
10 June 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 **DISTRICT PLANNING COMMITTEE** will be held **via Remote Video Link** on **THURSDAY, 18TH JUNE, 2020 at 2.00 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 Minutes of the previous meeting of the District Planning Committee held on 20 February 2020. | 3 - 8 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |
| Recommended for Approval. | | |
| 6. | DM/19/3619 - Mid Sussex District Council Beech Hurst Depot, Bolnore Road, Haywards Heath, RH16 4FU | 9 - 58 |

Recommended for Refusal.

None.

Other Matters

None.

7. 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 District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, P Chapman, E Coe-Gunnell White, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Thursday, 20th February, 2020
from 2.00 pm - 3.50 pm**

Present: R Salisbury (Chair)
D Sweatman (Vice-Chair)

R Bates
P Chapman
E Coe-
Gunnell White
S Hatton

R Jackson
C Laband
A Peacock
N Walker

R Webb
R Whittaker

Absent: Councillors

Also Present: Councillors

1. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

Councillor Peter Chapman declared a personal interest in item 6 as he is a Member of Burgess Hill Town Council and the land is owned by Burgess Hill Town Council.

3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 23 JANUARY 2020.

The Minutes of the Committee meeting held on 23 January 2020 were agreed as a correct record and signed by the Chairman.

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

None.

5. DM/18/4979 - LAND NORTH OF CLAYTON MILLS ,OCKLEY LANE, HASSOCKS, WEST SUSSEX, BN6 8EX

Steve Ashdown, Team Leader for Major Developments introduced the report. He drew Members attention to the points of clarification and amendments within the Agenda Update Sheet.

He reminded Members that a decision on the application had been deferred by the Committee at the meeting held on 17 December 2019 regarding safety concerns with the access to the development. The Committee were advised that the access

remains the same with a single priority junction proposed. He highlighted the provision for a gateway feature to north to help support a potential speed reduction. The Committee were advised that condition three requires that the reserved matters application should be broadly in accordance with the details in the parameter plans, which were for approval as part of this application. He confirmed that the officers considered the application is acceptable.

Mrs Hayhurst, local resident spoke in objection to the application, she had concerns with safe access to her property.

Mr Peter Raynor, local resident spoke in objection to the application. He had concerns with the impact on the heritage buildings and the access to his property.

Ms Isabelle Raynor, local resident spoke in objection to the application, she had concerns with traffic flows.

Dom Smith, agent spoke in support of the application. He confirmed that additional modelling had been undertaken and the revised traffic analysis assumed that 25% of the pupils would be from Burgess Hill.

Mark Gimingham, agent spoke in support of the application. He noted that the proposed realignment of the highway and gateway feature should reduce vehicle speeds. He confirmed Section 106 funding for two vehicle activated signs and the traffic regulations order to reduce the speed limit.

Will Cobley, agent spoke in support of the application. He advised that the current access design offers the safest highway design and noted Section 106 contributions to benefit the local community.

Cllr Dempsey spoke as Ward Member for Hassocks and advised that the Committee should make their decision using the best possible information including the new traffic analysis. He expressed concern with the access to Hawthorn Cottage which could conflict with West Sussex County guidelines. He highlighted the data used for the base line in the traffic survey as recent independent surveys indicate higher traffic flows; and commented that the junction was already approaching peak capacity. He advised that the existing schools in Hassocks meet current need and only 50% of the places in the new school are taken up by the local need.

The Chairman confirmed that the application had previously been deferred on traffic grounds and West Sussex County Council had assessed the updated information.

Ian Gledhill, West Sussex County Council (WSCC) commented that the Highway Authority had considered the concerns regarding the access. The inclusion of a right turn lane had been reviewed and the evidence did not justify one. In addition, constraints meant that it may not be deliverable in any event. The design of the access is based on the Design Manual for Roads and Bridges, which is intended for the trunk roads and Ockley Lane is a network "c class" road not a trunk road. He noted that the scheme will improve forward visibility as the road will be realigned and the WSCC crossover document is guidance and not mandatory and not supported by any policy. Two independent road safety audits have been completed. There is no pass or fail for a Road Safety Audit, it is for the designer to mitigate any issues identified. He noted that no problem had been raised over vehicle conflict between the Hawthorn Cottage and proposed development access, other than an issue over inter-visibility between vehicles using the two accesses. The road traffic data used was from the busiest day in the June 2017 survey and a revised assessment of

school traffic of 25% arriving from Burgess Hill, up from 5% in the first assessment, had been completed. He advised that the proposed access would not be at capacity as a result of vehicles turning into the development and any queues will be within the site. It had been factored into the assessment undertaken by the applicants that that cars would need to park within the site before pupils go to school gate and the time spread of arrivals appeared reasonable.

The Chairman reminded the Committee that the principle of development had already been established though the District Plan examination where the Inspector agreed with the allocation of the site. The parameter plans are for determination as part of this application and the surface of the pedestrian access to the railway crossing can be secured through a condition. He reminded the Committee in relation to the impact on heritage assets of the “less than severe harm” in planning terms, which guides the Committee in how much weight is given to the matter. He highlighted the representation of Hassocks Parish Council which carries some weight and the additional matters raised.

Cllr Hatton, Ward Member for Hassocks noted the data from the traffic survey and comments of Kirsty Lord WSCC Member. She highlighted that new schools are now either academies or free schools and do not have a set catchment areas. The Member expressed concern with the access to Hawthorn Cottage and noted that Hassocks Parish Councils supports the residents’ request for a new side access. She commented that she would not support the application.

Discussions were held on the access to the development including access to Hawthorn Cottage, traffic speeds, reduction to speed limits on Ockley Lane and street lighting,

Ian Gledhill confirmed that street lighting was present on Ockley Lane and the speed limits, and any change to speed limits would be subject to a separate statutory process associated with a Traffic Regulation Order that is subject to further consultation, that will include the Police. He noted that the design of the access is based on the 85% percentile speeds for Ockley Lane and given that current data shows this to be approximately 40mph, a 40mph limit would likely be supported in his opinion. Section 106 contributions will provide the necessary funding to enable the TRO process and the existing parish street lighting would need to be upgraded.

