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16 September 2020

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 24TH SEPTEMBER, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. Roll call and Virtual Meetings explanation.
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 13 August 2020. **3 - 8**
5. To consider any items that the Chairman agrees to take as urgent business.

#### **Items Recommended for Approval.**

6. DM/20/0883 - Tennis Courts Club House, Victoria Park, South Road, Haywards Heath, RH16 4HT. **9 - 20**

7. DM/18/0421 - Linden House, Southdowns Park, Haywards Heath, West Sussex, RH16 4SL. **21 - 70**
8. DM/20/0840 - Parkers Garage, The Courtyard, Western Road, Haywards Heath, West Sussex, RH16 3LR. **71 - 118**

**Items Recommended for Refusal.**

None.

**Other Matters.**

None.

9. Questions pursuant to Council Procedure Rule 10.2 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.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee  
held on Thursday, 13th August, 2020  
from 4.00 - 5.34 pm**

**Present:** G Marsh (Chairman)

G Allen	R Eggleston	M Pulfer
R Cartwright	A MacNaughton	D Sweatman
J Dabell	C Phillips	

**Absent:** Councillors P Coote, E Coe-Gunnell White and N Walker

**1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.**

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal Representative explained the virtual meeting procedure.

**2 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Coote and Councillor Walker.

**3 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

No declarations were received.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 JUNE 2020**

The Minutes of the meeting of the Planning Committee held on 11 June 2020 were agreed as a correct record and signed electronically by the Chairman.

**5 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman had no urgent business.

**6 DM/19/0260 - TAVISTOCK AND SUMMERHILL SCHOOL, SUMMERHILL LANE, LINDFIELD, RH16 1RP.**

Steve King, Planning Applications Team Leader highlighted the agenda update sheet which had been circulated to the Committee members and noted that it detailed the receipt of a further 8 letters of objection. The Officer introduced the application which sought planning permission for the erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access, surface-level car parking, landscaping with other infrastructure on land formally occupied by Tavistock and Summerhill School, Summer Hill Lane, Lindfield. Amended plans reduced the proposed car parking spaces to 77 and showed revisions to Block A and B.

He noted the Electric Vehicle Charging points (ECVs) and provision for installing more charging points in the future, protected trees with the removal of 13 trees and landscaping to provide an additional 74 trees. He highlighted the design of the balconies which prevents them directly overlooking adjoining properties. The committee were advised that as the site is within the built-up area of Lindfield the application accords with the District Plan and national policy. He advised that a key issue is the design of the scheme. Due to the various site constraints, including the levels of the site, the shape of the site and the protected trees within the site, officers consider that a flatted development is suitable. The Officer is supportive of the application but noted that the scheme would be very different to the surrounding houses. The design optimises the potential of the site and the Team Leader advised Members that they must decide on whether this design was acceptable for this location. He confirmed that no objections had been received from the Ecology Officer, Drainage Officer or the Highway Authority. It was considered that the scheme would not cause significant harm to the amenities of existing nearby neighbours. It was noted that issues have been raised relating to private covenants which the Officer explained were private legal matters and not a relevant planning consideration. He confirmed Planning Condition 8 for the access to be constructed prior to development of the site. The scheme is policy compliant on affordable housing, providing 10 units of affordable housing in Block C and a contribution for off-site provision.

The Chairman outlined the public speaking procedure and invited the public speakers to the meeting.

Jonathan Allen, local resident spoke against the application through an audio submission.

Louise King, local resident spoke against the application through an audio submission.

David Quickfall, local resident spoke against the application through a video submission.

James Waterhouse, agent spoke in favour of the application through a video submission.

Matthew Richardson, architect spoke against the application through a video submission.

Kate Inglis, agent spoke in favour of the application.

Councillor Andrew Lea, Ward Member spoke against the application. He highlighted the scale and strength of objections to the application which included Lindfield Parish and Haywards Heath Town Councils. He commented that the scheme was against District Planning Policy DP26, in that the design should create a sense of place while addressing the character and scale of the surrounding buildings and landscape. He expressed concern that the application demonstrated no regard for the character of the village, was an overdevelopment in relation to the scale and density, would be widely visible and would dominate the surrounding area. The design was more appropriate to an urban area, as the flats' design was not the same as the local Sussex style. He requested that the committee refuse the application.

Councillor Jonathan Ash-Edwards, Ward Member spoke against the application. He agreed with the comments of Councillor Lea and noted the opposition of the local residents, Lindfield Preservation Society, Lindfield Parish and Haywards Heath Town Councils. He commented that District Plan policy DP26 notes that the design should reflect the distinct character of Mid Sussex, be a high-quality design, address character and scale of the surrounding buildings and landscaping. The surrounding buildings are low density Turner style houses and this scheme is a higher density city centre style design. He highlighted that the report states some elements are poor in design and conflicts with DP26. If a development for the site is accepted, it should be possible to have a design and scale that fits in with the character and buildings in the surrounding area. He urged the committee to refuse the application on the grounds of the bulk, scale and design which is contrary to the character of Lindfield under policy DP 26.

The Chairman noted that this is a brown field site and needs a higher density than the surrounding area. He asked the officer to comment on density, different types of flatted schemes and what number of flats would be acceptable for the site.

The Officer confirmed that the proposed density is higher than the surrounding area, 33 per hectare with the surrounding area likely to be in the low 20s. He advised that the density is not the issue in itself, the issue is how the scheme fits on the site. The Officer stated that a flatted scheme could be designed differently to the scheme before Members, for example, with the blocks being designed so the external elevations that look like more traditional semi-detached and terraced houses. The Officer stated that a scheme with detached houses would not provide the same number of dwellings as proposed in this application. The Officer advised that it is important how the dwellings fit on the site due to Tree Preservation Orders (TPOs), awkward shape and topography of the site and that it would be difficult to design a scheme of detached houses to do this. The Officer stated that the modern design approach would create a sense of place within the site.

Members expressed concern with sustainable transport links, car parking provision, stated the design conflicts with DP26, the design is out of character for the local area, and the design was more appropriate for an urban area and they objected to the application. One Member suggested that the developers produce a design more in keeping with the character of the local area.

A Member noted that the application conflicts with the Lindfield Village Design Statement.

A Member commented that the scheme is not over development of the site, it provides open space around the flats and will be clear of the boundaries. The design does protect the neighbours and should be on its merits. He advised that it would be difficult to find a reason for refusal that would stand up at public examination.

The Officer addressed the committee and commented that the car parking provision does comply with the County Council car parking calculation, which is an evidence-based tool, based on the wards across the district; condition 2 requires a construction management plan before works commence on the site. The Officer stated that local opposition to the scheme, is not in itself grounds to refuse and that a refusal must be for sound planning reasons. He reiterated that the site is in the built-up area and whilst not in the town centre of Haywards Heath it adjoins Haywards Heath with built developments on all 4 sides. A flatted development is preferred due to difficulties of the site in relation to the awkward shape of the site, its topography and TPOs. The Officer highlighted a quote from the Lindfield Village Design Statement that its

objective is to manage change and it should not be a barrier to modern design, and the officers view is that the design is acceptable for the site.

The Chairman confirmed that a higher density could not be achieved from just construction of houses, and that other developments of flats in the vicinity look like semi-detached houses.

The Chairman moved to the officer recommendation to approve the application in accordance with Recommendation A and B, which was proposed by Councillor MacNaughton and seconded by the Chairman. A recorded vote was carried out by the Legal Officer and the Committee voted with two in favour and seven against. The motion failed.

Councillor	For	Against	Abstain
G. Allen		✓	
R Cartwright		✓	
J. Dabell		✓	
R. Eggleston		✓	
MacNaughton	✓		
G. Marsh	✓		
C. Phillips		✓	
M. Pulfer			
D. Sweatman		✓	

Councillor Pulfer proposed that the Committee refuse the application on the basis that the application is contrary to District Plan policy DP26 on the grounds of design and this was seconded by Councillor Dabell. A recorded vote was carried out by the Legal Officer and the Committee voted with seven in favour and two against and the application was refused.

Councillor	For	Against	Abstain
G. Allen	✓		
R. Cartwright	✓		
J. Dabell	✓		
R. Eggleston	✓		
MacNaughton		✓	
G. Marsh		✓	
C. Phillips	✓		
M. Pulfer	✓		
D. Sweatman	✓		

### Resolved:

That planning permission be refused, contrary to the officer recommendation, for the following reasons (following consultation with the Chairman and Vice Chairman):

1. The design of the proposed development would not be in keeping with the surrounding properties and would result in a development that was obtrusive and would have a harmful impact on the character of the area. Part of the site is within an area which has been designated as an Area of Townscape Character in the Lindfield and Lindfield Rural Neighbourhood Plan and part of the site adjoins the Area of Townscape Character. The modern design of the proposed development, including the use of flat roofs on all the buildings and the proposed external materials, would not have regard to the character of the

surrounding area. As a result the development would not protect this valued townscape and would be unsympathetic to the prevailing character of the surrounding area. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan and paragraph 172 of the National Planning Policy Framework’

2. The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development and the required affordable housing.

**7 DM/20/1760 - OAK TREE FARM, BURGESS HILL ROAD, ANSTY, RH17 5AH.**

Steve Ashdown, Major Development & Investigations Team Leader introduced the application which follows an application under DM/16/1515 for a prior approval for the change of use of the existing agricultural buildings on the site to form two new residential dwellings, and a subsequent application under DM/18/5130 for Outline approval for the demolition of the existing dwelling and barn and replacement with three new dwellings. The current application seeks full permission for the redevelopment of the site, with all the agricultural buildings and an existing bungalow being demolished to allow for the construction of three new barn style dwellings with a reconfigured site access road and parking/turning provision. The proposed dwellings would be sited in part over the footprint of the disused barns on the site, over the footprint of the existing bungalow and within the garden curtilage at Oaktree Farm, off Burgess Hill Road to the south of Ansty, in Ansty and Staplefield Parish. The scheme is similar in detail to the submission under the outline application, which was granted approval by the MSDC Planning Committee on 30th May 2020.

The Officer highlighted the Grade 2 Listed Building which was noted in the report, and great weight should be attached to the need to protect its setting. The Officer noted the scheme is in the countryside an area of restraint. He noted the differences to previous schemes in terms of layout and scale, the access is by the approved extant permission, the traditional design of the buildings which were similar to previous approved applications. He advised that the public benefits of the scheme out-weigh the less than substantial harm to the Listed Building.

Peter Rainer, agent spoke in support of the application.

Councillor Bradbury, Ward Member advised he had received emails supporting the scheme and the local councils were also in favour of the development.

The Vice-chairman commented that the scheme complies with policies and was similar to the previously approved outline scheme. The recommendation was proposed by Councillor Sweatman and seconded Councillor Eggleston. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
G. Allen	✓		
R. Cartwright	✓		
J. Dabell	✓		
R. Eggleston	✓		
MacNaughton	✓		

G. Marsh	✓		
C. Phillips	✓		
M. Pulfer	✓		
D. Sweatman	✓		

**Resolved:**

That planning permission be granted subject to the conditions listed at Appendix A.

**8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 5.34 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

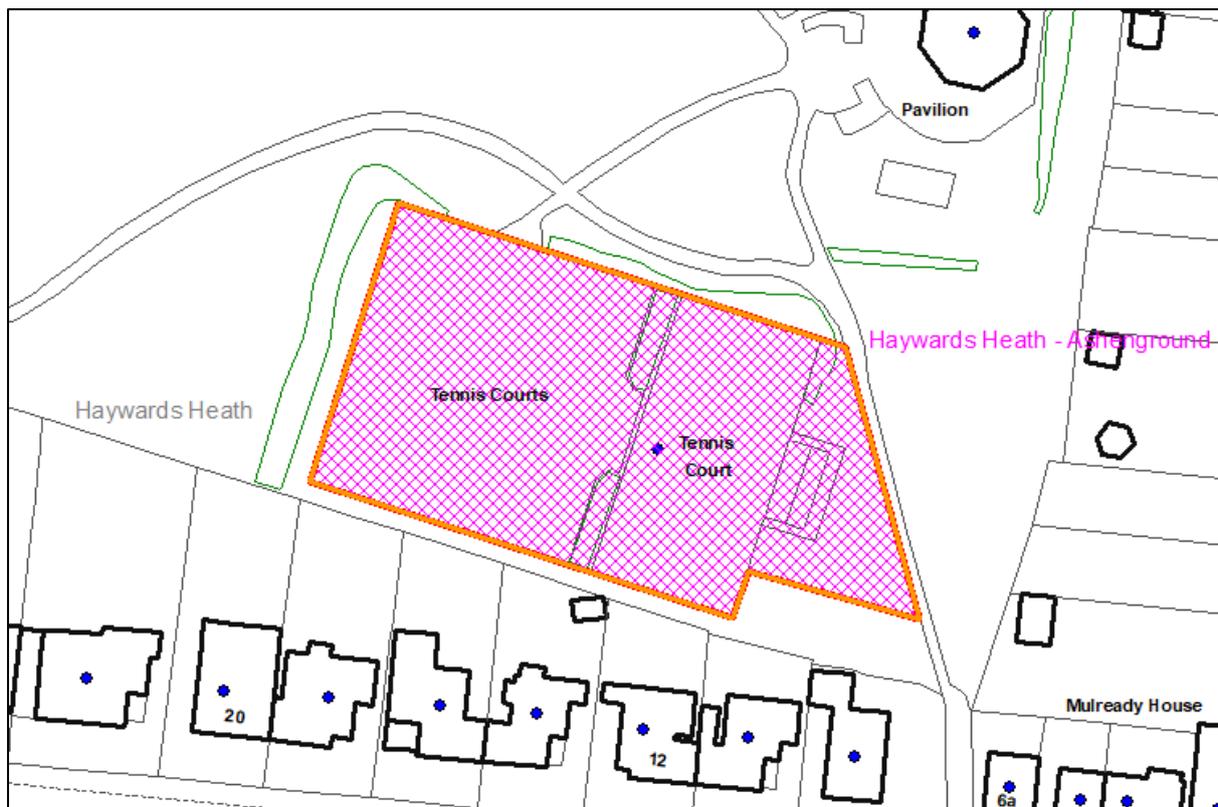
Planning Committee

**24 SEP 2020**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/20/0883**



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**TENNIS COURTS CLUB HOUSE VICTORIA PARK SOUTH ROAD  
HAYWARDS HEATH  
DEMOLITION OF EXISTING TIMBER FRAMED TENNIS CLUBHOUSE.  
RECONSTRUCT IN BRICKWORK WITH PITCHED ROOF. (REVISED PLANS  
RECEIVED 01/07/2020)  
DAVID TREHARNE**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 30th April 2020

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Andrew Horrell

### **PURPOSE OF THE REPORT**

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

### **EXECUTIVE SUMMARY**

Planning Permission is sought for the demolition of the existing timber framed clubhouse and the erection of an enlarged clubhouse in brickwork with a pitched roof.

