- The intent of the Localism Act, and the Town Council's role as a statutory consultee are further validated by the National Planning Policy Framework (NPPF), which underlines in the Pre-Application Advice Section 40. "..... should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications."

We welcome early discussions with all developers and look forward to working closely with the District Council to achieve this objective.

- Lastly, given the significance placed upon the input from the DRP and Urban Design Team by the local planning authority (LPA), we feel that their reports commenting upon significant applications would greatly assist the Town Council, and it would be appreciated if they were provided at a more timely stage in the application process, before formal consideration by the Town Council.

## INTRODUCTION

Planning permission is sought for the demolition of the existing 2,995sqm office building and its replacement with a new 7,575sqm office building with parking for approximately 91 vehicles and landscaped public realm at 21 - 23 Perrymount Road, Haywards Heath.

## RELEVANT PLANNING HISTORY

CU/95/82 - 5 storey office building of 2,869 sqm including covered parking and plant parking and associated landscaping. Approved 8th April 1982.

07/01560/FUL - New six storey hotel above three storey basement car park to rear of existing office building and part conversion of ground floor of office building into hotel reception. Approved 28th August 2007.

08/01706/FUL - Proposed five storey office development above three storey basement car park connected to existing office building. Approved 27th August 2008.

DM/15/1561 - Proposed use of premises as a business office for Handelsbanken, to conduct day to day business with a modest number of customers, by prior appointment. A freestanding automated teller is planned for use by these customers, within the branch lobby. Lawful development certificate issued 29th May 2015.

## SITE AND SURROUNDINGS

The application site is located on the western side of Perrymount Road. It is the southern half (21-23) of one of the modern office buildings on that stretch between The Broadway and Clair Road. The building has a total width of approximately 50m with wings on either end projecting towards Perrymount Road. The building contains 5 floors of offices, the top level being contained within a mansard roof, surmounted by a plant room.

The land slopes quite sharply downwards towards the north and the west, allowing some use of a lower level towards the north of the building and undercroft parking at the rear. There is a floor difference in levels between the front and rear of the site.

The building is functional, but could not be called attractive and its appearance is further marred by the majority of the remainder of the site being covered by car parking and an access road to the side of the building. The somewhat perfunctory planting and landscaping does little to improve the setting of the building.

As stated above, the other half of this block (25-27) abuts the application site to the north, beyond which are a series of modern and converted office buildings, reaching to Clair Road. Similarly, there are three modern office buildings to the south which reach to The Broadway. Residential maisonettes face the application site on the east side of Perrymount Road, from a raised setting.

To the rear, is a private access road, approximately 10m wide with vehicular parking, and beyond this is railway land. As a rough indication it appears that there is a drop of, very approximately, some 13m between Perrymount Road and the railway tracks. There is a very heavy screen of deciduous trees on the boundary with the private access road.

The site is identified as being within the built up area of Haywards Heath and within a commercial area as set out in the District and Haywards Heath Neighbourhood Plan.

## **APPLICATION DETAILS**

The proposed development seeks the demolition of the existing 2,995sqm B1 office building and its replacement with a new B1 office building with a floor area of 7,575sqm. The application form indicates that the proposal would accommodate 91 car parking spaces, 76 cycle spaces, 5 disability parking spaces and 11 spaces for motorcycles.

The development would result in the formation of a six-storey office building with a basement on the site of an existing five-storey brick-built office building. The replacement building would remain attached to the existing adjoining building (25-27) and span further rearwards in the site.

The building would measure some 61 metres in depth, 33.2 metres in width, with an overall height of some 26.5 metres from the front of the site and 30.8 metres from the rear of the site.

The building will comprise of car parking / cycle parking / showers, changing and lockers at the lower ground and ground floor levels, a lobby area at ground floor with office accommodation to the further three floors.

The replacement building would have an all-glazed overtly contemporary aesthetic.