The Chairman reminded the Committee of other applications that were refused and granted on Appeal. The Committee must refer to the advice provided by the experts, WSCC for highway matters. WSCC have reviewed all the information provided by the applicants and consider that the junction is safe. The Committee must have empiric evidence to go against the advice of the Highway Authority.

A Member highlighted that the development of the site was considered by the Inspector who approved the District Plan, reminding Members that this strategic site contributes to the 5-year land supply. There must be sound planning reasons to refuse the application.

Councillor Walker proposed a motion that the Committee move to the recommendations and approve the application.

The Chairman advised that the Highways Officer would note the Committee’s request for a reduction in the speed limit. Before seeking a seconder to the motion he asked whether the Members had any comments on the other sections of the report.

The Chairman advised that regarding heritage assets, the Urban Designer has considered the sense of place and the Conservation Officer believes there is adequate field of view from Ockley Manor. He added that moving the block near the school would change the dynamic of the development.

The Team Leader noted that the parameter plans will guide the reserved matters application and condition three allows some flexibility. The Committee must consider the impact on heritage assets. Historic England advise that the harm is less than substantial, and while any amendment to the scheme would reduce the harm, it would still constitute less than substantial harm and this harm should be given 'great weight' in the determination of the application.

The Chairman noted the case law referred to in the officer's report, Barnwell, regarding the assessment of harm to heritage assets. The District Plan Inspector concluded there was less than substantial harm and that significant public benefits outweigh this harm.

Tom Clark, Solicitor to the Council, commented that less than substantial harm is a significant matter and must be given great weight in the balancing act.

Members discussed a condition for the access to Hawthorn Cottage but were advised, notwithstanding any land ownership issues, such a condition would not meet the necessary tests (associated with the imposition of planning conditions) and would not be reasonable. The Team Leader advised an informative could be added to ask the developer to review the access to Hawthorn Cottage, but it would not provide any guarantee that alternative access would be achieved.

Councillor Coe-Gunnell White shared the Members' concerns but seconded the motion by Councillor Walker.

The Chairman went through the remaining sections of the report and the Committee had no further comments. The Chairman took the Committee to the motion to move to the recommendations, 10 Councillors voted in favour of the motion, with 1 vote against and 1 abstention.

RESOLVED

That permission be granted subject to the conditions set out in the recommendations, the Agenda Update Sheet and additional informative regarding access to Hawthorn Cottage.

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing, primary school land, community building land, open space, financial contributions and highway works and the suggested conditions in Appendix A.

In the event that minor amendments are required to the proposed conditions these can be delegated to officers. In all other cases, any amendments will be undertaken in consultation with the Chair and Vice Chair of the District Planning Committee.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the primary school land, necessary infrastructure payments and affordable housing by 20th May 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions and primary school land necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

6. DM/18/4980 - LAND AT GRID REFERENCE 531337 117617 KEYMER ROAD, BURGESS HILL, WEST SUSSEX, RH15 0UJ

Members discussed the cost of the provision of a proposed bridleway and the surfacing materials. They also expressed concern over the long-term quality of the bridleway for users.

The Team Leader confirmed that the proposed that bridleway would be suitable for horse, pedestrians and cyclists, and that West Sussex Public Rights of Way (PRoW) had been consulted. He noted that a solid surface is not suitable for horses and noted that condition four covers the surfacing of the bridleway.

The Chairman noted that the bridleway would have combined users and PRoW do maintain rural bridleways. He highlighted that three quarters of the link is within application DM/18/4979.

As there were no further questions the Chairman took the Committee to the recommendations and the Committee agreed unanimously.

RESOLVED

That permission be granted subject to the conditions set out in Appendix A.

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

None.