The proposed new clubhouse is considered to be of a design, size and scale appropriate to the site and would not cause significant harm to neighbouring amenities.

The proposed development is therefore deemed to comply with policies DP24 and DP26 of the Mid Sussex District Plan and policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

The application has been referred to Committee because the building is on land owned by the District Council.

### **RECOMMENDATION**

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

### **SUMMARY OF REPRESENTATIONS**

6 letters of objection were received from neighbours in Park Road to the original plans on the following grounds:

- Overlooking and loss of privacy
- Loss of outlook
- Noise
- Parking
- Loss of park land

Following the submission of revised plans, a further 13 letters of objection on the following grounds:

- Proposed use of clubhouse
- Loss of privacy

- Overlooking
- Noise
- Parking
- Out of character
- Impact on existing path
- Potential of future floodlighting

## **SUMMARY OF CONSULTATIONS**

MSDC Drainage:

*No objection subject to conditions.*

MSDC Environmental Protection:

*No objection subject to condition*

## **HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS**

Notes comments from Messrs Hall & Kenward relating to the aspect/orientation of the proposed building, however HHTC welcomes the application to provide improved accommodation and sporting facilities, supporting health and wellbeing policy objectives for the town.

Consideration for nets to screen the courts could be put up on the court fence to the south of the courts as this would screen 75% of the houses and the small parcel of land to the south of the clubhouse should have trees planted, under the guidance of MSDC tree officers.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays.

HHTC supports this application, subject to its comments outlined above.

Based on revised plans the Town Council stated:

The Town Council notes the submission of revised plans (received by Mid Sussex District Council on 01/07/2020). Members note the resident concerns regarding the siting of this new clubhouse and suggest that consideration be given to using obscure glass in the four high level windows on the rear (south) elevation to let light in. They would also like to see the installation of signage asking users of the clubhouse to leave quietly and to be mindful of neighbouring residents. The Town Council supports this application and apposite comments/observations made previously still apply.

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## **APPLICATION DETAILS**

The application seeks planning permission for the demolition of the existing timber framed clubhouse and the erection of a clubhouse in brickwork with a pitched roof. The application is being reported to committee as the application site is on Mid Sussex owned land.

The existing clubhouse measures 3m in depth, 10m in width with an approximate height of 2.9m.

The proposed clubhouse measures 4.58m in depth ( 5.664m including canopy), 13.080m in width with an approximate height to eaves of 2.6m and an overall height of 4.4m. Two windows are proposed to front elevations, four windows are proposed to elevation and one window proposed to side elevation.

## **RELEVANT PLANNING HISTORY**

CU/218/80 - Proposed Pavilion (approved)

CU/277/81 - Replacement of existing wooden club hut for use as pavilion and changing rooms. (approved)

CU/145/82 - Prefabricated building as club pavilion. (approved)

## **SITE AND SURROUNDINGS**

The existing clubhouse is in the southern end of Victoria Park. The clubhouse is a timber clad flat felt roofed building running parallel to the tennis courts with timber doors and windows.

To the north of the site is Victoria Park, to the south of the park is close boarded fencing to dwellings No.6-12 Park Road beyond, to the east of the site is footpath with woodland to rear gardens of Haywards Road dwellings beyond and to the east of the site is the existing Tennis Courts.

The site is within the built-up area of Haywards Heath.

## **LIST OF POLICIES**

The Development Plan in this part of Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan.

### **Mid Sussex District Plan**

DP24 (Leisure and Cultural Facilities and Activities)

DP25 (Community Facilities and Leisure Services)

DP26 (Character and Design)

### **Haywards Heath Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)  
L9 (Playing fields and sporting facilities)

## **National Policy**

National Planning Policy Framework (February 2019)

## **Draft Mid Sussex Design Guide SPD**

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of this application.

## **ASSESSMENT**

The main issues are considered to be the principle of the development, design and scale of the scheme and resulting impact on the character and appearance of the area and the amenities of neighbouring residents.

### **The principle of the development**

Policy DP24 of the Mid Sussex District Plan is deemed relevant to development to leisure facilities and is supportive of proposals for development that would enhance leisure facilities within the District. It states:

*'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'*

*The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.*

*Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council. Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:*

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*

- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.*

A similar ethos is found in Policy L9 of the Haywards Heath Neighbourhood Plan which states:

*'Existing playing fields and sporting facilities within the Plan area shall be retained and where possible enhanced to the benefit of the Town.*

*Should an existing facility come forward for redevelopment for non-sports use, and it is shown the site or facility is not surplus to requirements, the applicant will be required to provide alternative provision within the Plan area before the existing facilities are lost'.*

Policy DP25 of the District Plan is also of relevance and supports proposals that would improve community facilities. It states:

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

*Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

*The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.*

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

The proposed replacement pavilion, which enhances the existing facility, is fully supported by the policies of the Development Plan.

### **Scale, design and character impact**

DP26 of the District Plan seeks to ensure that new development is well designed and reflects the character of the locality. 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;*
- *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.'*

Policy E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and 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 existing structure despite its low height is visible from the rear gardens of Park Road (primarily Nos 8 and 10) and partially visible from other rear gardens of that road and Haywards Road although there is established vegetation to the south of the Tennis Courts which partially shields the building. Whilst the proposed face brickwork will modernise its appearance, it is not considered that the building will appear visually obtrusive. The increased size and use of face brickwork should also help the building to be in character with the similar buildings within the park such as the nearby Torys cafe which is characterised by face brickwork. This ensures it

relates sympathetically to the building. It is therefore considered to comply with policy DP26 of the District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

In terms of impact on neighbouring amenities, policy DP26 of the District Plan states that it must be demonstrated that any development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Concerns have been raised in terms of overlooking, loss of privacy and outlook in relation to the neighbouring properties in Park Road. As originally submitted it was proposed to orientate the replacement building so that it was no longer parallel with the adjacent tennis court. Revised plans have been negotiated so that the orientation of the replacement building is now the same as the existing building. With the revised orientation from the original plans, the views toward the neighbours in Park Road will not be increased from the existing clubhouse. Coupled with this, the distance to the most affected dwelling remains the same as the existing with No.10 Park Road is circa 17m from the mutual boundary of the said property and circa 25m from the property itself. With the installation of a front canopy, the level of overlooking will be at oblique angles and not significantly different for the current situation. New close boarded fencing is proposed to be erected at the southern end of the building which together with the existing vegetation to the south of the Tennis Courts, the level of harm is not considered to be significant.

Concerns as to the use of the enlarged clubhouse and impact upon noise has been raised. The applicant has confirmed that the development is to provide a new clubhouse with modern facilities which include electricity and W.C. facilities both of which the current building lacks and to be able to expand the membership of the club by being able to attract new players to improved facilities.

It is understood that the building will be made available for community use but that availability will be limited up to 25% of the time that it is not in use by Haywards Heath Tennis Club. The building could be used for meetings, small social gathering etc but not for parties or anything similar. Availability is to be restricted to between the hours of 9.00am and 6.00pm so that there is no community evening use. The existing building is not used for non tennis related uses and thus these could be controlled by condition so that such uses end at 6pm to protect the amenities of neighbours. Subject to this condition the proposal is considered to be acceptable and it is noted that the Council's Environmental Protection Officer has no objections.

Whilst there could be potential for people to congregate under the proposed canopy, this would only be limited and no louder than existing park and tennis courts and is not a robust reason to resist the proposal.

Coupled with this given the enlarged clubhouse is not linked to the increase of usage of the Tennis courts per se it is unlikely to increase the parking demand from the existing.

Whilst concerns have been raised as to the potential from floodlights to be installed, this is not part of this application and would have to be part of a new application.

## **SUMMARY AND CONCLUSION**

Planning Permission is sought for the demolition of the existing timber framed clubhouse and the erection of a clubhouse in brickwork with a pitched roof. The existing clubhouse is in the southern end of Victoria Park running parallel to the tennis courts with timber doors and windows.

The existing clubhouse measures 3m in depth, 10m in width with an approximate height of 2.9m.

The proposed clubhouse measures 5.664m in depth (including canopy), 13.080m in width with an approximate height to eaves of 2.6m and an overall height of 4.4m.

The proposed development complies with policies DP24, DP25 and DP26 of the Mid Sussex District Plan and policies E9 and L9 of the Haywards Heath Neighbourhood Plan which support the provision of well designed, enhanced leisure and cultural facilities. The new clubhouse is not considered to cause significant harm to the amenities of neighbouring residents.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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## **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. No external materials shall be used other than those specified on the approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been

submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan (2014 - 2031)

5. No part of any concrete foundations and no construction activities shall be within 4 metres of any drain (centreline), culvert (centreline) or watercourse (top of bank).

Reason: In the interests of protecting the natural environment

6. Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase 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 accord with MSDC Policy DP29: Noise, Air and Light Pollution

7. Non Tennis Club community use of approved clubhouse shall not take place other than between the hours of 9.00am and 6.00pm.

Reason: To protect neighbouring amenities in terms of noise pollution to accord with policies DP26 and DP29 of the Mid Sussex District Plan

## 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.

- 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. 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.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Site Plan			05.03.2020
Location and Block Plan		A	01.07.2020
Proposed Floor Plans		A	01.07.2020
Proposed Elevations		A	01.07.2020
Existing Floor and Elevations Plan			02.03.2020

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council notes the submission of revised plans (received by Mid Sussex District Council on 01/07/2020). Members note the resident concerns regarding the siting of this new clubhouse and suggest that consideration be given to using obscure glass in the four high level windows on the rear (south) elevation to let light in. They would also like to see the installation of signage asking users of the clubhouse to leave quietly and to be mindful of neighbouring residents.

The Town Council supports this application and apposite comments/observations made previously still apply. For the avoidance of doubt, the Town Council reiterates its original representation, which was submitted on 31/03/2020:

'Notes comments from Messrs Hall & Kenward relating to the aspect/orientation of the proposed building, however HHTC welcomes the application to provide improved accommodation and sporting facilities, supporting health and wellbeing policy objectives for the town.

Consideration for nets to screen the courts could be put up on the court fence to the south of the courts as this would screen 75% of the houses and the small parcel of land to the south of the clubhouse should have trees planted, under the guidance of MSDC tree officers.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays.

HHTC supports this application, subject to its comments outlined above.'

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MID SUSSEX DISTRICT COUNCIL

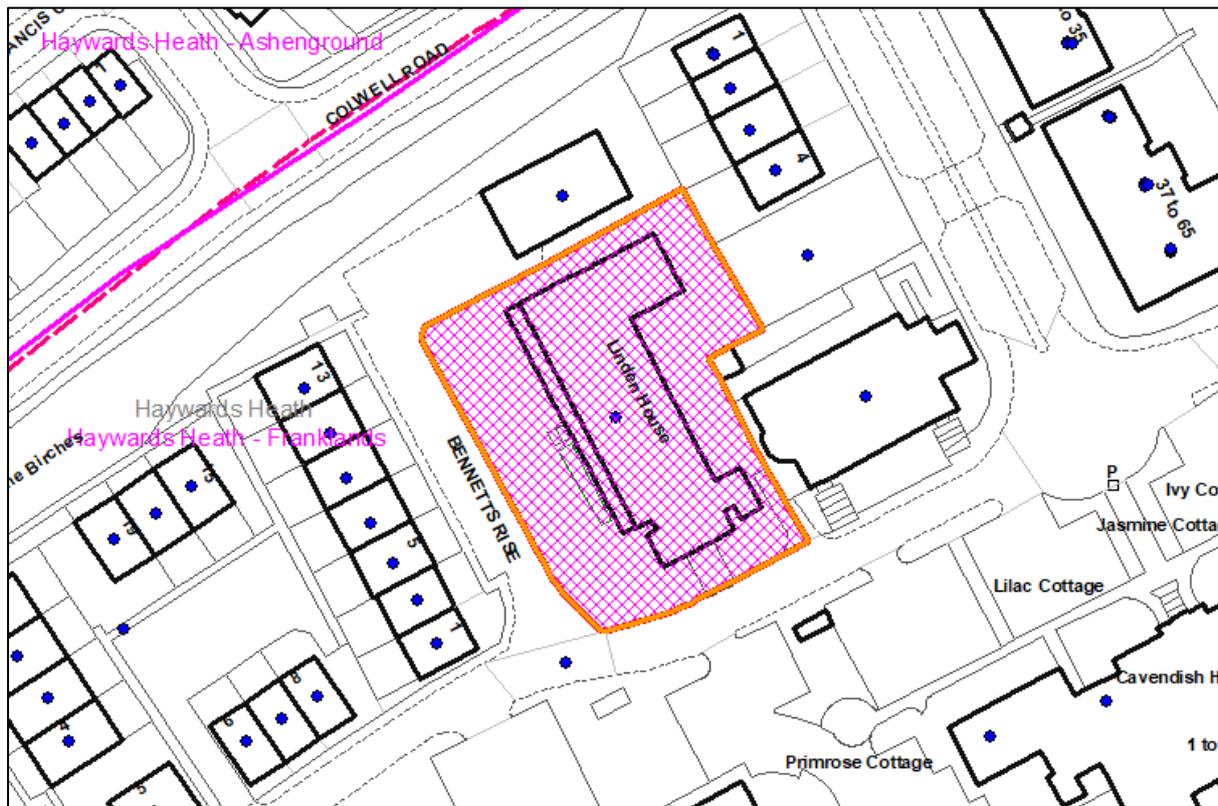
Planning Committee

**24 SEP 2020**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/18/0421**



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**LINDEN HOUSE SOUTHDOWNS PARK HAYWARDS HEATH WEST  
SUSSEX  
DEMOLISH EXISTING VACANT BUILDING AND ERECT 14 UNIT  
APARTMENT BLOCK.  
MR MARK HIBBERT**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / /  
Supplemental Planning Agreement / SWT Bat Survey

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th December 2019

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Joseph Swift

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks outline consent with access being the only reserved matter for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath.

This application was taken to committee on the 19th December 2019 where it was resolved to approve the application. Since that resolution it has come to light that the infrastructure contributions were not correct and the applicants solicitor had questioned the clarity on what would be required in the viability review. As such the application is returning to committee to clarify these matters.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Haywards Heath where the principle of development accords with Policies DP4 and DP6 of the Mid Sussex District Plan.