The development would provide a landscaped public realm and improved vehicular and pedestrian access.

The application has been accompanied with the following supporting documents:

- Planning Statement;
- Design and Access Statement;
- Sustainable Design & Construction Report;
- Transport Assessment;
- Stage 1 Road Safety Audit;
- Arboricultural Report & tree Condition Survey;
- Landscape Design; and a
- Surface Water Drainage Strategy

## LIST OF POLICIES

### District Plan

DP1 - Sustainable Economic Development  
 DP20 - Securing Infrastructure  
 DP21 - Transport  
 DP26 - Character and Design  
 DP37 - Trees, Woodland and Hedgerows  
 DP41 - Flood Risk and Drainage

### Haywards Heath Neighbourhood Plan

The Neighbourhood Plan is made and forms part of the Development Plan for the District and can be given full weight. The following policies are relevant;

E8 - Sustainable Development  
 E9 - Design and Character  
 B3 - Employment  
 T1 - Connectivity  
 T3 - Car Parking

### National Policy and Legislation

#### *National Planning Policy Framework (NPPF)*

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

With specific reference to decision-making the document para 38 states:

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

In addition, para 47 states that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*"

### *Planning Practice Guidance*

## **ASSESSMENT**

The main issues for consideration are:

- the principle of the development;
- the redevelopment of the site for commercial use;
- the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- highway safety and parking;
- Infrastructure;
- Drainage;
- Trees;
- Ashdown Forest; and
- Planning Balance and Conclusion.

### **Principle of development**

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

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

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

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

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

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

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

The NPPF, which was issued in July 2018, is a material consideration which shall be afforded significant weight.

Para 11 of the NPPF States:

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*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."*

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

### **The redevelopment of the site for commercial use**

Policy DP1 of the District Plan relates to Sustainable Economic Development. It states that amongst other criteria that the *" 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;"*.

Policy B3 of the Haywards Heath Neighbourhood Plan supports the *"modernisation/redevelopment of existing commercial sites to create an improved commercial offer in the Town and proposals which seek to improve existing employment areas"*.

Para 8 of the NPPF identifies the three overarching objectives of achieving sustainable development of an economic, social and environmental objectives. These are interdependent and need to be pursued in mutually supportive ways. The NPPF identifies the economic objective as *"to help build a strong, responsive and competitive economy"*.

In addition, para 80 of the NPPF states: *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

The proposal whilst replacing the existing building will retain the commercial use of the site and seek to increase the commercial floorspace. As such, the proposal would provide economic benefits by providing a more modern building up to current standards which would provide further commercial investment to the town. The increase in floor area would be likely to result in the increase in employment opportunities to the site. These positive benefits to the local economy are supported by the NPPF.

The proposal is thereby considered to comply with policy DP1 of the District Plan, Policy B3 of the Neighbourhood Plan and paras 8 and 80 of the NPPF.

### **Design and Impact on Character and Appearance of Area**

Policy DP26 of the District Plan deals with design matters and states the following;

*'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*

- *optimises the potential of the site to accommodate development.'*

Policy E9 of the Neighbourhood Plan requires proposals to protect and reinforce the local character within the locality of the site. This includes amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

Para 124 of the NPPF seeks the creation of high quality buildings and states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

In addition, para 127 of the NPPF requires developments to *"function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"* and to also be *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*.

The site is situated within an area characterised by large commercial buildings and residential development. The commercial buildings are at varying levels due to the sloping nature of the highway. Whilst the development would be taller than the adjacent building due to the sloping nature of the site, the top floor being set back from the main building line, and the building set back from the highway, it is considered that the redevelopment would be appropriate to the character of the area.