The meeting finished at 3.50 pm

Chairman

This page is intentionally left blank

MID SUSSEX DISTRICT COUNCIL

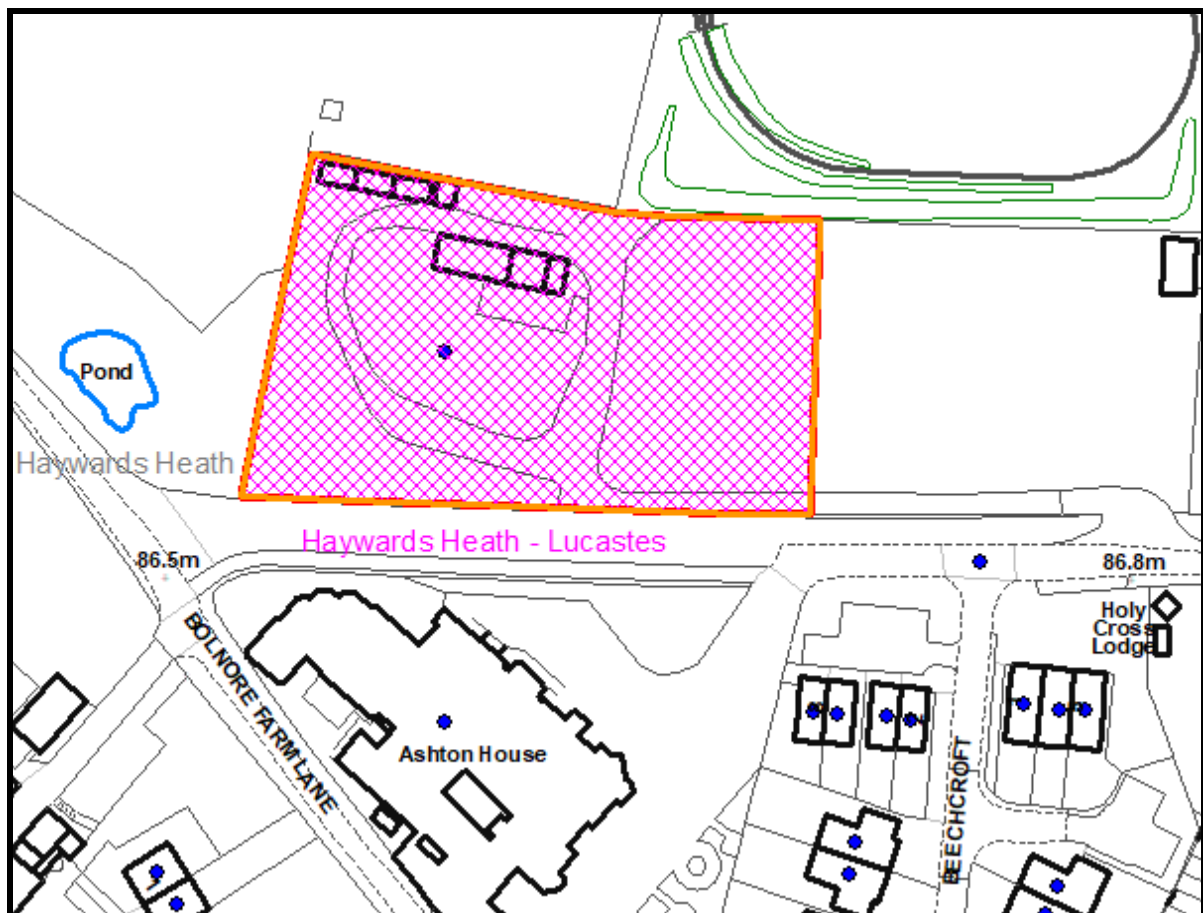
District Wide Committee

18 JUN 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/19/3619



© Crown Copyright and database rights 2019 Ordnance Survey 100021794

**MID SUSSEX DISTRICT COUNCIL BEECH HURST DEPOT BOLNORE ROAD
HAYWARDS HEATH**

**DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO PROVIDE
18 DWELLINGS COMPRISING 2 NO. 1-BED FLATS, 4 NO. 2-BED FLATS, 5 NO.
2-BED HOUSES, 3 NO. 3-BED HOUSES, AND 4 NO. 4-BED HOUSES WITH
ASSOCIATED ACCESS, LANDSCAPING AND CAR
PARKING. AMENDED DRAWINGS RECEIVED 23.04.20, CHANGING ROOF
PROFILES (GABLE TO HIPPED ENDS), ELEVATIONAL DETAILS INCLUDING
MATERIALS AND WINDOWS/DOORS AND BOUNDARY TREATMENT.
MR MARK HENDY**

POLICY: Areas of Special Control for Adverts / Brownfield Land / Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th June 2020

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Rachel Richardson

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of existing buildings and redevelopment to provide 18 dwellings comprising 2 No. 1-bed flats, 4 No. 2-bed flats, 5 No. 2-bed houses, 3 No. 3-bed houses, and 4 No. 4-bed houses with associated access, landscaping and car parking at Beech Hurst Depot, Bolnore Road.

The applicant is Shanly Homes and the Mid Sussex District Council is the sole freeholder of the land subject of the application.

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

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

The application site is a brownfield site within the built confines of a Category 1 settlement and is allocated for housing development for approximately 15 dwellings through policy H5 of the Neighbourhood Plan. It is considered to be a sustainable location for infill residential development. The principle of the development is thus established and compliant with the development plan.

The proposal would provide 50% affordable housing which exceeds the requirement of policy DP 31 of the District Plan to provide 30%. This is a significant benefit of the

scheme.

The existing development on site is surplus to the requirements of the Council and the displaced storage facilities arising from the scheme can be suitably accommodated and managed within the extensive storage areas elsewhere across the Council sites.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area in accordance with policies DP26 of the District Plan and H5 of the Neighbourhood Plan.

No significant harm would be caused to the amenities of the surrounding residential occupiers (DP26) and the scheme would not cause harm in terms of parking or highway safety (DP21). Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. There would be potential amenity and environmental benefits from the removal of the Council depot which might be used for a range of other storage uses without the need for planning permission.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Special Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H5. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

RECOMMENDATIONS

Recommendation A

It is recommended that planning permission be GRANTED subject to the completion of a S106 Legal Agreement to secure infrastructure contributions, affordable housing and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not signed a planning obligation securing the necessary infrastructure contributions by 12 September 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in

respect of the provision of infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Following the receipt of amended drawings all those originally notified were re-notified. No new issues were raised.

There have been 37 letters of representation received including 34 objections and 3 in support. The comments have been summarised as follows:

Support

- A pending support subject to the Council resurfacing and making improvements to Bolnore Road as part of any planning permission.
- Before any works begin the double roundabout at the junction with the B2272 should be replaced with some form of traffic control for pedestrians, cyclists and mobility scooters, as well as road traffic.
- Parking restrictions at the eastern end of the road should be enforced.
- A good location for housing and not a greenfield site
- The revenue will be a welcome boost for MSDC

Objections

- Bolnore Road is inadequate and too narrow. It cannot take two way traffic.
- Visibility is limited
- No footpath adjacent to the gardens entrance. It is therefore unsafe to enter and leave the gardens. A footpath should be created along Bolnore Road
- The road condition is substandard. Poor quality asphalt, large potholes and loss of grass verge.
- Bolnore Road is a byway open to all traffic (BOAT) and hasn't been adopted by West Sussex County Council. There is a 15m stretch of road in Bolnore Road which remains unsurfaced. WSCC Should adopt the entirety of this road.
- There will be an increase in vehicle numbers using the road (approximately 36 cars) which and there is limited street lighting which will make conditions prejudicial to highway safety for its users and pedestrians.
- The double roundabouts outside the Miller and Carter restaurant would not be able to support the increase in traffic generated
- Overdevelopment and too many dwellings
- The road also needs to be widened and a speed limit introduced of 20mph or maintained at 10mph if kept as it is.
- The combined effect of all developments in the locality should result in Bolnore Road being adopted by WSCC.
- The Planning permission should at the very least ensure that any damage from construction vehicles is repaired and the road reinstated.
- The additional strain on the road from the Crest Nicholson development and pelican crossing in Isaac's Lane will increase the risk to pedestrian safety.
- Any works should take place during 'reasonable working hours' and a construction management plan

- Destruction of green space and negative impact on surrounding environment. It should not be allowed to encroach upon Beech Hurst Gardens (kick about area)

SUMMARY OF CONSULTEES

The full response from the consultees can be found in Appendix B of this report.