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Weighing in favour of the scheme is that the development will provide 14 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respects of a number of issues, such as design, neighbouring amenities, drainage, sustainable construction, contaminated land, space standards, biodiversity, parking, including the impact on the Ashdown Forest.

Weighing against the scheme is the proposal would cause less than substantial harm to the setting of the Listed Buildings. In addition the proposal has been found to not be viable if it has to provide affordable housing or infrastructure contributions.

Owing to the fact that the proposal is replacing an existing vacant and dilapidated building, pulling the building away from the Listed Building, while matching in with the design of similar sized new blocks constructed as part of the wider Southdowns Park development, it is considered to be at the lower end of the scale of less than substantial.

The proposal will be utilising a brownfield site, within the built up area boundaries of Haywards Heath and would be providing 14 residential units within a sustainable location while also generating economic benefits, through the new homes bonus, and additional spending from future residents and jobs during construction it is considered on balance the public benefits are considered to outweigh the identified harm.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP29, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved subject to the completion of a S106 to secure a viability review.

### **RECOMMENDATION A**

It is recommended that planning permission is granted subject to the conditions set out in Appendix A and to the completion of the S106 agreement to secure a viability review on the sale of 75% of the units for infrastructure contributions and affordable housing.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the viability review for the infrastructure payments and affordable housing provision by the 24th December 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

### **Haywards Heath Society:**

The society supports the proposal provided the appropriate percentage of affordable housing is supplied by the developer. The society expects MSDC to impose conditions which protect local neighbours during demolition and construction after development is complete.

12 letters of representation have been received raising the following issues:

- Noise and disturbance
- Dust and dirt
- Parking
- Loss of existing attractive building/architectural merit
- Damage to Bennetts Rise
- Asbestos within the original building
- Rats
- Drainage
- Loss of outlook
- Not sympathetic to the surroundings
- Highway safety
- Lack of affordable housing
- Site safety
- Existing roof beginning to collapse (safety concern)

## **SUMMARY OF CONSULTATIONS (full comments in appendices)**

### **Urban Designer:**

While this is an outline application, only access is reserved with approval being sought for appearance, landscaping, layout and scale. The proposed building is an unconvincing pastiche that unsatisfactorily articulates this substantial building and lacks the finesse and architectural interest of the existing building. At 4 rather than 3 storeys it is substantially larger than the existing building and will inappropriately impose upon its surrounds including the adjacent listed buildings and the modest 2 storey houses opposite. I therefore object to this planning application.

### **West Sussex County Council Highways:**

In principle, there are no particular highway concerns.

### **Street Naming and Numbering:**

Info 29

### **Environmental Protection:**

No objections subject to conditions.

### **Contaminated Land Officer:**

Approve with conditions.

**Leisure Officer:**

Contributions required towards children's playing space, formal sports and community buildings.

**Drainage Officer:**

No objections subject to conditions.

**Conservation Officer:**

I would consider the harm caused to the setting of the listed buildings and the manner in which their special interest is appreciated to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

**Ecology Officer:**

In conclusion, therefore, and subject to the public interest test, I am of the view that more thorough survey information could wait until the reserved matter submission.

**Haywards Heath Town Council:**

Acknowledging that previous applications have set a precedent for the development of this site, the Town Council supports this latest application in principle, subject to compliance with conditions.

**Housing Officer:**

Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit.

**WSCC Flood Risk Management:**

No Objections.

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**INTRODUCTION**

This application seeks outline consent for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath. Access is the only matter reserved for future approval and thus the details of the appearance of the building, landscaping, layout and scale are subject of this application.

This application was taken to committee on the 19th December 2019 where it was resolved to approve the application. Since that resolution it has come to light that the Infrastructure contributions were not correct and the applicants solicitor had

questioned the clarity on what would be required in the viability review. As such the application is returning to committee to clarify these matters.

## **RELEVANT PLANNING HISTORY**

The wider Southdowns Park has been subject to a number of planning applications. In respect of the site subject of the current application, it was resolved to grant consent in 2011 for:

11/00518/FUL: Conversion of existing building to provide 13 no. new units. Change of use from C2 (Hospital) to C3 (Residential). Provision of 30% affordable housing subject to further discussion with Mid Sussex District Council Enabling Manager.

However, the legal agreement was never completed and the application was not proceeded with.

## **SITE AND SURROUNDINGS**

Linden House is an imposing 3-storey building that is located on the northern side of the internal spine road, serving the Southdowns Park development, between Ashurst and The Chapel. The building was previously used in association with the hospital but has remained vacant for a number of years and occupies an elevated position on a grassed plateau. The building, in the main, is attractive and has a distinct character that differs from other buildings within the vicinity.

Immediately to the north of the building is the site office serving the current development (which will be removed from site), beyond which lies a tree belt to Colwell Road.

To the east of the Linden House is The Chapel a grade II Listed Building, which is occupied by a day nursery that has its outdoor space to the rear. A mature Monterey Pine, which has a Tree Protection Order (TPO), is located between The Chapel and four properties known as the Elms, which were converted under planning permission 09/02267/FUL.

To the west of the Linden House is Ashurst, which has been converted to 5 dwellings, with a further two allowed on appeal, constructed on its southern end. Between the Linden House and Ashurst, is a newly created access road that serves a parking area at its northern end.

To the south lies the internal spine road for the Southdowns Park development, with parking areas and the main listed building beyond.

The application site is designated as being within the built up area boundaries of Haywards Heath and is within the setting of the Grade II Listed Buildings The Chapel and Southdowns Park.

## **APPLICATION DETAILS**

This application seeks outline consent for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath. Access is the only matter reserved for future approval and thus the details of the appearance of the building, landscaping, layout and scale are subject of this application.

The existing building to be demolished measures some 36.5 metres in width, by a maximum of 19 metres in depth with an eaves height of 9.2 metres and an overall height of 13.7 metres. The existing building is three storey in height, it is a distinctive building with a number of attractive features. However it has remained vacant for a number of years and its condition is deteriorating .

Plans show that the proposed dwelling would measure some 36.5 metres in width, by 15 metres in depth, with an eaves height of 10.7 metres and an overall height if 14.8 metres. The proposed replacement building would be four storeys in height, the plans show that the proposal is to be constructed of a slate roof, facing brickwork with red brick banding and timber sash windows. 14 parking spaces are to be provided to the western (front) of the building and the proposal would provide a bin store and cycle store to the eastern (rear) of the replacement building.

The proposed building will be moved west slightly, providing a larger gap of 13 metres from the Grade II Listed Building, The Chapel, while maintaining a distance of 21 metres to the dwelling to the western (front) of the proposed building and a distance of 21 metres from The Elms to the eastern (rear) elevation.

The proposal would provide 14 units in total, with ground floor, first floor and second floor each providing 4x 2 bedroom units and the third floor providing 2x 3 bedroom units.

The application has already been approved by planning committee. However, it has been brought back to planning committee to correct the infrastructure contributions required by WSCC, as these were calculated at a rate for houses rather than flats, as such a revised Infrastructure contributions are required as set out within Appendix B and the infrastructure section of this report. In addition, it is to make it clear to members that the viability review at the sale of the 75 per cent of the units is a mechanism for applications where policy requirements are not met in full at the time permission is granted.

As set out within the development viability SPD:

*'A viability review will determine whether a development is capable of providing additional affordable housing or meeting other unmet policy requirements, deemed unviable at planning application stage through the Submission VA'*

As such the viability review is to assess if the proposal is capable of providing affordable housing as set out within Policy DP31 of the District Plan and Infrastructure Contributions as set out within Policy DP20 of the District Plan.

## **LIST OF POLICIES**

## **Mid Sussex District Plan 2014-2031**

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

Policy DP4: Housing  
Policy DP6: Settlement Hierarchy  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP20: Securing Infrastructure  
Policy DP21: Transport  
Policy DP26: Character and Design  
Policy DP27: Dwelling Space Standards  
Policy DP29: Noise, Air and Light Pollution  
Policy DP30: Housing Mix  
Policy DP31: Affordable Housing  
Policy DP34: Listed Building  
Policy DP38: Biodiversity  
Policy DP39: Sustainable Design and Construction  
Policy DP41: Flood Risk and Drainage

## **Haywards Heath Neighbourhood Plan (Dec 2016)**

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

Relevant policies include:

Policy E6: Green Infrastructure  
Policy E7: Sustainable Drainage Systems  
Policy E8: Sustainable Design  
Policy E9: Local Character  
Policy E13: Amenity Space  
Policy T1: Pedestrian and Cycle Connections  
Policy T2: Funding of Cycle Routes  
Policy T3: Parking Provision  
Policy H8: Housing Development within the Built up Area Boundary

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Affordable Housing Supplementary Planning Document (Jul 2018)

Development Viability SPD (July 2018)

## **Design Guide SPD**

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds

appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

## **National Policy and Legislation**

### *National Planning Policy Framework (NPPF) (February 2019)*

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. 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 paragraph 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: Nationally Described Space Standard (Mar 2015)**

#### **ASSESSMENT**

The main issues for consideration are:

- The principle of development;
- The design and visual impact;

- Impact on the setting of the Listed Building;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Sustainability;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Standard of accommodation; 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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan (2018) together with the Haywards Heath Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

The site falls within the built-up area of Haywards Heath as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan.

Policy DP4 of the District Plan identifies a minimum District housing requirement of 16,390 dwellings between 2014 and 2031. It sets out a spatial strategy of focusing the majority of housing at Burgess Hill, with the remainder as sustainable developments elsewhere. To this end, a settlement hierarchy has been developed which identifies five categories of settlement within Mid Sussex.

Haywards Heath is identified in this policy as a Category 1 settlement, the largest settlement category in Mid Sussex. Category 1 settlements are defined in Policy DP6 of the District Plan as a "Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements."

Policy DP6 states (in part):

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

*"The growth of settlements will be supported where this meets identified local housing, employment and community needs."*

The site is considered suitably sustainable in location and the proposal is considered to be of an appropriate nature and scale within the built up area. Therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF. At Neighbourhood Plan level, Policy H8 is relevant and states:

*"Policy H8: Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:*

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

It is considered that the proposal also meets the criteria within this policy.

Thus, the principle of this development is deemed acceptable in line with the above development plan policies and the NPPF.

## Design and visual impact

Policy DP26 of the District Plan states:

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

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

A similar ethos is found within Policy E9 of the Haywards Heath Neighbourhood Plan which states:

*"Policy E9: 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."*

Principle DG38 of the Mid Sussex Design Guide SPD (Design buildings with architectural integrity and a sense of place) States:

*'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.*

*The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.*

*Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

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

The Council's Urban Designer has raised concerns about the proposal, as he is of the opinion that the proposed building does not have the finesse and architectural interest of the existing building, it is 4 storey instead of 3 making it substantially larger than the existing building.

It is not considered that the proposed building will appear substantially larger than the existing building, with the proposal having a similar sized footprint and only 1.1 metre higher, as it will no longer be set on raised ground, furthermore, the 4th storey would be contained within the roof slope. While it is accepted that the existing building is of some architectural merit, the building has been vacant for a number of years and has fallen into a serious dilapidated state. Within the applicants design statement it set out that the design has been informed by existing St Francis block (Kendall Court and Park West) and the new build blocks (Kendall Heights and Lockhart Court). Although not having the architectural finesse of the existing building,

the applicants are seeking to reflect the design of the new blocks already approved within the wider Southdowns Park development.

This, combined with the fact that the proposal would be replacing an existing building that is vacant and continues to deteriorate, with a new building block which is in-keeping with the character of other blocks within the wider Southdowns Park, on balance the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the street scene and would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Because of a number of similar designed developments already approved within Southdowns Park, it is not considered that there is a robust justification to refuse permission in this case.

### **Impact on the setting of the Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that:

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

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

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

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraphs 192-196 of the NPPF are relevant, as follows:

*192. In determining applications, local planning authorities should take account of:*

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

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

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

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

The Council's Conservation Officer has been consulted on the merits of the application and her comments are set out within Appendix A. She considers that the proposal would result in less than substantial harm to the setting of the Listed Buildings.

This identified 'less than substantial harm' would need to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990. This is clear from recent case law on the subject.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report.

### **The impact on neighbouring amenity**

Policy DP26 of the District Plan states in part that proposals should:

*'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'.*

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

H8 requires residential amenities to be safeguarded, while DP26 of the Mid Sussex District Plan states that development should not cause significant harm to neighbouring amenities. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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

Within the built up area boundaries a degree of overlooking is considered acceptable, furthermore a back to back distance of 21 metres is considered acceptable. The proposed apartment block is moved slightly west and would provide a distance of 21 metres back from the Elms to the east and 21 metres from the dwellings to the western (front) elevation. The proposal would not provide a distance of 21 metres from The Chapel, however, this is a commercial premises used as a nursery and the proposal would provide a better degree of separation than the existing building. Consequently, the resulting relationships are not considered to cause a significant detrimental impact upon neighbouring amenities in terms of overlooking and a loss of privacy.

Owing to these distances of 21 metres and an improved separation to The Chapel it can also be reasonably concluded that the proposal would not have a significant detrimental impact in terms of reduction in sunlight and daylight.

Concerns have been raised in regards to noise and disturbance and dust crossing the site boundary, the Council's Environmental Protection Officers have been consulted on this application and have raised no objection to the proposal subject to conditions on hours of construction, deliveries and a Demolition and Construction Environmental Management Plan. These conditions will seek to address these concerns and subject to these conditions, it is not considered that the proposal would have a significant detrimental impact on neighbouring residential amenities in regards to the above mentioned policy.

## **Highways matters**

MSDP Policy DP21 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.'*

West Sussex County Council as the Local Highway Authority has commented on the application and have raised no objection in principle. Details on access would need to be considered at the reserved matters stage. While it is appreciated that the proposal only provides one car parking space per dwelling with no visitor spaces, the application site is within a sustainable location being within the built up area boundaries of Haywards Heath, with the proposal include cycle provision and being in close proximity to a bus stop outside the Princess Royal Hospital.

In light of the above it is considered that there is no conflict with the requirements of Policy DP21 of the Mid Sussex District Plan or the National Planning Policy Framework as concerns highway safety and congestion.

### **Drainage**

In accordance with both the Councils Drainage Officer and WSCC Flood Risk Management Comments, the means of drainage to serve the proposed development could be controlled by condition, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

### **Land contamination**

The NPPF Glossary defines Site investigation information as:

*"Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance."*

The Council's Contaminated Land Officer has recommended that conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

### **Sustainability**

DP39 of the District Plan states:

*All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*

- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

A similar ethos is found within Principle DG37 of the Mid Sussex Design Guide and within Policy E8 of the Haywards Heath Neighbourhood Plan which states:

*"Policy E8: New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:*

- *provision of recycling, including commercial waste within the scheme*
- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community."*

The proposal has been submitted with a sustainability statement which sets out the following:

- The proposal will be designed and constructed to meet building regulations
- Close proximity to bus stops
- Cycle parking
- Porous footpaths and surfacing
- Energy requirements to exceed current buildings regulations, with home information provided to each occupant.
- Efficient fixtures and fittings and water recycling

It has also been noted that the new dwelling would replace a building with considerably low energy efficiency.