The Council's Urban Designer has reviewed the application and raises no objection to the proposal. He considers that:

*"The proposed building has an all-glazed overtly contemporary aesthetic that contrasts with the monotonously punctuated brick facades of both the building it replaces and the neighbouring building at no.25-27 which it will abut; it benefits from a stronger and more cohesive form with crisper detailing that generate a more open and elegant building. While it is substantially bigger, most of the additional mass will be hidden (because of its deep plan) from the street frontage (it is mostly screened by trees or other buildings at the rear) and is further justified as it sits up the slope from its conjoined neighbour. Furthermore, the unsightly existing frontage parking will be replaced with an attractive landscaped threshold enabled by accommodating the parking in the undercroft beneath the bigger floorplates that fully optimise the site."*

Planning Officers agree with the Urban Designer comments and consider that the replacement building would be of an appropriate design and form which would not detract from the character of the area and will result in an attractive, contemporary development appropriate to its setting and wider street scene.

The proposal is thereby considered to comply with policy DP26 of the District Plan, policy E9 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

## Highway Safety and Parking Provision

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

Policy T1 of the Neighbourhood Plan requires proposals for commercial developments to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles. In addition, policy T3 requires sufficient on site car parking.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

In addition, para 109 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

The site lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north. As set out above, the proposal is to provide 91 car parking spaces, 76 cycle spaces, 5 disability parking spaces and 11 spaces for motorcycles. The existing vehicular access is to be marginally widened by 1.2 metres as part of the proposed development. The site provides adequate visibility in light of the 30 mph speed limit.

Concerns have been raised over the parking for the development and parking inadequacies. Whilst there is potential for the demand for parking spaces to exceed the number on site, Perrymount Road is within a highly sustainable location within walking distance from the train station and bus stops. In addition, the development is to also provide cycle and motorbike parking to cater for additional modes of transport. Notwithstanding this, whilst there are restrictions in place to control how and where on-street parking can take place, the site is located close to public car parks within the town.

The Highways Authority has considered the proposal and raises no objection. They consider that the access to serve the development is acceptable and will not result in harm to highway capacity.

The Town Council has requested that the development provide electric car charging points as part of the development. Policy DP21 states that *where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles*". The submitted Design and Access Statement identifies that the development would provide 2 electric charging spaces with the potential to use 2 vehicle spaces for additional charging points in the future. A condition can be placed on an approval to ensure such spaces are provided.

Consequently the application is deemed to comply with policy DP21 of the District Plan, policies T1 and T3 of the Neighbourhood Plan and para 108 of the NPPF.

### **Residential Amenity**

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

Residential properties are situated on the opposite side of Perrymount Road. Whilst there is to be an increase in the height of the building, there will be a separation distance of some 43 metres between buildings. It is considered that this is acceptable and that there would be no further significant detriment to the amenities of the nearby residential properties through the replacement building.

The site is situated on a busy main road within Haywards Heath. Whilst there may be a potential increase in the amount of vehicles accessing the site, it is considered that this would not result in further significant detriment through noise and disturbance to residential properties.

The proposal is thereby considered to comply with policies DP26 and DP29 of the District Plan.

### **Infrastructure contributions**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

*"54 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:

*"56 Planning obligations must only be sought where they meet all of the following tests:*

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

#### *County Council Contributions*

TAD - £177,780

It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

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

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

#### **Drainage**

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.

It is proposed that the development will discharge to the public sewer system. In respect of surface water drainage, attenuation will be provided within a green/blue roof and a below ground attenuation tank.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

## **Trees**

The site has no trees subject to TPOs and is not within a Conservation Area. However, the entire site is subject to planning condition PR/02188/TRECON in relation to condition 4 of planning reference CU/95/82. This states that:

*"No trees on the site, as indicated as being retained on the approved plan shall be felled, topped, lopped or destroyed within the approval in writing of the Local Planning Authority."*

The Council's Tree Officer has raised no objection to the proposal. He notes that *"Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not normally act as constraint upon the development. However, two trees recommended for removal: T1 (Tulip) & T12 (Silver Birch) have been classified as grade B. These trees will be a significant loss and should be replaced (like for like) elsewhere on site."* A landscaping condition could be placed on an approval to ensure that a suitable landscaping scheme is submitted and agreed.