WSCC Highways

No objection subject to conditions

MSDC Archaeology Consultant

No objection subject to conditions

WSCC County Planning Officer

S106 Contributions:

- £52,095 towards Primary Education
- £56,067 towards Secondary Education
- £6,332 towards libraries
- £52,198 Total Access Demand

WSCC Waste and Minerals

No objection

WSCC Flood Authority

No objection

Southern Water

No objection. The applicant will need to make a formal application to Southern Water for a connection to the public foul sewer. Condition's and an informative is recommended should planning permission be granted.

MSDC Community Services

S106 District Council Contributions:

- £18,253 Formal Sport
- £10,469 Community Buildings
- £12,639 Kickabout
- £11,859 Local Community Contribution
- £15,110 Play Space Contribution

MSDC Urban Design

Objection to layout. The revised drawings have addressed the earlier concerns in relation to elevational detail. The concern is primarily in relation to the houses facing into the site and turning their backs on Bolnore Road.

MSDC Planning Policy

No objection in principle subject to the proposed development being policy compliant.

MSDC Housing

No objection. The affordable housing provision will meet a range of housing needs and complies with MSDC's housing tenure requirement of 75% rented and 25% shared ownership.

MSDC Environmental Protection and Contaminated Land

No objection subject to conditions

MSDC Drainage

No objection subject to conditions

MSDC Tree Officer

No objection to the development in principle subject to the tree report being fully adhered to and landscape plans by way of planning condition.

MSDC Ecology Consultant

No objection subject to condition

TOWN/PARISH COUNCIL OBSERVATIONS

Recommends that planning permission only be granted subject to a number of planning conditions including a construction management plan. The Town Council objects if one of the conditions does not include resurfacing of Bolnore Road from the end of the D classified road through to the access road for the development site. The entire Western end of the road should be brought up to adoptable standards including the footway.

Introduction

A full application has been submitted seeking planning permission for the construction of 18 dwellings (6 flats and 12 houses) comprising a mix of, 2 No. 1-bed flats, 4 No. 2-bed flats, 5 No. 2-bed houses, 3 No. 3-bed houses, and 4 No. 4-bed houses with associated access, landscaping and car parking. Amended drawings

have been received changing roof profiles (gable to hipped ends), elevational details including materials and windows/doors and boundary treatment following initial concerns raised by the Council's urban designer on these matters

The site is on Council owned land at the Beech Hurst Depot in Bolnore Road, Haywards Heath. The main depot building within the site and associated storage buildings would be demolished.

Relevant Planning History

The planning history reveals planning applications for minor development during the 1970's and 1990's.

Application No.	Description of Proposal	Decision	Decision Date
CU/338/79	Proposed storage building for Mid Sussex District Engineers department.	Permission	27.11.79
HH/191/90	Reg 4 – Temp use of land for 12 months as car park for site workers vehicles in connection with construction of police station and court house. Elfinsward	Permission	29.08.90
HH/049/92	Reg 4 – Installation of 4 no. portacabin units to be used for documentation and equipment storage by Mid Sussex District Council.	Permission	24.07.92
HH/065//99	Single sectional building for play rehearsal and set building and committee meetings	Refused	06.05.99

Site and Surroundings

The application site area totals 0.47 hectares.

The application site comprises the Beech Hurst Depot located at the western end of Bolnore Road, and near the junction with Butler's Green Road (A272) in Haywards Heath.

The Demolition Plan (1358/Pln/114) submitted with the application illustrates that there is a single storey height brick clad building and associated storage structures (containers, portacabins, metal sheds and hard standing areas) present within the site. These are located towards the northern part of the site and accessed via an internal gravel track which provides a loop road within the site, which encircles the depot building. The access into the site is provided from Bolnore Road.

The Bolnore Road frontage is defined by a hedge and there are existing and mature individual specimen native trees and hedging planted around the boundaries of the site.

The site slopes uphill in a northerly direction from its frontage on Bolnore Road and to the rear boundary where it adjoins Beech Hurst Recreation Grounds.

The surrounding area includes Downlands Park Care Home and Beech Hurst Gardens to the north and east. Ashton House nursing home is immediately opposite the application site, at the western end of Bolnore Road to the south. The character of Bolnore Road is influenced by residential uses, which include the houses built by Shanly Homes opposite at Beechcroft and three storey flats on the site of the former Magistrates Courts. The trees and hedgerows along the Bolnore Road front-age provide a mature landscape suburban character.

This is a mixed use site, partly in use as a depot/storage area for Mid Sussex District Council. It fronts onto Bolnore Road and adjoins Beech Hurst Recreation Ground and Miniature Railway to the north and at the rear of the site.

Application Details

This proposal is for residential development comprising a mix of flats and houses totalling 18 units, together with associated landscaping, parking and vehicular access on the site of the Council owned Beech Hurst Depot on the north side of Bolnore Road.

The new homes will comprise a mix of 1 and 2-bed flats and 2, 3 and 4-bed houses, which will provide a variety of house sizes and types. This will include mixed private and affordable tenures, with 50% of the new homes to be provided as affordable homes.

A new access onto Bolnore Road will form the vehicular access into the site which will be in the form of a cul-de-sac. The new houses and flats are generally arranged with their rear gardens adjoining the neighbouring properties and facing onto the internal access road.

Parking is (38 spaces) provided for each of the new houses and flats either within curtilage driveways and garages, or within small parking courtyards. Layby parking bays for visitor parking are arranged along the internal access road throughout the development.

A bin and cycle store is proposed to the side of the flats which can be accessed by the internal access road. Each of the houses will be provided with secure cycle parking provision totalling 24 spaces. Wheelie bins for the houses will be kept in the rear gardens until collection day.

The houses and flats are two storeys in height with additional accommodation at roof level for the flats.