The features listed are considered to satisfy the requirements of Policy DP39 of the District Plan, Policy E8 of the Haywards Heath Neighbourhood Plan and Principle DG37 of the Mid Sussex Design Guide.

## **Biodiversity**

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

in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

*"Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

*Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites."*

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

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

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

The Council's Ecology consultant has been consulted on this application. The ecology issue concerns the presence of bats within the existing building to be demolished and the standard of survey work that has been carried out to date. He has recommended, however, that subject to the public interest test, he is of the view that the further survey work can wait until the reserve matters submission. An appropriate condition could therefore be added to this outline planning permission, should it be granted. The proposal would provide economic and social benefits, with the addition of 14 small dwellings within the built up area of Haywards Heath at a time where national policy is to boost significantly the supply of housing. As such it is considered that subject to a condition requiring the additional information the proposal would comply with the above mentioned policies.

### **Habitats Regulations**

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

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

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

### Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

### **Infrastructure contributions**

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

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

and:

*"Planning obligations 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."*

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the completion of an appropriate legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

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 contributions necessary for this development are as follows:

*County Council Contributions:*

Education - Primary	£19, 880
Education - Secondary	£21,396
Education - 6th Form	N/A
Libraries	£4,994
Waste	N/A
Fire & Rescue	N/A
No. of Hydrants	0
TAD	£31,884

*District Council Contributions:*

Equipped play	£12,845	(Sandy Vale)
Kickabout facilities	£3,640	(Sandy Vale)
Formal sport	£15,470	(St Francis Sports Ground)

Community Buildings      £6,720      (improvements to Ashenground Community Centre)

Local Community Infrastructure £9,846

Although a proposal of this scale would normally require Infrastructure Contributions, the applicant does not consider that the scheme is viable with such financial contributions. As such the application is supported by a Viability Assessment which has been reviewed by the Council's independent consultants, Dixon Searle. The resulting viability review agrees with the applicant and has found the scheme would not be viable with them. This is set out within the Housing Officers comments:

*"although section 106 costs of £166,713 have been included in the assessment (and no affordable housing) the scheme is NOT VIABLE, allowing for profit at 17.5%, if any S106 costs are payable even if there is also no affordable housing. This is because the Residualised Price of £655,294 is still some £224,706 below the benchmark land value of £880,000 and the two figures must be equal for the scheme to be viable. Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit."*

Accordingly financial contributions to infrastructure would make the scheme unviable and thus are not being sought at the time permission is being granted. However, in accordance with the Council's Development Viability SPD

*'A viability review will determine whether a development is capable of providing additional affordable housing or meeting other unmet policy requirements, deemed unviable at planning application stage through the Submission VA'*

Therefore, the viability review will determine if the development is capable of providing infrastructure contributions once 75 percent of the units have been sold in accordance with DP20 of the Mid Sussex District Plan.

### **Affordable housing**

Members will be aware that affordable housing would normally be provided for developments of this scale.

Policy DP31 of the Mid Sussex District Plan states:

*"The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*

4. *a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
5. *free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs."*

As outlined above, the applicant has made submissions through a viability assessment to demonstrate that if the development included the required affordable housing provision, then the whole development would be rendered unviable.

These submissions have been made in the form of a report with financial information that has been subject to review by the Dixon Searl, an independent expert body on such matters. The full report is available to view on the planning file. However to summarise:

*"Following these latest clarifications, now inputted into our appraisal model, we consider the viability position as presented cannot support the inclusion of an affordable housing contribution."*

The local planning authority has no evidence of its own to counter this and officers therefore accept the position and conclude that, in this instance, affordable housing cannot be secured in line with local policy.

The Council's Housing team has confirmed this approach in their consultation response which confirms that it is not viable for the applicants to provide any Affordable Housing as part of the scheme. It recommends, however, a viability review clause in a S106 Agreement which will reassess the situation when the development is implemented. As such in accordance with DP31 the application can be accepted without affordable housing provision where significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability perspective.

### **Standard of accommodation**

Policy DP27 of the Mid Sussex District Plan states:

*"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."*

The proposed dwellings would range between 76 and 93 square metres in terms of internal floor space which would exceed the standards of 70 square metres for a 2 bedroom, 4 person, single storey unit as set out within the government's Technical House Standards - Nationally Described Space Standards. With the three bedroom, third floor flats ranging between 174 square metres to 192 square metres, which again exceeds the Technical Housing Standards - Nationally Described Space Standards document. Accordingly, the proposal would comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

### **Other matters**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

### **PLANNING BALANCE AND CONCLUSION**

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Weighing in favour of the scheme is that the development will provide 14 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if

permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respects of a number of issues, such as design, neighbouring amenities, drainage, contaminated land, space standards, sustainable construction, biodiversity, parking, including the impact on the Ashdown Forest.

Weighing against the scheme is the proposal would cause less than substantial harm to the setting of the Listed Buildings. In addition the proposal has been found to not be viable if it has to provide affordable housing or infrastructure contributions.

Owing to the fact that the proposal is replacing an existing vacant and dilapidated building, pulling the building away from the Listed Building, while matching in with the design of similar sized new blocks constructed as part of the wider Southdowns Park development, it is considered to be at the lower end of the scale of less than substantial.

The proposal will be utilising a brownfield site, within the built up area boundaries of Haywards heath and would be providing 14 residential units within a sustainable location while also generating economic benefits, through the new homes bonus, and additional spending from future residents and jobs during construction it is considered on balance the public benefits are considered to outweigh the identified harm.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP29, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Approval of the details of the access (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 must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter 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.

2. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls, roof windows and doors of the proposed apartment block 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

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. (The pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period).

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. 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 District Plan (2014 - 2031).

4. The reserved matters application must be supported by full bat survey data and a report prepared in accordance with current best practice guidelines published by the Bat Conservation Trust and BS4220: 2013 Biodiversity Code of practice for planning and development. Details must also be provided of mitigation and compensatory roost provision (both temporary to cover the demolition phase and long-term to provide replacement roosts within the new building, which in accordance with the district plan and NPPF policies should aim to provide an overall enhancement of roosting opportunities. The approved details shall be implemented in full and the appropriate licence obtained from Natural England prior to demolition.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

5. 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.

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 (5)c that any remediation scheme required and approved under the provisions of condition (5)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 (5) c."

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 (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. 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 and to accord with and Policy DP21 of the Submission Draft District Plan (2014 - 2031).

7. No dwelling shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include 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 E9 of the Haywards Heath Neighbourhood Plan.

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

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Haywards Heath Neighbourhood Plan.

9. Construction hours: Works of demolition and/or construction, 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 and to accord with Policy DP26 of the Mid Sussex District Plan.

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan.

11. Demolition and Construction Environmental Management Plan: Prior to the commencement of the development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, arthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan in accordance with best practice for example as detailed in the IAQM Guidance on the assessment of dust from demolition and construction.
- artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.
- The method of access and routing of vehicles during construction.
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.
- The demolition and construction works shall thereafter be carried out at all times in accordance with the approved demolition and 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 demolition and/or construction and to accord with Policy DP26 of the Mid Sussex District Plan.

12. The development hereby approved shall be carried out to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings.

Reason: To accord with Mid Sussex District Plan Policy DP28 which seeks to maintain a high standard of accessibility.

13. No development shall be carried out above ground slab level unless and until details of charging points ducting for electric cars to be provided on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details and thereafter retained unless otherwise agreed in writing by the Council.

Reason: To provide for the use of low emission cars in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

#### INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. No burning of demolition/construction waste materials shall take place on site.
3. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.
4. 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.

#### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	1720/1/0101		29.01.2018
Block Plan	1720-1/0201		29.01.2018
Block Plan	1720-1/0202	A	27.02.2018
Proposed Floor Plans	1720-1/0401	A	27.02.2018
Proposed Elevations	1720/1/0402	A	27.02.2018

Street Scene	1720/1/0403	A	27.02.2018
Existing Elevations	1720/1/0302		29.01.2018
Street Scene	1720/1/0303		29.01.2018
Existing Floor Plans	HH/LD/05		29.01.2018

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Acknowledging that previous applications have set a precedent for the development of this site, the Town Council supports this latest application in principle, subject to compliance with the following conditions:

1. the development must deliver a 30% affordable housing element, i.e. a minimum of 4 units. This is perfectly feasible, given the sustainable location of the site where there is already a well-established mix of open market/affordable housing dwellings. For the avoidance of doubt, failure to comply with this condition would conflict with the objectives of the Haywards Heath Neighbourhood Plan and would be contrary to Policy DP31 of the Mid Sussex District Plan 2014'2031, and would result in the Town Council objecting to the application in the strongest terms possible;

2. no development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved by the local planning authority. Thereafter, the approved CMP shall be implemented and adhered to throughout the construction period. The CMP shall include and give details for, but not be limited to, the following:

- the method for handling deliveries associated with demolition/construction. Vehicles must be prohibited from stacking in the vicinity of the site;
- the provision of high standard and effective wheel washing facilities required to mitigate the impact of construction upon the public highway;
- the provision of parking for site operatives' and visitors' vehicles. Given the location of the site, in an area of relatively high density residential development where unallocated parking facilities are limited, contractors must be prohibited from parking their vehicles en masse in the immediate vicinity of the site. Suitable alternative arrangements must be made;
- a scheme to protect neighbouring properties from dust and noise emissions, particularly during the demolition phase. Residents of properties that have elevations which face the site, notably those in Bennetts Rise, The Elms and the Busy Bees Nursery School (housed in the Chapel), must be given the option of having their properties professionally cleaned at the developers' expense and at an appropriate juncture. Furthermore, in order to safeguard the well-being of the children attending the Busy Bees Nursery School, the developers shall liaise with the Nursery Manager and agree, in writing, the exact dates when demolition works will take place;
- a requirement for all vehicles carrying loose materials, e.g. earth-moving lorries, to have tonneau covers. This will prevent the materials from being accidentally jettisoned whilst in transit;

3. demolition or construction works, including any associated deliveries, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays or Public Holidays. Furthermore and for the avoidance of doubt, demolition works shall not take place on Saturdays, and scaffolding shall not be erected or taken down outside the permitted hours;

4. if the development is to be serviced by larger, Eurobin facilities ' which will be collected by a commercial operator ' no collections shall be permitted before 0700 hours, in order to protect resident amenity;

5. in order to future-proof the development, trunking shall be laid to enable all 14 units to have their own electric car charging point.

The Town Council notes and shares the concerns raised by local residents relating to the minimal parking provision, i.e. 1 space per unit and no designated visitor spaces.

In the event that the application is approved, the Town Council requests that developer Section 106 contributions for local community infrastructure ' estimated at between £7,126 and £7,850 ' are allocated towards improvements to Commercial Square Roundabouts as included in the West Sussex County Council Atkins Study.

#### **Conservation Officer:**

Will has asked me to provide final comments on the above application as no further information has been forthcoming regarding the existing building on the site.

On the basis of the limited information in front of me I would be of the view that the existing building is of some interest and that although not in itself a designated heritage asset makes a positive contribution to the setting of the nearby listed chapel and hospital, partly for its attractive and characterful appearance and partly for the evidential value it has with respect to the earlier hospital use of the site. Furthermore I consider that the proposed replacement building does not show the same potential historic interest or quality of design or detailing and would not make the same contribution to the setting of the adjacent heritage assets. I therefore consider that the proposal is harmful to the setting of the listed chapel and hospital, which would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the setting of the listed buildings and the manner in which their special interest is appreciated to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

#### **Drainage Officer:**

Recommendation: No objection subject to conditions

#### **Summary and overall assessment**

This proposed development will need to fully consider how it will manage surface water runoff. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing

greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. This is inclusive of brownfield developments.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible 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 attenuate surface water with controlled outflow to local system.

#### Foul Water Drainage Proposals

It is proposed that the development will utilise existing system

#### Suggested Conditions

##### C18F - Multiple Dwellings

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. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

**Ecology Officer:**

Thank you for forwarding the response from the applicant's bat consultant and also confirming that this is only an outline application, as this wasn't clear in the formal consultation request. This being the case, then the key consideration is whether bat impacts might be sufficient to warrant refusal or whether, in principle, adequate mitigation and compensation measures are feasible to comply with the requirements the NPPF and to secure the necessary licence for destruction of bat roosts from Natural England.

For a licence to be granted, Natural England must be satisfied that the proposal will not be 'detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'; they must also ensure that there is an overriding public interest (which requires weighing the conservation impact against any social, economic or environmental benefits of the proposal) and that there is no satisfactory alternative.

In the absence of more thorough survey information, I would have to advise that any planning decision is based on a worst-case scenario of what could be present, not on the limited information about roosting bats that has been presented thus far. I think it unlikely, given the location and context of the building that it will support any rarer Annex II species. However, it is entirely feasible that the building is used by other species, either not present or missed by the survey (especially given the survey limitations admitted by the bat consultant in the recent email). It is also possible that a maternity roost could have been missed by the late timing of the survey and that greater numbers of bats use the building over the seasons. Also, I am not convinced that hibernation potential can be ruled out based on the information submitted.

Given these factors, I cannot be confident that there would be only be low impacts and that demolition could lawfully take place under the 'low-impact' class licence without further survey effort to provide confidence in the initial results and conclusions (even the consultant's report (para 6.1) acknowledges the potential for bat use of the roof and hanging tiles to vary over the year. However, if MSDC are satisfied that, taking into account all other material considerations, that granting consent would be in the public interest, which can include social and economic benefits, then I would consider it feasible, for adequate compensation and mitigation, informed by more thorough survey work, to be designed that would enable a licence covering greater impacts to be obtained. In conclusion, therefore, and subject to the public interest test, I am of the view that more thorough survey information could wait until the reserved matter submission.

However, if MSDC is minded to grant outline consent on this basis, to ensure that any reserved matters application can be determined in accordance with legal and policy requirements, it is essential that supporting information follows best practice or that any departure is justifiable on ecological grounds. Whilst it is true that guidelines are not absolute rules and that professional judgement should be used to design appropriate and proportionate surveys, this does not mean that accepted best practice guidelines can simply be disregarded without proper justification and it certainly isn't an excuse for lowering standards. It should be noted that the current guidelines already aim at proportionality and the number of surveys given is the minimum recommended based on whether a building or structure has low, moderate or high potential. Justification for

departure from guidelines means being able to demonstrate how adequate information will still be obtained to enable a proper impact assessment; it is not sufficient to simply assert that, in the consultants opinion, the minimum guidelines do not need to be followed in any particular case.