Notwithstanding this, to the front of the site is a mature Lime tree on the south-eastern corner as well as vegetation. This is a prominent tree within the street scene which softens the existing large commercial buildings. This tree is to be retained as part of the scheme. Whilst other trees along the frontage are to be removed (Tulip, Western Red Cedar and Sycamore) a proposed landscape design has been submitted showing new trees to be planted along the boundary with Perrymount Road to soften the development in the street scene.

The proposal is thereby considered to comply with Policy DP37 of the District Plan.

## **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.

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.

## **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.

The replacement of the existing building with an enlarged building retaining and increasing the commercial floor space for a B1 (office) use for the site will provide economic benefits to the area and seeks to enhance employment land within Perrymount Road in a sustainable location within Haywards Heath. Whilst the building will be increased in scale to that existing, it is considered that the design of the replacement building is acceptable and will not cause detriment to the character of the area or to the street scene. These are material considerations which weigh in favour of the development.

Whilst the concerns from the Town Council concerning the amount of car parking proposed is noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre. In addition, the Highways Authority has supported the proposal on highway grounds.

There will be a neutral impact in respect of the impact to the amenities of surrounding occupiers, on the Ashdown Forest as well as trees.

On the basis of the above, the application complies with policies DP1, DP21, DP26 and DP37 and DP41 of the District Plan and policies E8, E9, B3, T1 and T3 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103, 108, 124 and 127 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved Plans**

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

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

3. 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 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 DP41 of the Mid Sussex District Plan 2014 - 2031.

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls and roofs of the proposed building.

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 District Plan 2014 - 2031.

5. No development above ground floor slab level shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority section drawings and elevational vignette of the front façade at a 1:20

scale that clearly show the quality of the detailing. The development shall be carried out in accordance with the approved details.

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 District Plan 2014 - 2031.

6. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority a 1:200 scale drawing of the north elevation. The development shall be carried out in accordance with the approved details.

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 District Plan 2014 - 2031.

7. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority scale drawings that show how renewable energy sources will be accommodated within the development including solar panels on the roof. The development shall be carried out in accordance with the approved details.

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 DP39 of the District Plan 2014 - 2031

8. 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

11. The building shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

16. The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

17. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these associated spaces have been provided and approved in writing by the Local Planning Authority. These electric charging vehicle points 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 accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

18. The building hereby permitted shall only be used for Business within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: To provide employment opportunities within the existing commercial area of Haywards Heath and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031 and Policy B3 of the Neighbourhood Plan.

19. The premises shall not be open for trade or business except between the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 18:00 Saturdays. The use shall not be operated on Sundays or Public Holidays, (and there shall be no external illumination on the premises except between the above-mentioned hours).

Reason: To safeguard the amenities of neighbouring properties and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

## INFORMATIVES

1. 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 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- 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

- 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.

2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this

application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **APPENDIX B – CONSULTATIONS**

### **Haywards Heath Town Council**

The Town Council supports the application to deliver a high-quality office building in this prominent, sustainable location, subject to the following conditions:

1. Euro-bin facilities - these will be collected by a commercial waste operator - no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
2. The building shall be future-proofed to provide plug in provision for additional electric car charging points, as required;
3. Provision of drinking water/drinking fountains on every floor to reduce use of single use plastic bottles.

The application complies broadly with the aspiration of our extant Neighbourhood Plan, and the Town Council makes the following comments in relation to the application:

- it complies with Policy B3 of the Haywards Heath Neighbourhood Plan, however Members raised concerns relating to the adequacy of the on-site car parking provision;
- we note the proposals were considered by Mid Sussex District Council's Design Review Panel (DRP) in November 2017, however we are disappointed that the Town Council was not made aware of such an important upcoming scheme until the recent submission of the formal application. Notwithstanding this omission, Members are encouraged by and indeed supportive of the proposed contemporary design;
- the intent of the Localism Act, and the Town Council's role as a statutory consultee are further validated by the National Planning Policy Framework (NPPF), which underlines in the Pre-Application Advice Section 40. " " should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.'