Following comments from the Council's urban designer, amended drawings were received and the proposed modifications are summarised as follows:

- The houses have been amended to alter the roof shape from gables to hipped ends.
- The elevation treatment has been simplified to remove the quoins and hung tiles are added.
- The fenestration has also been simplified to reduce the amount of window bars (e.g. Plots 1 and 2).
- The tile hanging has been extended fully along the front and side elevations of plot 3.
- The window bars have been removed and the roof shape altered to hip on plots 4 and 5.
- Cross bar removed from gable and gablet added to rear elevation of Plot 5.
- The tile hanging fully extend along front and side elevations, roof shape altered to hip, window bars reduced on plot 6.
- Plots 7-9, the extended canopy above porch of plot 8 has been removed and replaced with canopy to match plots 7 and 9. The windows have been reduced in size and number at first floor to front and rear elevations and window bars removed.
- Plot 10, quoins removed and hung tiles added to first floor. Porch canopy reduced in width.
- Plot 11, same as plot 10.
- Plot 12, ground floor window on front elevation removed and porch canopy reduced in width. Quoins and windows bars removed.
- Plots 13-18, roof dormers on front elevation replaced with gabled roof with window openings and hung tiles. Catslide roof added to entrance porch on front elevation. Window bars removed.

The proposed palette of material consists of brickwork facing walls and tiled roofs with Upvc white windows.

A boundary treatments plan has also been submitted, showing the proposed means of enclosure for the site boundary and party boundaries between the houses and flats. Walls are proposed to the rear garden boundaries facing the access road for Plots 2 and 12. The outdoor space for the ground floor flats is divided into two private garden areas by a 900mm post and rail fence with laurel planting. A hedge will provide separation from the car park for privacy.

A variety of types of timber fencing are to be provided, including 1.8m high close board fencing to the rear gardens. For the southern boundary 1.5m high close board fencing topped with 300mm trellis will provide a softer appearance to the strip of landscaping between the site and the public footpath linking Bolnore Road with Bolnore Village. This will also ensure the privacy and security for the occupiers of these houses. The vegetation along this boundary is to be retained and further details can be provided under the terms of a landscape condition.

The application is supported by the following documents:

- 1) Tree Report (incorporating Arboricultural Impact Assessment and Arboricultural Method Statement), ACD, August 2019
- 2) Sustainability and Energy Statement, Bluesky Unlimited, August 2019
- 3) Archaeological Desk Based Assessment, Thames Valley Archaeological Services, September 2019.
- 4) Preliminary Ecological Appraisal, Urban Edge Environmental Consulting, August 2019 and then great crested newt eDNA results following a survey of the nearby pond.
- 5) Geo-Environmental Risk Assessment, Aviron, July 2019
- 6) Statement of Community Involvement

These documents are all available to view on the Council's website.

List of Policies

Mid Sussex Local Plan

DP4 - Housing
DP5 - Planning to Meet Future Housing Need
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainability Design and Construction
DP41 - Flood Risk and Drainage

Supplementary Planning Documents (SPDs)

Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan December 2016 (HHNP) has been made and so forms part of the development plan. It is therefore a material consideration with full weight. Relevant policies are:

E7 - Sustainable Drainage Systems
E8 - Major Development
E9 - Design and Local Character
E13 - Private Outdoor Space

T1- Pedestrian and Cycle Access
T2 - Cycle Route Funding
T3 - Car Parking
H5 - Beech Hurst Depot

National Policy

National Policy and Other 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 overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is 'significantly boosting the supply of homes'.

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

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

National Planning Practice Guidance

Technical Housing Standards

Assessment

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

- The principle of development
- Design and impact on the character of the area, including trees
- Affordable Housing and Housing Mix
- Standard of accommodation
- Impact on residential amenity
- Highways, access and parking
- Ecology
- Ashdown Forest
- Infrastructure
- Drainage and Flooding
- Sustainability
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan 2014-2031 (MSDP) and the Haywards Heath Neighbourhood Plan 2016 (HHNP).

The MSDP is up to date 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.

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

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

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

Importantly and a key consideration is that the application site and former Council depot is allocated in the Neighbourhood Plan for housing. Policy H5 (Beech Hurst Depot) supports the principle of residential development where it adequately meets the detailed criteria.

Policy H5 states:

Beech Hurst Depot, Bolnore Road

- Capacity: The site should provide for approximately 15 dwellings.
- Form, Layout and Landscaping: Proposals should respect the character of Bolnore Road and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its setting alongside Beech Hurst Gardens.
- Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development.
- Maintain access to the Sussex Miniature Locomotive Society site.

The proposal seeks to introduce a total of 18 units on the site with a mix of smaller 1 and 2 bedroom flats and 2, 3 and 4 bedroom dwellings. This is marginally over the identified policy capacity for this site. However, this is an approximation and the development should be assessed against criterion 2 of the policy along with the broader development policies to demonstrate the scheme optimises the use of the site without harming local amenity, both visual and residential and without giving rise to highway safety issues. Proposals should respect the character of Bolnore Road and its setting alongside Beech Hurst Gardens.

Furthermore, Haywards Heath is a Category 1 settlement hierarchy listed under MSDP policy DP6 with a comprehensive range of services and facilities and benefits from good public transport links. The site is located within the built-up area of the Town within a former Mid Sussex District Council depot., a brownfield site.

As such, the application site can be considered to be a highly sustainable location for residential development.

The principle of redevelopment of this urban infill site thus accords with the development plan.

It is also relevant to note that the site could be put to other commercial uses, without the need for planning permission. Such uses might include B8 storage and distribution use or open storage, for example. Such uses might have unneighbourly impacts and generate vehicular movements at anti-social hours. This lends weight to

the view that the proposed residential development, given the context and character of existing surrounding residential area, is acceptable in principle.

It is however, also necessary to consider other planning issues to determine whether the overall planning balance favours approval.

Design and Impact on the Character of the Area, including trees

MSDP policy DP26 concerns considerations of character and design and states:

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

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

HHNP 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.*

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.