Whilst the most recent email from the consultant alludes to the condition of the building being dangerous, reducing visibility of the roof, this if anything would make more surveys necessary rather than fewer because of the increased risk of bats being missed by a single survey. A dawn survey for example, when bats often display swarming activity around a roost entrance, can improve detectability for bats returning to roost around dawn so can be an important component of a suite of surveys. Also, I am surprised that the problems of viewing the roof properly were not mentioned the constraints section of the survey report. Survey designs must account for any constraints and ensure that there are sufficient surveyors / visual aids such as IR cameras (which can be used to zoom in on higher features that are not clear to the naked eye) to provide reliable conclusions about the presence or absence of bats on any given survey visit. If the building is genuinely in such a dangerous state as to make proper surveys unfeasible, then evidence of this needs to be provided by an appropriately qualified building professional as demolition in the absence of adequate survey would require a careful consideration of fairly complex legal issues—a licence from Natural England only covers roosts that have been identified from surveys, it does not provide any legal cover for destruction of roosts that have been missed.

To ensure better information is available to support a reserved matters application, then if MSDC is minded to grant outline consent, I would recommend that this is subject to the following condition:

"The reserved matters application must be supported by full bat survey data and a report prepared in accordance with current best practice guidelines published by the Bat Conservation Trust and BS4220: 2013 Biodiversity Code of practice for planning and development. Details must also be provided of mitigation and compensatory roost provision (both temporary to cover the demolition phase and long-term to provide replacement roosts within the new building, which in accordance with the district plan and NPPF policies should aim to provide an overall enhancement of roosting opportunities. The approved details shall be implemented in full and the appropriate licence obtained from Natural England prior to demolition.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF."

#### **Haywards Heath Town Council:**

Acknowledging that previous applications have set a precedent for the development of this site, the Town Council supports this latest application in principle, subject to compliance with the following conditions:

1. the development must deliver a 30% affordable housing element, i.e. a minimum of 4 units. This is perfectly feasible, given the sustainable location of the site where there is already a well-established mix of open market/affordable housing dwellings. For the avoidance of doubt, failure to comply with this condition would conflict with the objectives of the Haywards Heath Neighbourhood Plan and would be contrary to Policy DP31 of the Mid Sussex District Plan 2014-2031, and would result in the Town Council objecting to the application in the strongest terms possible;

2. no development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved by the local planning authority. Thereafter, the approved CMP shall be implemented and adhered to throughout the construction period. The CMP shall include and give details for, but not be limited to, the following:

- the method for handling deliveries associated with demolition/construction. Vehicles must be prohibited from stacking in the vicinity of the site;
- the provision of high standard and effective wheel washing facilities required to mitigate the impact of construction upon the public highway;
- the provision of parking for site operatives' and visitors' vehicles. Given the location of the site, in an area of relatively high density residential development where unallocated parking facilities are limited, contractors must be prohibited from parking their vehicles en masse in the immediate vicinity of the site. Suitable alternative arrangements must be made;
- a scheme to protect neighbouring properties from dust and noise emissions, particularly during the demolition phase. Residents of properties that have elevations which face the site, notably those in Bennetts Rise, The Elms and the Busy Bees Nursery School (housed in the Chapel), must be given the option of having their properties professionally cleaned at the developers' expense and at an appropriate juncture. Furthermore, in order to safeguard the well-being of the children
- attending the Busy Bees Nursery School, the developers shall liaise with the Nursery Manager and agree, in writing, the exact dates when demolition works will take place;
- a requirement for all vehicles carrying loose materials, e.g. earth-moving lorries, to have tonneau covers. This will prevent the materials from being accidentally jettisoned whilst in transit;

3. demolition or construction works, including any associated deliveries, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays or Public Holidays. Furthermore and for the avoidance of doubt, demolition works shall not take place on Saturdays, and scaffolding shall not be erected or taken down outside the permitted hours;

4. if the development is to be serviced by larger, Eurobin facilities - which will be collected by a commercial operator - no collections shall be permitted before 0700 hours, in order to protect resident amenity;

5. in order to future-proof the development, trunking shall be laid to enable all 14 units to have their own electric car charging point.

The Town Council notes and shares the concerns raised by local residents relating to the minimal parking provision, i.e. 1 space per unit and no designated visitor spaces. In the event that the application is approved, the Town Council requests that developer Section 106 contributions for local community infrastructure - estimated at between £7,126 and £7,850 - are allocated towards improvements to Commercial Square Roundabouts as included in the West Sussex County Council Atkins Study.

#### **Contaminated Land Officer:**

The application looks to create 14 residential apartments.

As part of the application a Preliminary Contamination Risk Assessment has been undertaken by Environmental Assessment Services Limited, revised May 2018, 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 and current uses of the site that further testing is required at the application site, with regards to gas, if it is to be used for residential apartments.

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 Practise; 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 Preliminary Contamination Risk Assessment has been undertaken by Environmental Assessment Services Limited, revised May 2018 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.

**Leisure Officer:**

Thank you for the opportunity to comment on the plans for the development of 14 residential dwellings on Linden House Southdowns Park Haywards Heath West Sussex RH16 4SL on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

**CHILDRENS PLAYING SPACE**

Sandy Vale, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £16,485 is required to make improvements to play equipment (£12,845) and kickabout provision (£3,640). 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 £15,470 is required toward formal sport facilities at the St Francis Sports 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 £6,720 is required to make improvements to Ashenground Community Centre. 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.

**Street Naming and Numbering:**

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.

**Urban Designer:**

Summary and Overall Assessment

While this is an outline application, only access is reserved with approval being sought for appearance, landscaping, layout and scale. The proposed building is an unconvincing pastiche that unsatisfactorily articulates this substantial building and lacks the finesse and architectural interest of the existing building. At 4 rather than 3 storeys it is substantially larger than the existing building and will inappropriately impose upon its surrounds including the adjacent listed buildings and the modest 2 storey houses opposite. I therefore object to this planning application.

#### Proposed Demolition of the Existing Building

The existing building is a fine arts and crafts style building dating from the early 20th Century featuring well sculpted brick chimneys and elegant timber windows in addition to a rich variety of facing materials that animate the facades. While there have been the odd unsympathetic addition, it has largely retained its original detailing and charm, and I agree with Emily Wade's assessment that it contributes positively to the setting of the adjacent listed buildings.

#### Proposed Development

The scale of the building is significantly greater than the existing building. While the overall ridge height is shown no higher, the overall measurements of the elevations are significantly greater:

The elevations including the roof are 1.5m higher with the removal of the raised grass embankment that the current building sits on.

The proposal features much more vertical facing; not only is the eaves line higher (rising to 10.3m compared to 8.7m), but the building also features gabled bays that rise vertically 14.2m from the new ground level (by comparison the apex of the gabled dormers are 11.5m high from the existing ground level).

The proposal is 4 storeys compared to the existing 3 storeys.

The differences in the overall dimensions are further exacerbated by the weak articulation of the proposed building that does not successfully breakdown its greater massing resulting in monolithic and bland frontages. In particular, the windows are overly repetitive and the fake chimneys are weak features. The windows have shallow window reveals and not the deep windows that are a feature of Victorian-era houses (but are rarely achieved on contemporary buildings because of modern insulation requirements), and without them the elevations will also lack depth. The highly visible south elevation has a high proportion of blank façade and unlike the existing building does not satisfactorily address its road frontage position.

The proposed neo-classical language is a poor pastiche and lacks the strong order associated with this style, with inconsistently proportioned windows that are weakly graduated. The 3rd floor windows are more crudely designed with flat window heads that is at odds with the other arched windows; and the dormers will generate a plethora of downpipes (not shown on the drawing) that will clutter these parts of the façade.

On the east elevation the "blank" windows disrupt the window pairings. If insulation requirements prohibit deep reveals (that is normally the case), they are likely to look especially unconvincing.

The front threshold parking at the front has provided insufficient space for soft landscaping and tree planting, and the right-angle configuration may cause vehicle headlight and noise nuisance for the ground floor flats.

I also question the internal plan. The kitchen-diners on flats G2 and G3 have no windows directly serving them. The bedrooms on flat G4 will have a poor outlook because of the proximity of the bi store. While the top floor flats are generous, they need to show the areas with height restrictions.

### **WSCC Flood Risk Management:**

#### Flood Risk Summary

Modelled surface water flood risk: Low risk

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

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

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

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

Modelled ground water flood risk susceptibility: Low risk

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

Ground water contamination and Source Protection Zones.

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

Records of any flooding of the site: No

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. Records show that a location approximately 50m from the site has experienced surface water flooding.

Ordinary watercourses nearby: No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses across the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

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

The Drainage Assessment for this application proposes that sustainable drainage techniques (below-ground attenuation with possible permeable paving) would be used to control the surface water run-off from this development, with discharge to the main sewer at

Greenfield 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.

#### **WSCC Highways:**

It's noted that the site benefits from outline planning permission covering the redevelopment of the site as a whole for residential. A detailed application was submitted for the conversion of Linden House in 2011. This however was not determined. The current application seeks outline permission only with matters of layout, landscaping, and scale to be approved at this time. Although not to be approved, access is effectively achieved only via Bennetts Rise.

The development is served by way of series of privately maintained roads. As West Sussex County Council in its role as Local Highway Authority have no responsibility for any of these roads, the following comments are for the advice of the Local Planning Authority only.

In principle, there are no particular highway concerns. Access is indicated to be via Bennetts Rise, which is an existing road within the site. Parking is provided as one space per dwelling. It's not apparent upon what standards or guidance the number of parking spaces has been based upon. Typically it would be expected for the WSCC Parking Demand Calculator or other comparable information (i.e. Census car ownership data) to be used to forecast likely demands. In considering this application, the Local Planning Authority may wish to request additional supporting information covering such matters.

### **PLANNING SERVICES DIVISION: SECTION 106 CONSULTATION RESPONSE**

**DATE: 18<sup>th</sup> August 2020**

**FROM: Naomi Hoyland**

**DISTRICT/BOROUGH COUNCIL: Mid Sussex**

**Application Number: DM/18/0421**

**The Provision of Service Infrastructure Related to Linden House, Southdowns Park, Haywards Heath, West Sussex**

**Planning Application details – Demolish existing vacant building and erect 14 unit apartment block.**

**Summary of Contributions**

<b>Education</b>			
School Planning Area	0		
Population Adjustment	30.0		
	Primary	Secondary	6th Form
Child Product	0.1500	0.1500	0.0000
Total Places Required	1.0500	0.7500	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£4,994		
Population Adjustment	30.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	15		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	30.0		
Net Parking Spaces	14		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

**Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£19,880
<b>Education - Secondary</b>	£21,396
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£4,994
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£31,884
<b>Total Contribution</b>	<b>£78,154</b>

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3<sup>rd</sup> Edition ( Appendix 5)*

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council

service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1<sup>st</sup> September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1<sup>st</sup> April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 14 net dwellings, and an additional 14 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2021. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**

- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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 small scale improvements at Oathall Community College.

The contributions generated by this proposal shall be spent on additional stock at Haywards Heath Library.

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

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

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.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## **Breakdown of Contribution Calculation Formulas:**

### **1. School Infrastructure Contributions**

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The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these

categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

**School Contributions = TPR x cost multiplier**

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

**Child Product** is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2020/2021, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£18,933 per child**
- Secondary Schools- **£28,528 per child**
- Sixth Form Schools- **£30,939 per child**

## 2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,549** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2020/2021 period.

### 3. TAD- Total Access Demand

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The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2020/2021 is £1,450 per parking space.

**Infrastructure contributions = Car parking spaces x Cost multiplier**

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

**Sustainable transport contribution = (net car parking – occupancy) x 724**

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

cc: **Peter Sugden/Russell Allen, WSCC Library Services (via email)**  
**Vanessa Cummins, WSCC Children and Young People's Services (via email)**

Given the close proximity of existing neighbouring properties, in order to safeguard the amenity of residents, should approval be granted Environmental Protection recommends the following conditions. Given the proximity to a hospital, the proposed development is assessed as high risk with regard to potential dust effects. Mitigation and monitoring should therefore be secured by a suitable DCEMP (below):

Conditions:

Construction hours: Works of demolition and/or construction, 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.

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Demolition and Construction Environmental Management Plan: Prior to the commencement of the development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan in accordance with best practice for example as detailed in the IAQM Guidance on the assessment of dust from demolition and construction.
- artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.
- The demolition and construction works shall thereafter be carried out at all times in accordance with the approved Demolition and 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 demolition and/or construction.

Burning: 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.

Informative:

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint,

we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

**Housing Officer:**

I am enclosing a copy of the final development appraisal for the scheme ( \*\*\* see comment below) which shows that although section 106 costs of £166,713 have been included in the assessment (and no affordable housing) the scheme is NOT VIABLE, allowing for profit at 17.5%, if any S106 costs are payable even if there is also no affordable housing. This is because the Residualised Price of £655,294 is still some £224,706 below the benchmark land value of £880,000 and the two figures must be equal for the scheme to be viable. Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit.