We welcome early discussions with all developers and look forward to working closely with the District Council to achieve this objective.

- lastly, given the significance placed upon the input from the DRP and Urban Design Team by the local planning authority (LPA), we feel that their reports commenting upon significant applications would greatly assist the Town Council, and it would be appreciated if they were provided at a more timely stage in the application process, before formal consideration by the Town Council.

## **WSCC Highways Authority**

### **Amended**

Notwithstanding the capacity of the public car parks, there is no guarantee that future employees would make use of these. A view has therefore been taken in terms of the potential impact of overflow parking on the operation of the highway network.

It's accepted that there are enforceable restrictions in place to control how and where future employees can park on-street. The controls are such that there is a limited supply of unrestricted on-street spaces within what could be considered a reasonable walking distance. As the applicants response implies there is no doubt already a level of demand being placed upon these. Any additional demand placed upon on-street parking is considered to be more a matter of amenity rather than safety; the existing restrictions providing an enforceable means of ensuring that parking does not result in an obstruction or safety issue. On this basis, WSCC are satisfied that the proposal will not have any unacceptable road safety impacts or any other severe highway consequences.

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

As a final note, an informative is suggested requiring the applicant to enter into a s278 agreement for the access works. It is not necessarily the case that an s278 will be required. It will be for the applicant through discussion with the Implementation team manager to determine the appropriate means of constructing the access works.

### *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.

### *Car parking space*

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

Reason: To provide car-parking space for the use

*Cycle parking*

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

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

*Construction Management Plan*

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

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

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

*Travel Plan*

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

Reason: To encourage and promote sustainable transport.

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

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence

this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

## **Original**

S106 CONTRIBUTION TOTAL: £177,780

## Summary

The application is supported by way of a Transport Assessment (TA), Stage 1 Road Safety Audit, and Framework Travel Plan. West Sussex County Council, in its role as Local Highway Authority, has provided comments on this proposal and the scope of the TA as part of pre application discussions.

It's noted that the site benefits from a now lapsed planning consent for the construction of a 5 storey office building.

## Access

The site benefits from an existing vehicular access onto Perrymount Road. The access is to be marginally widened by 1.2 metres as part of the proposed development. Adequate visibility is achievable in light of the 30 mph speed limit.

As the development will result in an intensification of use and the WSCC Road Safety Audit Policy, a Stage One Road Safety Audit has been required. The RSA has raised a single problem in respect of the gradient of the proposed access ramp leading into the site for non-motorised road users. The Designer has addressed the problem with the creation of a level area at the foot of the ramp. The RSA raises no other problems in respects of the access.

The access is considered acceptable to serve the proposed development.

## Highway Capacity

As the site includes 2,995sqm of existing B1a office space, the potential trip generation is based on the net increase of floor space proposed, namely 5,990sqm. TRICS has been applied to determine potential vehicular trip generation. TRICS is a large database of traffic surveys from other completed developments. The database can be refined so as to select those uses comparable (in terms of location, accessibility, and use class) to that proposed. The trip rates applied have been agreed with the LHA as part of pre application discussions.

Using the selected sites, the development is forecast to result in the following net increase in trips during the network peak hours, these hours being those that are most sensitive to change.

Net increase of 5,990sqm	AM			PM		
	Arrival	Departure	Total	Arrival	Departure	Total
	62	10	72	7	48	55

In order to determine the potential routes that will be used by the development traffic, Census Location of Usual Residence and Place of Work data has been applied. This identifies how and where those working in the area at present travel from. It has then been identified what routes may then be used. Whilst accepted that this uses data from existing workers, this is considered to be a good proxy as to how future employees may travel. Again, this principle has been agreed with the LHA as part of pre application discussions.