The Council's Urban Design comments can be found at Appendix B.

Despite the applicant submitting amended drawings, the Council's Urban Designer, maintains an on balance objection to the scheme. His main concern relates to its layout and the inward arrangement of the houses.

However, his initial concerns in relation to the elevational treatment and detail have been overcome and he raises no objection to these.

In planning terms all material considerations have to be factored into the decision making process, taking into account whether the overall scheme is considered to be acceptable.

Policy DP 26 of the District Plan requires that a proposal 'optimises the potential of the site to accommodate development'.

Paragraph 117 of the National Planning Policy Framework (NPPF) states:

planning policies and decisions should promote an effective use of the land in meeting the need for homes and other uses, while safeguarding and improving the environment ... and accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 119 goes on to say, local planning authorities, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership.

The application site is exactly that, and the proposed development of this site is supported by the NPPF.

The application site has already been established as being acceptable in principle for residential redevelopment. It is located within a residential area with an existing Shanly Homes scheme immediately south of the site on the opposite side of Bolnore Road. The proposed development would be of a similar character and style in terms of its building design and vernacular.

The existing character of this part of Bolnore Road and the boundary treatment of the site to the south is characterised by mature and well-established tall vegetation comprising a mix of hedgerow and sporadic tree planting. The boundary treatment is yet to be agreed as part of this application.

The Urban Designer in his comments has also recommended that if the Committee are minded to approve this application, a planning condition should be included as part of any permission to demonstrate how the existing southern 'soft' boundary can be retained while avoiding overshadowing problems to the rear gardens of the proposed houses. That being the case, it is considered that the views of the development into the site would only be glimpsed from Bolnore Road amongst the existing and retained vegetation. Therefore, the impact on the street scene of the proposed development facing inwards would be neutral, or at the very least a marginal one.

The existing character of the street scene does not consist of a continuous frontage of housing which are all within close proximity to the highway. This is not the case at all. Land adjoining the site immediately to the east is the Beech Hurst Recreation Ground. Ashton House nursing home lies opposite the site and is set well back from the highway. Beyond the Shanly Homes 'Beechcroft' development further east, lies Grosvenor Hall a substantial sized building set within parkland and behind a gated entrance.

The views of the Council's urban designer on the layout of the site are acknowledged but as outlined above, the proposed layout would not be out of keeping with the existing pattern of development within the immediate locality. While it does not conform to textbook urban design, it is acceptable in this area which is at the south western end of Bolnore Road where the application site fronts onto a footpath at this end of the road and is facing the nursing home. The nursing home already provides the perception of natural surveillance and there are also first floor windows at the rear of the proposed development facing over the footpath. It is not considered that the inward facing arrangement of the houses would demonstrably harm the existing character and appearance of the street scene such that the application should be refused.

In terms of building design, the amended drawings have satisfied the Urban Designers' initial concerns. Space has been increased between the roof profiles of housing by omitting the gabled ends and introducing hipped roofs. The glazing detail has been simplified and number of openings reduced in places. Quoins considered to be fussy have been omitted and additional tile hanging is now returned to side elevations to ensure elevational detail is consistent throughout the entirety of the

housing development. The roof dormers on the flatted development of plots 13-18 have also been removed and replaced with a gable to give a simpler cleaner roof profile.

The Planning, Design and Access Statement confirms that the proposed site retains the principle of a vehicular access onto Bolnore Road and the trees and hedgerows around the perimeter of the site. Some overgrown vegetation will be removed from within the site and individual tree specimen within the eastern part to facilitate the internal access road and new dwellings. However, the MSDC Tree Officer has no objection to the proposed development subject to the tree report being fully adhered to and a landscaping plan submitted detailing the trees and hedges to be retained along with new planting to mitigate the loss of the trees noted above.

As such, it is therefore considered that this predominantly two storey development (and three storeys within the roof void of the flatted development situated further back into the site towards the rear northernmost boundary) is in keeping with existing surrounding development within the locality.

The proposed development in terms of its form, layout and landscaping is therefore compliant with criterion 2 of policy H5 of the HHNP and responds sensitively to its setting alongside Beech Hurst Gardens and the existing character of Bolnore Road whilst also maintaining access to the Sussex Miniature Locomotive Society site. The proposed development is considered to be in accordance with relevant policies DP26 and DP37 of the MSDP and E9 of the HHNP.

Affordable Housing/Housing Mix

Policy DP31 states:

The Council will seek:

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 1,000m²;

The supporting Planning, Design and Access Statement states the intention to provide 50% affordable housing on site, 20% above the policy requirement. This is fully supported by the Council and the provision is secured in Part one of the Second Schedule within the Section 106 Legal Agreement.

The scheme size is such that it significantly exceeds the level of affordable housing required by Policy DP31 and therefore more than meets the affordable housing threshold for this policy. This is a significant benefit of the scheme which should be given positive weight in the planning balance.

MSDP Policy DP30 requires development to provide a mix of dwelling types and sizes (including affordable housing) that reflects current and future local housing needs. It should meet current and future needs of different groups within the community including older people, vulnerable groups and those wishing to build their own homes.

NUMBER OF DWELLINGS	DWELLING TYPES	TENURE OF DWELLINGS (Affordable Rented / Social Rented / Shared Ownership)
2	1 bed / 2 person flats	for affordable rent
4	2 bed / 4 person flats	for affordable rent
1	2 bed / 4 person house	for affordable rent
2	2 bed / 4 person houses	for shared ownership

The MSDC Housing Officer has confirmed that the affordable mix will meet a range of housing needs and the above tenure split also complies with policy DP30 requiring 75% rented and 25% shared ownership.

Standard of Accommodation

Part of MSDP policy DP26 refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards. HHNP policy E13 sets out that residential development should provide good quality private outdoor space which is appropriate to the proposal. To achieve well-designed places a high standard of amenity is also a requirement of the National Planning Policy Framework at paragraph 127 (f).

The applicable minimum gross internal floor area set by the Nationally Described Space Standard for 1 bedroom, 2 person flat is 50 square metres. The proposed flats of this description measure 54.5 sq m.