MID SUSSEX DISTRICT COUNCIL

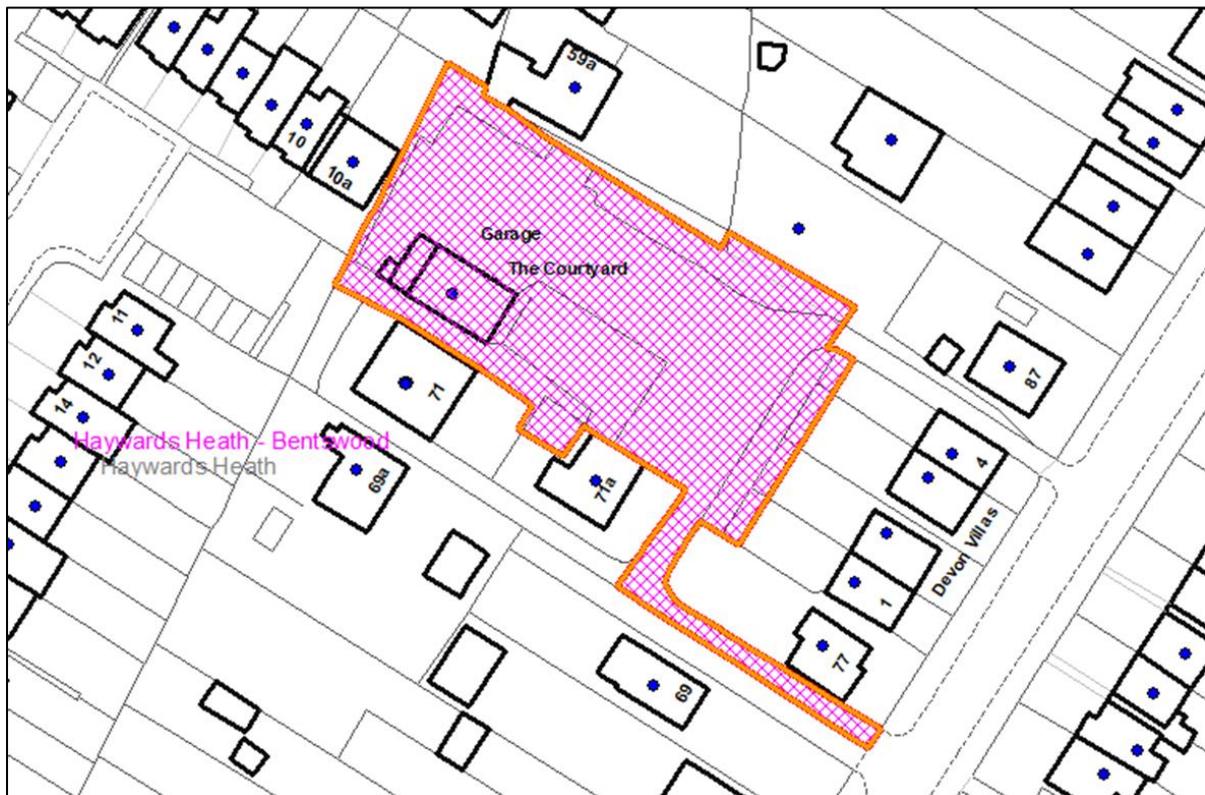
Planning Committee

**24 SEP 2020**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/20/0840**



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**PARKERS GARAGE THE COURTYARD WESTERN ROAD HAYWARDS HEATH**

**RESIDENTIAL DEVELOPMENT COMPRISING OF 4NO 3 BED SEMI DETACHED DWELLINGS AND 5NO 1 BED APARTMENTS. AMENDED PLANS RECEIVED 18TH JUNE SHOWING REVISED ELEVATIONS TO PROPOSED FLATS AND HOUSES.**

**FIRBANK LTD**

POLICY: Brownfield Land / Built Up Areas / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 2nd September 2020

WARD MEMBERS: Cllr Rachel Cromie / Cllr Stephen Hillier /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks full planning permission for the erection of 9 dwellings on Parkers Garage, The Courtyard, Western Road, Haywards Heath.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP). The National Planning Policy Framework (NPPF) is an important material planning consideration.

The site is allocated for residential development in the HHNP and therefore the principle of a residential development accords with policy H4 in the HHNP which forms part of the development plan for this area.

This is a constrained back-land site with level differences across the site and residential properties on all sides. It is considered that the proposed layout is satisfactory and strikes a reasonable balance between making optimum use of the site and not being overly hard edged and dominated by car parking. Whilst the site will not be readily visible from the street scene, it remains important for the proposed buildings to be well designed. It is felt that the revisions that have been secured to the elevations of the properties have improved the visual appearance of the scheme such that the design and layout accords with policy DP26 of the DP and policy E9 of the HHNP.

There are no objections to the proposal from the Highway Authority. The level of vehicular movements from the development will not cause a severe impact on the highway network. The proposed access to the site will be satisfactory. The site is a sustainable location where there are alternatives to the private car. The application is therefore considered to comply with policy DP21 of the DP and policy T1 of the HHNP.

The proposal should not cause a significant loss of amenity to the occupiers of any of the surrounding properties, thus complying with this element of policy DP26 in the DP.

The site can be satisfactorily drained, with the details controlled by a condition, thus satisfying policy DP41 of the DP and policy E7 of the HHNP. The infrastructure requirements of the development will be secured by a legal agreement, thus complying with policy DP20 of the DP. Any contamination of the site can be controlled by a planning condition to ensure it is suitable for its new use.

The proposal will provide 9 new dwellings in a sustainable location on a site allocated for residential development. The proposal will provide economic benefits during the construction phase and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus.

The proposal is considered to comply with the development plan. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

#### **Recommendation A**

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

#### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments by the 17th December 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

### Original plan

4 letters of objection received:

- would like reassurance that there won't be further intrusion from the development
- developer has damaged fence between 89a and 91a
- request that if approved conditions are imposed regarding working hours
- parking is inadequate and will make parking on Western Road impossible
- cars parked either side of the entrance will make the access dangerous
- who will be responsible for the upkeep of the roads

- land has not been used as a car hire area for years and vehicle movements are very low
- access will be a danger to those walking on Western Road
- no need for one bedroom flats in the area
- flats will loom over and impose on the rear gardens of Devon Villas
- double patio doors on flats will cause a nuisance to occupiers of Devon Villas and are grossly overbearing

### Amended plans

3 letters of objection received:

- what safety measures will be put in place to prevent a car / lorry / van etc. crashing into the side of my house or my neighbour
- It is utterly irrelevant what the traffic flow / use will be as it only takes one car to crash into the side of either house and someone could be killed
- concerned we will be overlooked as the trees proposed on the plans will not have any screening effect
- the proposed width of the access is 5m and this is insufficient for delivery vans to pass one another
- am concerned that if this happened a van may reverse blindly back onto Western Road
- access road has a 90 degree blind bend on it
- there is no delineated access or footpath for pedestrians for the development. As well as the proposed properties the existing 4 flats and 1 house and 1-4 Devon Villas have rights of access over the route
- opposite the proposed entrance is a heavily utilised primary school route and there is no consideration for how this new access road would be made safe for children to cross
- proposed development is not sufficiently screened from adjacent houses, including Devon Villas
- the depth of tree screening should be increased

### **Summary of Consultations**

#### **County Planning Officer**

Requires the following infrastructure contributions:

Education Primary £19,224  
 Education Secondary £20,690  
 Libraries £2,762  
 TAD £2,869

#### **Highway Authority**

No objection subject to conditions

#### **Southern Water**

Southern Water requests that if consent is granted, a condition is attached to the planning permission.

### **Sussex Police**

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

### **Environmental Health Officer**

No objection subject to conditions

### **Contaminated Land Officer**

No objection subject to conditions

### **Leisure Officer**

Requires infrastructure contributions:

Children's play space £8,740

Formal sport £9,302

Community buildings £5,335

### **Drainage Engineer**

No objection subject to conditions

### **Urban Designer**

An uninspiring design but because it has limited impact upon the wider public realm, I will not raise an objection. Please include conditions covering landscaping, boundary treatment and facing materials.

### **Trees and Landscape Officer**

Should permission be granted please condition the submission and agreement of soft landscaping to include species, size, quantity of replacement trees along with detailed planting guides and maintenance schedules.

### **Haywards Heath Town Council (original plans)**

Neighbouring residents complain of unneighbourly contractor behaviour on the site relating to damage, and concerns over loss of privacy. If the application is approved, HHTC asks that the Planning officer provides detailed written guidance to the developer outlining how any overlooking/privacy issues can be addressed to reduce any resultant harm.

The principle of development, aligned to HHNP policy is established, and noting that a S106 is in place, HHTC requires its S106 contributions be applied to Haywards Heath Cemetery and Nature Reserve both located opposite to the site to be developed.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays, together with wheel washing conditioned as top ensure the project is acceptable in planning terms.

### **Haywards Heath Town Council (amended plans)**

The Town Council notes the submission of amended plans and has nothing further to add to the comments that were submitted on 31/03/2020.

However, Members have noted the representation dated 15/04/2020 from Mrs Diana Botting regarding the fact that the only access to the development will be directly opposite the twitten leading to St. Wilfrid's Primary School in Eastern Road. Previously there were two points of access to the site, one in and one out. It is requested that Mid Sussex District Council's Planning Officer, in consultation with West Sussex County Council Highways, gives due consideration to the implications of this new arrangement for highway safety.

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## **INTRODUCTION**

This application seeks full planning permission for the erection of 9 dwellings on Parkers Garage, The Courtyard, Western Road, Haywards Heath.

## **RELEVANT PLANNING HISTORY**

Planning permission was granted under reference DM/19/1642 for the erection of a first floor on an existing bungalow at 71A Western Road. This consent has been implemented.

An application for the erection of 10 dwellings (reference DM/19/2777) at the site of the current application was withdrawn on 20th September 2019 by the applicants.

## **SITE AND SURROUNDINGS**

The site is a back land site to the west of Western Road in Haywards Heath. The site is at a lower level than Western Road. There are various changes in levels through the site with the land rising again to the northwest. The site is covered with hard standing and is used for external storage at present.

To the southeast are the residential properties known as Devon Villas and 77 Western Road. To the northeast there are two new residential properties that have been constructed close to the boundary of the site. 71A western Road was formally a detached split level bungalow that is at a higher level than the site. However the planning permission granted under reference DM/19/1642 has been implemented

and this is now a two storey building containing two flats. To the northwest are terraced houses at a higher level than the site.

The site is accessed via a single width access road that emerges onto Western Road. Immediately to the south of this and separated by a low hedge is another single width access road that serves the neighbouring back land properties to the northwest. There is also a single width access road to in between 4 Devon Villas and 87 Western Road that serves the new dwelling to the rear of 87 Western Road. This access is currently fenced off next to the new dwelling to the rear of 87 Western Road so it is not possible to access the site from this road.

The site lies within the built up area of Haywards Heath as defined in the District Plan. The site is also allocated for development in the Haywards Heath Neighbourhood Plan.

## **APPLICATION DETAILS**

The application proposes the redevelopment of the site to provide 4 x 3 bed semidetached houses and 4 x 1 bed apartments and 1 x 2 bed apartment. The semidetached houses would be located at the north western side of the site. The proposed houses would be designed so one half would have a gable to the front and rear and the other would have a flat roof dormer window to the front and rear. Whilst the houses are described as 3 bedrooms, the plans show a study/workspace in the loft. As the Local Planning Authority could not control the use of these attic rooms by condition for the purposes of assessing this planning application the houses will be treated as 4 bedroom units.

The houses would have brick elevations, with boarding on the gabled features and a plain tile roof.

The block of apartments would be positioned in the south eastern part of the site. These would be three storeys with the upper storey being in the pitched roof. The apartment block would measure 14.8m by 7.7m by 9.2m high. The block of flats would feature brick on the ground floor and stairway gable feature, boarding at first floor level and plain tiles on the roof. There would be four dormer windows in the northwest facing roof slope of the flats and two dormer windows in the southeast elevation.

The ground floor flats would be accessed via the side elevation of the building. The upper floor flats would be accessed via a central entrance located on the northwest elevation of the building.

Car parking for the development would be provided mainly within the centre of the site, together with two spaces adjacent to the block of flats. The plans show 13 car parking spaces in total. Bin and refuse stores for the flats would be located to the northwest of this building. The proposed houses would have cycle sheds in their rear gardens.

The access to the site would use the existing access road located on the southwestern side of the site. The hedge that separates the access road that serves

the site from the access that serves the houses to the northwest would be removed. This would allow the access road serving the development to be 5m in width.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

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  
DP30 Housing Mix  
DP37 Trees, Woodland and Hedgerows  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

### **Neighbourhood Plan**

#### **Haywards Heath Neighbourhood Plan (HHNP)**

The HHNP was made in 2016 and is part of the development plan for this part of Mid Sussex.

E7 Drainage  
E9 Design  
T1 Transport  
H4 Rear of Devon Villas

#### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

#### *SDP Development Infrastructure and Contributions (2018)*

### **National Policy and Legislation**

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. 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 'significantly boosting the supply of homes.'

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

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

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

*National Planning Policy Guidance (PPG)*

*National Design Guide*

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)  
*Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## **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;
- Design/layout
- Trees
- Access and Transport
- Neighbour amenity
- Housing Mix
- Drainage
- Infrastructure provision
- Contaminated Land
- 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.'*

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

In this part of Mid Sussex, the development plan comprises the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

Policy DP6 in the DP provides policy support for development within built up area boundaries. In addition to this policy H4 in the HHNP allocates this site for residential development. Therefore, the principle of a residential redevelopment of this site accords with the development plan.

### **Design and layout**

Policy H4 in the HHNP states:

*'Rear of Devon Villas (Site Area: 0.25ha)*

- Capacity: The site should provide for approximately 10 dwellings.*
- Form, Layout and Landscaping: Care will need to be taken in designing a scheme which respects the existing adjoining residential development and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its back land location.*
- Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development.'*

Policy DP26 in the DP 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.'*

National guidance in the NPPF is supportive of good design. At the local level the draft Mid Sussex Design Guide sets out what the Council considers to constitute good design principles.

This is an enclosed back-land site that is not readily visible from the street. Nonetheless it is important for the proposal to have a sound layout. It is considered that the layout of the site is acceptable. The scheme shows that there would be landscaping around the block of flats and around the car parking spaces. It is considered that the layout provides a reasonable balance between the requirements

to provide on site car parking with the need for an appropriate level of landscaping to prevent the layout from appearing too hard edged and dominated by car parking. This accords with the aims of policy DP26 and the draft design SPD.

With regards to the design of the individual buildings, the elevations of the flats have been amended during the application. It is now considered that the flats have more order in their appearance and that the dormer window do not dominate the roof slope.

The elevations of the houses have also been amended during the application. It is considered that the changes have improved the appearance of the house, which will fit in satisfactorily within their back-land setting.

Sussex Police have commented on the application and have not raised an objection to the scheme. The provision of lighting within the scheme and the provision of secure cycle storage can be controlled by a planning condition. The block of flats will have a secure private area for the ground floor units on the southeast side. A modest amenity area will be enclosed by metal railings with hedging to provide additional screening and privacy for occupiers. It is therefore considered the application is satisfactory in relation to design and crime prevention.

The applicants have stated that the proposal will incorporate high levels of insulation in the buildings, rain water will be collected in butts for garden use, aerated taps and showers will be used and hot water will be provided via Eco Cent cylinders with air source pumps. The application site is in a sustainable location and reuses a previously developed site. The application is therefore considered to comply with policy DP39 of the DP

### Dwelling space standards

Policy DP27 states that nationally described space standards for internal floor space will be applied to all new residential development. In the case of a 2 person 1 bed room unit the standard is 50sq m. In this case the apartments are shown as having a double bed, thereby suggesting they are 2 person flats. The proposed flats are 40sq m. This is below the national dwelling space standards. However, for a 1 person 1 bed flat, the standard is 39sq m. Given the fact that all the applicants would need to do would be to change the furniture that is shown on their floor plan from a double to a single bed, it is not considered that there would be a sustainable reason to resist the application based on this issue. It is considered that the flats would provide a satisfactory living environment for prospective occupiers.