Based on the above, it has then been determined which local junctions would experience such increased flows to warrant a formal capacity assessment for a future year when the development is expected to be complete and occupied. From this, only the Perrymount Road/Heath Road priority junction has been tested. Even with the development traffic, this junction is forecast to operate well within theoretical capacity.

The development is considered acceptable in terms of highway capacity.

#### Accessibility by Non-Motorised Modes

The site lies within Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north.

It's accepted that the site is within reasonable cycling distance of most of Haywards Heath. Little consideration is given to the suitability of routes within the town to actually accommodate cycling however. All roads within the town have a speed limit of 30mph or less, street lit, and should not be unduly prohibitive to cycling for employees traveling to the site.

A travel plan is also proposed to be implemented. As the occupier is unknown, a framework plan has been submitted. This arrangement is accepted as the final occupier may well have their own travel plan initiatives that they wish to incorporate. With respects to the details in the framework, the only comments would be in connection with the targets and monitoring.

In light of the town centre location, the FTP should be aiming to achieve a 15% reduction in the 12 hourly (7am to 7pm) trip rate; the FTP currently includes a reduction of 8%. The initial targets should also be based on the TRICS/Census data used elsewhere in the TA, the targets can then be adjusted once the site is occupied and formal monitoring commenced.

For the monitoring, it is recommended that the TRICS Standard Assessment Methodology is applied at 50% occupation, and thereafter a further survey 2 years later with a third and final survey 2 years after this. It is still advisable for informal monitoring

such as that included in the FTP to take place prior to the TRICS SAM commencing and during the TRICS SAM monitoring period. Overall, it is recommended that the travel plan be required by planning condition with the final details agreed prior to the offices being first occupied.

As mentioned in the TA, the Haywards Heath Town Centre Study includes a number of schemes to enhance the town centre. This includes accessibility improvements. There are several schemes in the vicinity that could benefit the development and the achievement of the targets within the proposed travel plan. This includes works at the Commercial Square Roundabout that will enhance access for pedestrians and cyclists, and the provision of cycle routes and improved footpaths across Clair Park. It is recommended that if this application is permitted a contribution is taken towards these schemes. For simplicity and as suggested at the pre application stage, it is recommended that the contribution is based on the WSCC Total Access Demand methodology. A contribution of £177,780 has been calculated (this is based on the contribution arising from the proposed development minus that would arise from the existing development).

### Parking

91 spaces are proposed to serve the development. The number of spaces proposed is within that allowed under the currently adopted maximum parking standards. As recognised within the TA, there is the potential for actual demands to exceed the availability of spaces.

The LHA accepts that there are restrictions in place to control how and where on-street parking can take place. The TA also identifies the locations of nearby public car parks. The TA however gives little consideration as to what spare capacity is actually available to fulfil any excess demands, and therefore if it can be reasonably expected for the shortfall in parking to be accommodated. This matter was covered at the pre application stage with it specifically mentioned that off-site parking locations should be identified that have spare capacity. Whilst accepted that an element of parking restraint can encourage modal shift, the TA should still determine how excess demands are to be accommodated.

### Conclusion

The LHA are supportive of the broad principle of the type of development proposed. However the applicant is required to give further consideration to the impact of parking demands that are not met through the on-site provision.

## **WSCC Flood Management Team**

### **Amended**

Many thanks for sending us through the drainage strategy for the proposed development at 21 - 23 Perrymount Road, Haywards Heath. We're satisfied with the additional

information that has been provided and that flows to the main sewer will be limited to greenfield runoff rates using permeable paving and below ground attenuation. It is recommended that a technical review of the proposed drainage system is carried out by the District Engineer, especially whether pumping surface water is considered a sustainable option.