The applicable standard for 2 bedroom, 4 person flats is 70 square metres. The application scheme proposes 71.1 sq m.

The National Space Standards for a 2 bedroom, 4 person house is 79 square metres. The application scheme proposes between 80.9 sqm and 87 sq m.

The National Space Standards for a 3 bedroom, 5 person 2 storey house is 93 sq m (the scheme proposed between 108.4 and 115.7 sq metres) and for a 4 bedroom, 7 person, 2 storey house is 115sqm (the scheme proposes 160.2 sq m)

In respect of internal space standard's the proposal is therefore compliant with the Nationally Described Space Standard and policy DP27.

Each of the houses benefits from a satisfactorily sized enclosed rear garden. Each of the flats benefits from a small balcony leading off the main living space. Overall, it is considered that the development would provide a good standard of amenity to future occupiers in all respects and therefore that the above policy requirements are met.

Policy DP28 of the MSDP, Accessibility, states that,

"All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily, and that developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2) (with certain exceptions not relevant to this scheme).

Category 3 Wheelchair User dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time"

The applicants, Shanly Homes, are offering 4 no. ground and first floor flats to be Part M4(2) compliant. None of the flats or houses will have wheelchair access.

MSDC Housing Officer has confirmed that this level of provision is acceptable and in this instance there is no requirement for wheelchair user dwellings. The proposal is therefore satisfactory and in accordance with the criteria of MSDP policy DP28.

Impact on residential amenity

Policy DP26 of the District Plan requires that development does not cause significant harm to the amenities of existing nearby residents. The site does not immediately adjoin other residential properties. Downlands Park care home is to the north (and land to the west) and some 80m away from the northern boundary of the application site. This site is allocated by policy H7 of the HHNP for the redevelopment of 20 bungalows for the elderly. The houses on plots 7-12 backing onto the application site have garden depths of around 10-12 metres. A tree screen exists along the northern rear boundary of the application site which would minimise any overlooking and loss of privacy.

The land adjoining the site to the east is part of the Beech Hurst Recreation Ground and the only other existing development is on the opposite side of Bolnore Road. Ashton House is approximately 15 metres from the site boundary and approximately 28m separation distance between both two storey elements of the plot 6 and Ashton House. Existing boundary screening also exists between the application site and Ashton House. This is an acceptable relationship between housing in the built up area.

Plot 1 is orientated with its flank facing south and onto Bolnore Road at the entrance to the site. It is 32 metres from the nearest house, no.8 Beechcroft. Due to the orientation and separation distance the proposed development would not result in any detrimental impact on residential amenity for the occupants of houses in Beechcroft.

In terms of the layout of the proposed development it is considered that the spacing between houses is acceptable for the future occupants of the proposed development and their amenity.

As such the proposed development is in accordance with relevant policy DP26 of the MSDP and the NPPF.

Highways, access and parking

Mid Sussex District Plan policy DP21: Transport 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.'

Highways

The application is supported by a Stage 1 Road Safety Audit September 2019 together with the Planning, Design and Access Statement.

The Local Highway Authority at West Sussex County Council has confirmed that their original advice (25th February 2020) still stands following the receipt of amended drawings and specifically drawing numbered 1358/Pln/115 Rev C.

At the request of the LHA, the applicant provided swept path diagrams and visibility splays. The internal access road is to be designed as a shared space with further details (for example, signage, road markings and junction priorities) to be provided at Stage 2 Detailed Design Stage of the application.

Planning conditions are recommended including the provision of a Construction Transport Management Plan.

As such the LHA are satisfied with all aspects of highway proposals and does not consider that the proposed development would have a 'severe' residual impact on the adjoining highway network. The application is therefore considered to comply with paragraph 109 of the NPPF.

Access

Bolnore Road - Byway Open to All Traffic (BOAT)

Some residents have expressed concern at the use of this section of Bolnore Road to access the development. The views of the WSCC are set out in full in the appendix to this report. WSCC have confirmed that the developers will be required to cover the costs of any repairs to make good any damage to Bolnore Road during the construction period under S59. As a result, the standard of the road would not be made worse as a result of this development. This is not, however, a planning matter and is a separate legal issue between WSCC and the developer.

The views of the Haywards Heath Town Council are acknowledged in that it requests the resurfacing of Bolnore Road from the end of the D classified road through to the access road for the development site. The entire Western end of the road should be brought up to adoptable standards including the footway.

Regulation 122 of the Community Infrastructure Levy Regulations concerns the limitation on the use of planning obligations. It states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- “(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.”

In this case, as stated above the WSCC have no highway objections to the proposal and thus the works requested by the Town Council are not necessary to make the development acceptable in planning terms (a).

In addition, the road is used by a number of other developments such as Joan Nightingale House, Shire Lane, Grosvenor Hall, Beechcroft and Ashton House. The Town Council's request is thus also considered to be contrary to parts (b) and (c) of Reg 122.

As such there can be no requirement for the developer to provide other financial contributions to improve the current standard of the road through a Section 106 Legal Agreement as this would result in a potentially unlawful decision.

Parking

The Planning, Design and Access Statement confirms that The West Sussex Parking Demand Calculator has been used to identify the parking requirement for this development. This requires there to be 2 parking spaces per dwelling for the 2, 3 and 4 bedroom houses and 1 space per flat is proposed within the courtyard which is unallocated parking. 1 visitor parking bay is also proposed for the flats and 3 visitor parking bays alongside the internal access road for the houses.

The level of parking provision is considered to be in accordance with the WSCC parking standards and policy DP21 and policy T3 of the MDSP and HHNP respectively.

Ecology

MDSP Policy DP38 seeks to protect and enhance biodiversity taking opportunities to improve, enhance, manage and restore bio diversity where possible. Unavoidable damage must be offset through ecological enhancement and mitigation measures.

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).

Paragraph 175 of the National Planning Policy Framework states:

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

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

The application was originally supported by a Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019). More recently this has been updated following further survey work of a nearby pond to carry out eDNA sampling for great crested newts. These documents are available to view in full on the public file.