The proposed houses are shown as having three bedrooms on the first floor and a study/office in the roof space. However, given the fact that it would not be possible to condition that the loft space remains as a study, the proposal should be assessed as being a 4 bed house. The floor area is shown on the plans as being 120sq m. The floor plans only show one double bed in the master bedroom and no beds in the remaining rooms. The national space standard for a 4 bedroom 7 person house arranged over three floors is 121sq m. Assessed against this the houses would be 1sqm short of the national space standard. Looking at the houses it is considered that they would provide a satisfactory living environment for prospective occupiers.

The marginal shortfall against the proposal when it is assessed as being a 4 bedroom 7 person house would not justify a refusal of planning permission on this ground.

## **Trees**

Policy DP37 of the DP seeks to support the protection of trees, woodland and hedgerows. It states:

*'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.*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

There are no protected trees within the site. However to the northwest within the garden of 10A Rothley Chase there is an Oak and a Beech that are covered by a group tree preservation order (TPO). To the southwest, outside of the site there is an Oak and a Beech that are also covered by the group TPO.

The proposed new house on plot 1 would be some 12m away from the Oak and Beech at its closest point. Given this distance, which is greater than the distance between these trees and existing buildings, it is not considered that there should be any adverse impact on these two trees from the proposal. The proposed new houses on plots 3 and 4 would be some 11.5m away from the Oak and Beech at its closest point. Given this distance, which is greater than the distance between these trees and 10A Rothley Chase, it is not considered that there should be any adverse impact on these two trees from the proposal.

There is a Silver Birch adjacent to the side elevation of plot 4 that would be removed. This tree is not protected and its loss is not objectionable. The plans also show new tree planting within the site, including on the northeast, southeast and southwest boundaries of the site, which can be secured by a planning condition.

The Council's Tree Officer has no objection to the application. In light of the above there is no conflict with policy DP37

### **Access and Transport**

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.*'

The proposal is to combine the access next to number 77 with the driveway of no 69a to widen the access route to the site. This would be a two way route serving the site and the existing dwellings at 71, 71A and 69A.

The Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority note that an inspection of recorded injury accidents near the site indicates there is no evidence the existing access is operating unsafely. They also note that the trip date provided with the application indicates that there would be a reduction in vehicular movements from the lawful use of the site.

Concerns have been raised by the occupier of 69 Western Road about vehicles crashing into the site of this property. These concerns are understood. However, the situation on the ground is that there is an existing access in this location that serves the site. The proposal is to remove the hedge that divides the access points in this location to combine them into one access road. Vehicle speeds would be low on this access road because it would be of a short length, a shared surface and there would be a 90 degree turn into the site. Therefore it is considered that the likelihood of a

vehicle crashing into either 69 Western Road or 77 Western Road whilst accessing the site is very low.

However, notwithstanding this point, if a vehicle were to crash into either of these two properties that adjoin the access road the results could be serious. Therefore it is considered it would be reasonable to require the details of the boundary treatment along this stretch of the access road to prevent such an event occurring. This could involve the provision of bollards alongside the side elevations of these properties. The details of this could be secured by a planning condition.

In light of the above and the comments of the Highway Authority, it is therefore considered that the proposed access into the site would be satisfactory for vehicles.

With regards to car parking, the Highway Authority have advised that the WSCC car parking demand calculator indicates a parking demand of 16 spaces, assuming they are allocated. The plans provide 13 allocated car parking spaces. It is considered that a balance needs to be struck between providing on site car parking, making optimum use of the site and ensuring that the development is not too hard edged and dominated by car parking. It is felt that a reasonable balance has been struck in this case. There are no car parking restrictions on Western Road and it is not anticipated that the level of car parking proposed for this development would result in on street car parking that would result in a highway safety hazard.

The access into the site would be 5m in width. The plans do not show a pavement adjacent to this access and there would not be a pavement within the site. The access road and parking/turning area within the site would be a shared surface. Manual for streets (MfS) provides guidance on the design of streets and is a material planning consideration. MfS advises that shared surface schemes work best in relatively calm traffic environments and states that in the absence of a formal carriageway, the intention is that motorists entering the area will tend to drive more cautiously. MfS advises that shared surface streets are likely to work best in short lengths or where they form cul-de-sacs, where vehicle volumes are below 100 vehicles per hour and where parking takes place in controlled or designated areas.

This scheme would accord with these criteria as the access road into the site is some 36m in length and goes to a cul-de-sac with allocated parking. It is therefore felt that the scheme is acceptable with the access and car parking/turning area being a shared surface. A condition can be used to control the details of the materials for the access road to ensure this is appropriate for a shared surface.

Reference has been made by objectors to the scheme to the public footpath that is opposite the site to the southeast, which provides a pedestrian link through to St Wilfrids C of E Primary School. There is a metal guard rail at the end of this footpath adjacent to Western Road to prevent pedestrians going straight across the road from the footpath. The concern that has been raised relates to the safety of pedestrians crossing Western Road to access the public footpath. Western Road is subject to a 30mph speed limit and there is no reason why pedestrians cannot cross the road safely at this point. The Highway Authority have raised no objection to the application based on pedestrian safety.

With regards to sustainability and policy T1 in the HHNP, the proposal is close to the town centre. It is therefore considered that there is not a requirement to deliver dedicated cycle connections with this scheme as these are in effect already in place given the ease of access from the site to the town centre.

The Highway Authority have requested that the applicant should provide three active and ten passive EV parking spaces. The applicants have stated that each house will be provided with an electric vehicle charging point and a further charging point will be provided for the flats. Policy DP21 does not mandate EV charging points in new developments but says they should be designed to incorporate such facilities where practical and viable. It is considered the application complies with the requirements of policy DP21 in relation to EV charging points.

### **Neighbour amenity**

Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

There is a dwelling to the north of the site at 59A Priory Way that is inset some 1.3m from the mutual boundary. This property is at a substantially lower level than the application site (some 3m lower). This property has one first floor window in its side elevation facing the site, which serves the stairway. 59A Priory Way would be broadly in line with the proposed dwelling on plot 4.

The proposal would have a significant impact on this side facing window as the new dwelling on plot 4 would be at a substantially higher level. However, as this window does not serve a habitable room it is not considered that this would cause a significant loss of amenity to the occupiers of this property. The proposal would introduce additional overlooking into 59A Priory Way from the first floor windows on the dwelling on plot 4. However, this is a built up area where a degree of mutual overlooking is to be expected.

There is a dwelling to the northwest of the site at 10A Rothley Chase. This has a first floor window in the side elevation facing the site, which serves the landing. Whilst the new dwellings on plots 3 and 4 would allow new overlooking into the rear garden of 10A Rothley Chase, this garden is already overlooked by the neighbouring house at number 10. Within a built up area, it is considered this relationship is acceptable and would not cause a significant loss of residential amenity.

The block of flats would be some 26m from the rear elevations of the houses at 2 to 4 Devon Villas. Devon Villas are at a higher level than the proposed block of flats. Whilst the block of flats would be three storeys in height, the upper storey would be in the roof space and served by dormer windows. It is not felt that the proposed flats would be overly dominant to the occupiers of Devon Villas and nor would there be an unacceptable degree of overlooking.

The block of flats would be located to the southwest of 87A Western Road, which is a newly constructed house in the applicant's ownership. The flats would be 5m away

from the side elevation of 87A Western Road. The first and second floor windows in the side elevation of the flats facing towards 87A are secondary windows and can be conditioned to be obscure glazed. With such a condition in place there would be no overlooking from these windows. Whilst the side elevation of the flats would be clearly visible from the rear garden of 87A Western Road, as it will be inset 4m from the mutual boundary it is not felt it would appear overly dominant.

To the southwest 71 Western Road contains flats in a two storey building with one flat on the ground floor and one on the first floor. There is also an office studio on the ground floor of the building. This is positioned on the north-eastern side of the building facing towards the application site. The planning history shows a series of temporary planning permissions for the use of part of the dwelling as an office in association with Parkers Garage, with the last temporary planning permission granted under reference HH/281/91 expiring on 12th December 1994. This building is in the ownership of the applicants.

More recently planning permission has been granted under reference DM/20/0122 for internal and external changes to the first floor flat. The approved plans show the first floor flat would have two bedrooms. The side elevation facing the application site would be amended so that there would be two high level secondary windows facing towards the application site. This property is in the ownership of the applicants.

The proposed house on plot 1 would be some 3.2m from the side elevation of 71 Western Road at its closest point. With the changes that are shown to the first floor flat under approved scheme reference DM/20/0122 it is considered that whilst the new house would be very close to the side facing windows of the flat, as these are secondary windows serving a sitting room (which would have its main window to the rear), it is not felt the proposal would cause a significant loss of amenity to this flat.

At the ground floor level, the applicants have confirmed that the office/studio is still in place, notwithstanding the fact that the last temporary planning permission for this expired in 1994. If the applicants could show that this had been the use of this part of the property for the last ten years then they would be able to formally establish that this was the lawful use of this part of the building.

Given the situation on the ground, it is reasonable to assess the application based upon its impact on the ground floor of 71 Western Road as it stands now. Whilst the side elevation of plot 1 would be 3.2m from the bay window, the submitted plans show that this office/studio is also served by a bay window on the front of the property. It is therefore felt that as this is a dual aspect room there would not be a significant adverse impact on the amenities of the ground floor of 71 Western Road.

To the southwest of the flats, 71A and 71B Western Road is a two storey building containing two flats. This is in the ownership of the applicants. The side elevation of the block of flats would be 12.8m away from 71A and 71B. There is a bedroom window in the side elevation of the upper floor flat at 71B Western Road that faces the application site. The proposed block of flats would have secondary sitting, bedroom and kitchen windows facing towards 71B. As these are secondary windows, it is considered that it would be reasonable to condition that they are obscure glazed to prevent overlooking into the bedroom of 71B Western Road.

In relation to the use of the access road in between numbers 69 and 77 Western Road, the proposed redevelopment of the site is not likely to result in any intensification in the use of this access compared to the lawful use of the site. As such there would be no significant impact on residential amenity from the use of this reconfigured access.

### **Housing Mix**

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

The proposal would provide 4 x 3 bed dwellings and 4 x 1 bed apartments and 1 x 2 bed apartment. As mentioned previously, the houses will be assessed as though they are 4 bedroom units because it would not be possible to use a planning condition to prevent the study/workspace in the loft from being used as a bedroom as a such a condition would be unenforceable. It is considered that given the relatively small size of the site, this is a reasonable mix of properties. It is therefore considered there is no conflict with policy DP30.

### **Drainage**

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site. Policy E7 in the HHNP seeks to incorporate sustainable drainage systems where possible in new development.

It is proposed that the development will attenuate surface water via on site attenuation tank. This would then connect to the public surface water sewer. For foul water it is proposed that the development will utilise an on-site pump which will lift and then discharge to the local foul network. The Councils Drainage Engineer has advised that subject to conditions to control the details of the means of drainage they have no objections to the scheme. The Drainage Engineer would assess the practicality of any sustainable drainage system. With this in place the scheme would comply with policy DP41 of the DP and policy E7 of the HHNP.

### **Infrastructure provision**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured using 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, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation.

#### West Sussex County Council Contributions:

Requires the following infrastructure contributions:

- Library provision: £2,762
- Education Primary: £19,224
- Education Secondary: £20,690
- TAD £2,869

#### District Council Infrastructure Requirements

Childrens playing space £8,740  
Formal sport £9,302  
Community buildings £5,335  
Local community infrastructure £6,621

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. 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 development.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. With a planning obligation in place to secure the required infrastructure payments there would be no conflict with policy DP20 of the DP.

## **Contaminated Land**

Historical mapping and the planning statement identify that the application site sits within an area that was historically used for car repairs and is as such considered to be potentially contaminated land. In light of this a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. With this in place the issue of contaminated land would be satisfactorily addressed.

## **Ashdown Forest**

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

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

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen

may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the Haywards Heath Neighbourhood Plan, 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.

#### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

#### **Planning Balance and Conclusion**

To summarise, the site is allocated for residential development in the HHNP and therefore the principle of a residential development accords with policy H4 in the HHNP which forms part of the development plan for this area.

This is a constrained back-land site with level differences across the site and residential properties on all sides. It is considered that the proposed layout is satisfactory and strikes a reasonable balance between making optimum use of the site and not being overly hard edged and dominated by car parking. Whilst the site will not be readily visible from the street scene, it remains important for the proposed buildings to be well designed. It is felt that the revisions that have been secured to the elevations of the properties have improved the visual appearance of the scheme such that the design and layout accords with policy DP26 of the DP and policy E9 of the HHNP.

There are no objections to the proposal from the Highway Authority. The level of vehicular movements from the development will not cause a severe impact on the highway network. The proposed access to the site will be satisfactory. The site is a sustainable location where there are alternatives to the private car. The application is therefore considered to comply with policy DP21 of the DP and policy T1 of the HHNP.

The proposal should not cause a significant loss of amenity to the occupiers of any of the surrounding properties, thus complying with this element of policy DP26 in the DP.

The site can be satisfactorily drained, with the details controlled by a condition, thus satisfying policy DP41 of the DP and policy E7 of the HHNP. The infrastructure requirements of the development will be secured by a legal agreement, thus complying with policy DP20 of the DP. Any contamination of the site can be controlled by a planning condition to ensure it is suitable for its new use.

The proposal will provide 9 new dwellings in a sustainable location on a site allocated for residential development. The proposal will provide economic benefits during the construction phase and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus.

The proposal is therefore considered to comply with the development plan. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. 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.

### **Pre commencement**

2. 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 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.
- details of tree protection (including for trees outside the boundaries of the site) in the course of development.

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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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. 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 District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the NPPF.

5. 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 paragraph 178 of the NPPF.

6. No development above slab level 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.

### **Pre occupation**

7. No part of the development shall be occupied until details of the proposed lighting of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the safety of future residents and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

8. No part of the development shall be first occupied until details have been submitted to and approved in writing by the Local Planning Authority of the materials to be used for the access road, turning area and parking areas.

Reason: To ensure that the surfacing materials are appropriate for pedestrian and vehicle safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

9. 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

10. Prior to the occupation of any dwelling the subject of this permission, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These works shall be carried out as approved. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

11. 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 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 covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

13. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

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

14. Before the buildings hereby permitted are occupied recycling and dustbin enclosures 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 District Plan 2014 - 2031

15. Prior to the occupation of any dwelling or building subject of this permission details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected. The submitted information shall include details of the boundary treatment alongside the access road into the site, with particular reference to the boundary adjacent to numbers 69 and 77 Western Road.