## Original

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

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

## Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current uFMfSW mapping shows the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones.</p> <p>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	
Ordinary watercourses present?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses in close proximity of the proposed development area.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent from the District Council and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

### **Future development - Sustainable Drainage Systems (SuDs)**

No FRA/Drainage Strategy has been included with this application. The Sustainable Design and Construction Report states sustainable drainage systems will be considered, while the Application Form states that 'Existing Watercourse' will be used to dispose of the site's surface water.

Currently there is insufficient information to comment as to how the surface water from this site will be drained post-development. Further information is required to clarify the drainage arrangements and ensure the requirements of the NPPF, PPG and associated guidance documents are met.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the

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

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

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

## **MSDC Urban Designer**

### **Summary and Overall Assessment**

The proposed building has an all-glazed overtly contemporary aesthetic that contrasts with the monotonously punctuated brick facades of both the building it replaces and the neighbouring building at no.25-27 which it will abut; it benefits from a stronger and more cohesive form with crisper detailing that generate a more open and elegant building. While it is substantially bigger, most of the additional mass will be hidden (because of its deep plan) from the street frontage (it is mostly screened by trees or other buildings at the rear) and is further justified as it sits up the slope from its conjoined neighbour. Furthermore, the unsightly existing frontage parking will be replaced with an attractive landscaped threshold enabled by accommodating the parking in the undercroft beneath the bigger floorplates that fully optimise the site. For these reasons, I raise no objections to this application.

To secure the quality of the design, I would nevertheless recommend the following conditions are included and subject to further approval:

- 1:20 scale section drawings and elevational vignette of the front façade that clearly show the quality of the detailing.
- 1:200 scale drawing of the north elevation (not supplied with the application).
- Detailed landscape drawing.
- Samples and details.
- Scale drawings that show how renewable energy sources will be accommodated within the development including solar panels on the roof.

### **Response to the DRP's Assessment**

The pre-application proposal was well received by the Design Review Panel (DRP) In December 2017, who "liked the elegant simplicity of the elevations, and (they believed) the all-glazed front facades should help give life to the town by revealing the activity within

the building. It was also accepted that the additional bulk of the new building will largely be tucked away at the rear".

The DRP nevertheless had a few concerns which I believe the architect has mostly addressed in the current application proposal:

- The building has been pulled 4m away from the site boundaries with Rockwood House and no.25-27 (it had previously extended to the boundary) and there is now a comfortable separation distance from both.
- The width of the front projection has been reduced and together with the greater separation gap from Rockwood House has safeguarded the existing large tree which will help screen the substantial scale of the new building. This will be supplemented with three new lime trees and shrubs at the front.
- In response to concerns about potential solar gain, the south elevation has been redesigned with horizontal louvres across the windows.
- The applicant has set-out several options and opportunities in their Sustainable Design and Construction Report for reducing the building's impact upon the environment. I would recommend there should be condition(s) that cover this.

As 21-23 and its twin at 25-27 were designed together as a semi-detached formal pair of office blocks, the DRP felt there needed to be a masterplan that looked at the two sites together. This has not been done, and I feel that the existing semi-detached configuration of the existing blocks are the exceptions within a street frontage characterised by commercial buildings of contrasting styles and singular form; for this reason, I believe this singular intervention is acceptable. Furthermore the architect has made adjustments to the massing to allow the building to respond to 25-27 by echoing the width and depth of the front projecting bay and pulling the set-back top floor further away from the boundary with 25-27.

## **MSDC Drainage**

### **Amended**

**Recommendation:** No objection subject to conditions

### **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 discharge to the public sewer system. Discharge rates are to be limited via a complex flow control limiting flows to the 1 in 1 and 1 in 100

year greenfield runoff rates. Attenuation will be provided within a green/blue roof and a below ground attenuation tank.

The principle of the surface water drainage outlined within the submitted Surface Water Drainage Strategy (reference number 4012, version final v3.0 and dated August 2018) is acceptable.

As part of works to discharge a drainage condition this proposed development will need to fully consider how it will manage surface water runoff and consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

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.

### **Foul Water Drainage Proposals**

It is proposed that the development will discharge to the public sewer system.

### **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 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.

### **Further Drainage Advice**

Applicants and their consultants should familiarise themselves with the following information:

#### Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

*Useful links:*

[Planning Practice Guidance](#) - Flood Risk and Coastal Change  
[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#)- A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

1.

*For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:*

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

*For the use of soakaways:*

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

*For the use of SuDs and Attenuation:*

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.

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.

A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

*Outfall to Watercourse:*

Any proposed run-off to a watercourse 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. You cannot discharge surface water unrestricted to a watercourse.

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

*Outfall to Public Sewer:*

Any proposed run-off to a sewer 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. You cannot discharge surface water unrestricted to a sewer.

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

6.

*Public Sewer Under or Adjacent to Site:*

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

*MSDC Culvert Under or Adjacent to Site:*

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any

structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

*Watercourse On or Adjacent to Site:*

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

## **Original**

**Recommendation:** Further information required.

Before we are able to make comment on this application we will require the following;

- Foul sewage and surface water drainage assessment, as set out in our validation criteria document (<https://www.midsussex.gov.uk/media/1976/validation-criteria-for-planning-applications.pdf>)
- Evidence that the surface water drainage hierarchy has been considered, including percolation test results.

## **Summary and overall assessment**

The application contains no details into how surface water drainage shall be managed. However, the Sustainable Design and Construction Report provided with the application states sustainable drainage systems will be considered.

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.

As this is for a major, 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 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 discharge to the existing surface water sewer.

### **Foul Water Drainage Proposals**

It is proposed that the development will discharge to the existing foul water sewer.

### **Suggested Conditions**

None at this time.

### **Further Drainage Advice**

Applicants and their consultants should familiarise themselves with the following information:

### **Flood Risk and Drainage Information for Planning Applications**

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

**Useful links:**

[Planning Practice Guidance](#) - Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

1.

**For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:**

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

**For the use of soakaways:**

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

**For the use of SuDs and Attenuation:**

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. 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. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

**4.****Outfall to Watercourse:**

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

**5.****Outfall to Public Sewer:**

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

**6.****Public Sewer Under or Adjacent to Site:**

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

**7.****MSDC Culvert Under or Adjacent to Site:**

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

**8.****Watercourse On or Adjacent to Site:**

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

**MSDC Tree Officer**

Further to reviewing the arboricultural reports provided and a visit to site, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPOs and is not within a Conservation Area. However, the entire site is subject to planning condition PR/02188/TRECON.

Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not normally act as constraint upon the development.

However, two trees recommended for removal: T1 (Tulip) & T12 (Silver Birch) have been classified as grade B. These trees will be a significant loss and should be replaced (like for like) elsewhere on site.

A landscape plan has been submitted detailing the position and species of new planting to the front boundary of site. It would be preferable for the removed T1 (Tulip) to be replaced within the planting scheme in this area.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: size, planting, support and feeding/aftercare are required.

Protection measures for T4 (Lime) have been detailed within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and the retention of existing hard standing within the trees RPA.

However, a completed Arboricultural Method Statement must be submitted pre commencement of construction/demolition works, the report should detail good working practices to be implemented while working within the RPA of T4. (sympathetic treatment of exposed roots etc.) This report can then be used as reference for any contractors working on site.

No objection will be raised subject to receiving the above mentioned replacement tree planting/aftercare specification and a completed AMS report.

## **MSDC Environmental Protection**

### **Main Comments:**

The application seeks permission for the demolition and replacement of office space.

The proposed development is in a busy town centre therefore Environmental Protection therefore recommends the following conditions should the application be granted permission.

**Recommendation: Approve with Conditions**

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

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

Reason: To protect the amenity of local residents.

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

No burning of 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.

Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents

Plant And Machinery: The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing

background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.