Reason: In order to protect the amenities of adjacent residents and in the interests of highway safety and to accord with and Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

16. Prior to the occupation of any of the dwellings hereby permitted details shall be submitted to the Local Planning Authority for the future management and maintenance of all the landscaped areas within the site. These areas shall thereafter be implemented and managed in accordance with these approved details.

Reason: To ensure the satisfactory maintenance of the landscaping in the future and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

### **Construction phase**

17. 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 and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

18. 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 and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

19. The development shall be implemented in accordance with the levels details that have been submitted to the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 District Plan 2014 - 2031.

### **Post construction**

20. The proposed windows on the first and second floor of the southwest and northeast elevations of the apartments shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP24 of the District Plan 2014 - 2031

21. 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 Applications".

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

### **INFORMATIVES**

1. In accordance with Article 35 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.
  
2. Telegraph Pole  
  
If required, the applicant is advised to contact the operator of the telegraph pole to organise the moving/relocation works.
  
3. The public foul sewer requires a clearance of 3 metres on either side of the sewer to protect it from construction works and to allow for future access for maintenance.
  - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
  - No new soakaways should be located within 5 metres of a public sewer.
  - All existing infrastructure should be protected during the course of construction works.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Sections	103	F	12.08.2020
Levels	104		12.08.2020
Location and Block Plan	100	P	06.05.2020
Proposed Floor and Elevations Plan	102	G	18.05.2020
Proposed Floor and Elevations Plan	101	K	18.05.2020
General	8916/302	C	27.04.2020
General	8916/300	A	26.02.2020
Drainage Details	8916/303	B	27.04.2020

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Neighbouring residents complain of unneighbourly contractor behaviour on the site relating to damage, and concerns over loss of privacy. If the application is approved, HHTC asks that the Planning officer provides detailed written guidance to the developer outlining how any overlooking/privacy issues can be addressed to reduce any resultant harm.

The principle of development, aligned to HHNP policy is established, and noting that a S106 is in place, HHTC requires its S106 contributions be applied to Haywards Heath Cemetery and Nature Reserve both located opposite to the site to be developed.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays, together with wheel washing conditioned as top ensure the project is acceptable in planning terms.

### Haywards Heath Town Council (amended plans)

The Town Council notes the submission of amended plans and has nothing further to add to the comments that were submitted on 31/03/2020.

However, Members have noted the representation dated 15/04/2020 from Mrs Diana Botting regarding the fact that the only access to the development will be directly opposite the twitten leading to St. Wilfrid's Primary School in Eastern Road. Previously there were two points of access to the site, one in and one out. It is requested that Mid Sussex District Council's Planning Officer, in consultation with West Sussex County Council Highways, gives due consideration to the implications of this new arrangement for highway safety.

### County Planning Officer

<b>Education</b>			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	17.1		
	Primary	Secondary	6th Form
Child Product	0.1495	0.1495	0.0000
Total Places Required	1.0465	0.7475	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,762		
Population Adjustment	17.1		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	9		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	17.1		
Net Parking Spaces	-13		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£19,224
<b>Education - Secondary</b>	£20,690
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£2,762
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£2,869
<b>Total Contribution</b>	<b>£45,546</b>

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3<sup>rd</sup> Edition ( Appendix 5)*

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

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 Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 9 Net dwellings, and a reduction of 13 car parking spaces from the existing 30 spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2020. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional equipment at St Wilfrid's CofE Primary School.

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

The contributions generated by this proposal shall be spent on providing additional stock at Haywards Heath Library.

The contributions generated by this proposal shall be spent on the South Road pedestrian improvement scheme.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

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.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## **Breakdown of Contribution Calculation Formulas:**

### **1. School Infrastructure Contributions**

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The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

## School Contributions = TPR x cost multiplier

### a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

**Child Product** is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

### b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£18,370 per child**
- Secondary Schools- **£27,679 per child**
- Sixth Form Schools- **£30,019 per child**

## 2. Library Infrastructure

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There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

### a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

### b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,384** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 period.

## 3. TAD- Total Access Demand

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The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2019/2020 is £1,407 per parking space.

**Infrastructure contributions = Car parking spaces x Cost multiplier**

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£703).

**Sustainable transport contribution = (net car parking – occupancy) x 703**

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

## Highway Authority

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

### Summary

This proposal is for the erection of four semi-detached three-bedroom dwellings and a building comprising of four one-bedroom apartments and one two-bedroom apartment. The site is located off Western Road, an unclassified road subject to a speed restriction of 30 mph in this location. The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber", with comments raised regarding the suitability of the proposed access and parking provision. The LHA conducted a site visit on 23/03/2020.

WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application DM/19/2777. The LHA requested additional information from the applicant. The applicant withdrew this application.

### Access and Visibility

The applicant proposes to merge the existing southern access with the neighbouring access to form a 5m wide access. There are no apparent visibility issues at this access. However, the applicant is advised that the proposed works will require the relocation of a telegraph pole. Therefore, the applicant should contact the utility company to carry out any such works, and will incur the costs for these works.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there

is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

This application is supported by a trip assessment produced by Monson. The TRICS database was used to produce trip data for the existing use (Car Hire Centre) and the proposed use (Mixed Private Housing). The TRICS data indicated that the existing use would generate 75 daily trips, whilst the proposed use would generate 19 daily trips. Therefore, the proposal is anticipated to result in a reduction in overall material movements using the access.

### Parking and Turning

The applicant proposes 13 car parking spaces for this development. From inspection of the plans, it would appear that each house would have two car parking spaces, whilst each apartment will have one car parking space. Assuming the parking spaces are allocated, the WSCC Car Parking Demand Calculator indicates that a development of this size in this location would create a demand for 16 car parking spaces.

As such, any overspill parking would have to be accommodated on-street. Western Road has unrestricted on-street parking available if required. The LHA does not anticipate that a shortfall of three parking spaces would result in a highway safety or capacity concern. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new residential developments. Based upon current EV sales rates within West Sussex, the applicant should provide active charging points for a minimum of 20% of all proposed off-street parking spaces, with the remaining 80% of parking spaces providing a 'passive' provision for future upgrades. For this proposal, the LHA would expect the provision of three active and ten passive EV parking spaces, in accordance with the above WSCC guidance and Mid Sussex Local Plan policy.

In terms of cycle parking, the applicant proposes to provide each of the houses with a bike shed, and the apartments with a communal bike shed. Under WSCC standards, residential dwellings with 1-2 bedrooms should provide cycle parking for at least one bike, whilst dwellings with 3+ bedrooms should provide for two bikes. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

The applicant has demonstrated that on-site turning for a refuse vehicles is achievable using swept path tracking. The LHA is satisfied that vehicles can turn and exit onto Western Road in a forward gear.

### Sustainability

The site is situated in a sustainable location within walking distance of shops, schools and other amenities. In terms of public transport, the 39 and 149 buses serve Western Road. However, more regular, varied bus services can be reached on the B2272 (Bus routes 31, 33, 62 166, 270, 271 and 272), approximately 500m from the site. Haywards Heath Train Station is situated approximately 2km from the site. Cycling is a viable option in the area and future residents may not necessarily rely on the private car.

### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

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

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 (details approved)*

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 covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

*Turning space*

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

Informative

*Telegraph Pole*

If required, the applicant is advised to contact the operator of the telegraph pole to organise the moving/relocation works.

**Southern Water**

Thank you for your letter dated 10/03/2020.

It appears that applicant is proposing to divert public surface water sewer. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

- The public foul sewer requires a clearance of 3 metres on either side of the sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul and surface water 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 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 [southernwater.co.uk/infrastructure-charges](https://southernwater.co.uk/infrastructure-charges)

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

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."

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](https://southernwater.co.uk) or by email at: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

## **Sussex Police**

Thank you for your correspondence of 10th March 2020 advising me of a full planning application for a residential development comprising of 4no 3 bed semidetached dwellings and 5no 1 bed apartments 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 application and note this is a resubmission of a recently withdrawn application DM/19/2777 that is now indicating a reduction from Six to Five no 1 bed apartments from the previsions application's description.

I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. 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 and site specific requirements should be considered.

The small development is set behind a number of houses off the main highway and is accessed by a single vehicular access point. I ask that there is a safe and clearly identified pedestrian route into the development. This can be denoted by coloured paving blocks within the road surface. Parking has been provided within bays that are overlooked by the neighbouring dwellings. Consideration is to be given to making lighting available throughout the development, illuminating the parking areas and public places. For the safety of the pedestrians, it will important to illuminate any pedestrian routes to and from the development. Where lighting is implemented it should conform to the requirements within BS 5489-2:2013. SBD does not consider bollard lighting as appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I was pleased to note the inclusion of gates to reduce unauthorised access to the house's rear gardens. The gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

Demarcation in the form of planting is present and clearly identifies the dwelling front boundaries. The amenity space to the side of the communal block does not have an enclosed private space for the resident's sole use. Consideration should be given to clearly demarcating a private gated area from the public space with fencing, railings and gates.

Access control and door entry requirements for the communal block can be found within SBD Homes 2019. Dusk till dawn lighting is to be available within the lobby and for the entrances.

I recommend the postal arrangements for the apartments are through the wall or external mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

I recommend that the secure cycle store has PIR lighting installed internally and that the front door is lockable. A mechanical push button type of lock would be acceptable or a Sold Secure Silver hasp, staple & padlock. Given that the proposed cycle store has double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. Sheffield hoop style stands are to be of galvanised steel bar construction of at least 3mm thickness. More details on cycle security can be found within SBD Homes 2019 on the SBD website.

I thank you for allowing me the opportunity to comment.

**Environmental Health Officer and Contaminated Land Officer**

The application seeks to create nine new dwellings.

Historical mapping and the planning statement identify that the application site sits within an area that was historically used for car repairs, and is as such considered to be potentially contaminated land.

Due to the above, and the sensitivity of the proposed development, 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.

It is also recommend that conditions are imposed to control the impact of the demolition and construction phase on existing residents:

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

2. 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.

3. 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.

4. Minimise noise and dust emissions: Demolition work shall not commence until a demolition method statement for the protection of the existing neighbouring properties from noise and dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition phase of the development.

Reason: to protect the amenity of local residents from noise and dust emissions.

5. 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.

### **Leisure Officer**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Barn Cottage, owned and managed by the Council, is the nearest locally equipped play area approximately 180m from the development site. This facility will face increased demand from the new development and a contribution of £8,740 is required to make improvements to play equipment (£5,653) and kickabout provision (£4,748). 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 £9,302 is required toward youth cricket facilities at Oathall Community College.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,335 is required to make improvements to the community pavilion at Barn Cottage Recreation Ground.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions 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.

## **Drainage Engineer**

### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site does have 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**

It is proposed that the development will attenuate surface water run-off from the impermeable areas and then discharge at QBar to the existing public surface water sewer that crosses the site.

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely on site.

It is proposed that the existing 225 mm diameter public surface water sewer will be diverted around proposed dwellings. This, and the proposed connection, will require formal approval from Southern Water, which we will need to see.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

### **FOUL WATER DRAINAGE**

It is proposed that the development will utilise existing arrangements on site.

Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

### **SUGGESTED CONDITIONS**

#### **C18F - MULTIPLE DWELLINGS**

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. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

### **WORKS WITHIN 20M [OR OTHER SPECIFIED DISTANCE] OF DRAIN OR WATERCOURSE**

No part of any concrete foundations and no construction activities shall be within a distance specified by Southern water metres of the public surface water sewer.

## **FURTHER ADVICE SURFACE WATER DRAINAGE**

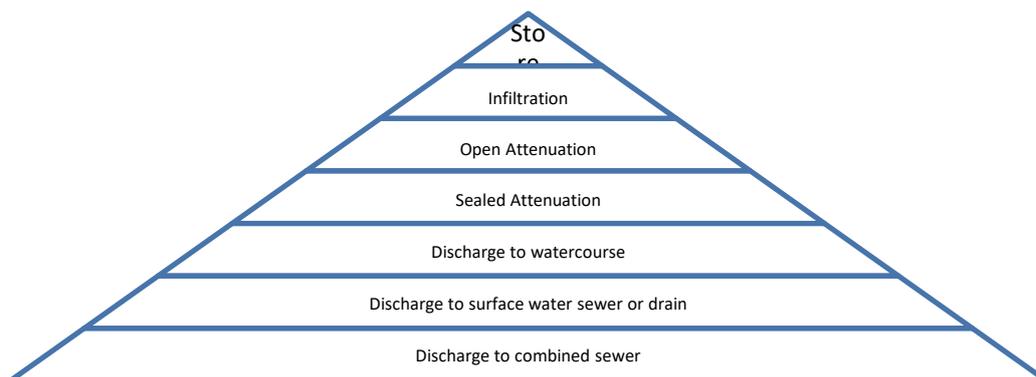
This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to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

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- 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.

## **FOUL WATER DRAINAGE**

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

### 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. Additional information may be required under specific site conditions or development proposals.

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

## 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/>

## INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified 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.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage 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.</p>
<p>Public sewer under or adjacent to site</p>	<p>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.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
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 Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a> .
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.

### INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration e.g. Soakaways	<p>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. Climate change allowances for residential development is 40% and for commercial development is 30%.</p> <p>It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water  <a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">           (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf)         </a>.</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>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  <a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/">           https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/         </a></p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via  <a href="mailto:drainage@midsussex.gov.uk">           drainage@midsussex.gov.uk         </a>.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>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.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>SuDS and attenuation</p>	<p>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.</p> <p>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.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>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.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>

### Urban Designer

Notwithstanding the awkward juxtaposition with the neighbouring property on the southern boundary, this just about gets it over the line. An uninspiring design but because it has limited impact upon the wider public realm, I will not raise an objection. Please include conditions covering landscaping, boundary treatment and facing materials.

These are my final comments on this case so there is no need to consult me again.

### **Trees and Landscape Officer**

Incursion into the RPAs of the protected oak and beech trees is unlikely as the trees are located 12m and 11.5m away from the proposed new buildings. The Roots that fall within the development site sit beneath the areas of hard standing and consequently temporary ground protection would not be necessary. It is assumed the fencing bordering the site will act as tree protection fencing.

There are a number of other lower quality trees around the site near the boundaries, which due to their proximity to other recent developments may well need to be removed and replaced with good quality native specimens. Consequently these trees should not act as a constraint to the development.

Should permission be granted please condition the submission and agreement of soft landscaping to include species, size, quantity of replacement trees along with detailed planting guides and maintenance schedules.