The Appraisal's executive summary sets out the ecological constraints and opportunities and a summary of recommendations within Table 0.2. It concludes that,

The majority of land proposed for development is of relatively low ecological value, comprising shrub, tall ruderal vegetation, broad-leaved tree line, ephemeral/short perennial vegetation, semi-improved grassland and buildings. Significant constraints to development were identified including adjacent (off-site) priority habitats, and potential presence of great crested newt (GCN's), nesting birds, hazel dormouse and reptiles within the site. Further ecological surveys and impact assessment are required prior to submitting a planning application, to determine the value of these features, how they are being used by protected species and formulate a suitable mitigation strategy.

The Council's Ecological Consultant reviewed the submitted information and initially advised that survey work had not been satisfactorily carried out in accordance with the recommendations of the Appraisal and as such the planning application is not considered to be in a position where it can be determined.

Subsequent eDNA sampling survey work carried out by the applicant concluded that there was no evidence of GCN's in the nearby pond, and as such there are unlikely to be any impacts to GCN's during construction.

The final comments received from the Council's ecology consultant confirmed that there would be no significant impacts on the protected species in relation to GCN's. Other potential impacts on protected species identified by the original PEA (Preliminary Ecological Appraisal) can be dealt with by way of a planning condition and the post decision submission of a method statement covering mitigation measures during site clearance and construction, and the habitat value of the site appears to be relatively low with no priority habitats identified.

When considering this application, the consultant ecologist has advised Mid Sussex District Council to consider whether any net gain in biodiversity can satisfactorily be achieved on the application site given the proposed layout with virtually all of the green space comprising private gardens. There may therefore be limited scope to create new habitats which would conflict with policy DP38,

"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..."

The Council's ecologist has recommended planning conditions to ensure compliance with DP38 as far as is possible requiring the applicant to submit a method statement prior to commencement for wildlife protection and habitat creation.

As such, it is considered that the impacts upon biodiversity would be acceptable and in accordance with relevant policies, subject to appropriate conditions.

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 **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

MSDP Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure and mitigation measures made necessary by their development proposals in the form of appropriate on-site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision.

- £52,095 towards additional facilities at Harlands Primary School

- £56,067 towards supporting the National Curriculum at Warden Park Secondary Academy
- £11,859 towards local community infrastructure on Victoria Park CCTV or provision of cycle routes or provision of a country park/open space at Hurstwood Lane
- £12,639 towards new kickabout provision for older children at Beech Hurst Gardens or the Tim Farmer Recreation Ground
- £18,253 as a formal sport contribution to improvements to the tennis courts at Beech Hurst Gardens
- £15,110 towards improvements to play equipment at Beech Hurst Gardens
- £6,332 providing resources to support health and wellbeing at Haywards Heath library
- £10,469 towards Community buildings for the Beech Hurst Learning Centre and/or The Yews Community Centre in Boltro Road, Haywards Heath
- £52,198 for total access demand
- £600 County Council Monitoring trigger

A S106 obligation is in preparation to secure these payments and subject to its completion, the scheme is considered to accord with relevant Development Plan policy in this respect.

Drainage and Flooding

MSDP Policy DP41 seeks to ensure a sequential approach and ensure that development is safe across its lifetime and not increase the risk of flooding elsewhere. Policy E7 of the HHNP is also relevant.

The application is accompanied by a Foul and SuDS Drainage Statement (GTA Civils Consulting Engineers) which can be viewed by the public on the Council's website. A Geo-Environmental Risk Assessment has also been produced by Aviron for the applicants.

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area.

It is proposed to discharge surface water drainage through infiltration into the ground. There will be no off site run off therefore no increased flood risk to neighbours.

SuDS (Sustainable Urban Drainage System) treatment will be provided by permeable paving and deep bore soakaways across the site.

The Council's Drainage Engineer has reviewed the drainage proposal and advises that open water features such as swales and rainwater gardens be incorporated on site to increase amenity and would encourage the use of more swallow infiltration wherever possible.

It is proposed that the development will discharge into the public foul sewers to the east of the site beneath Bolnore Road.

The Council's Drainage Engineer has recommended planning condition for further details of foul and surface water drainage prior to commencement.

Any discharge into the public surface water sewer is likely to be acceptable. However, that confirmation will be required from Southern Water.

Subject to the recommended condition the scheme is considered to be compliant with the above policies and H5 of the HHNP.

Sustainability

MSDP Policy DP21 relates to transport and requires schemes to be 'sustainably located to minimise the need for travel' and take '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'. In addition it requires where 'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

'In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

The development is situated in a sustainable town location with good access to public transport alternatives to the private car. There are bus stops along Butlers Green Road (A272) and Haywards Heath railway station is approximately 1.5km from the application site. It is also within walking distance of a wide range of local services and amenities. The town centre is only 1km away.

MSDP Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The application is accompanied by a Sustainability & Energy Statement (bluesky unlimited) which is available to view on the Council's website. The applicant advises that the scheme would incorporate the following measures:

"this proposes a fabric first approach to provide insulation standards above the Building Regulations requirements, compliance with the Council's water efficiency standard of 110 litres per person/day. The layout and arrangement of dwellings includes dual aspect apartments. Whilst some windows have a northerly aspect, all dwellings will receive direct sunlight during the daytime period."

It is considered that the proposal satisfactorily complies with the requirements of policy DP39.

The proposal is in overall terms considered to be acceptable in sustainability terms.

Other Issues

Contamination

As mentioned above, the planning application is accompanied by a Geo-Environmental Risk Assessment prepared by Aviron Associated Limited. This document provides details of contamination risk and remediation measures.

However, the risk of contamination arising from its current use as a depot and historical uses at the site and the surrounding area have been confirmed in the planning, design and access statement as being low/moderate.

Notwithstanding this, the Council's Environmental and Contamination Officer notes the risk of ground gas and carbon dioxide in particular on the site. Asbestos has also been found and as such has recommended planning conditions to carry out a discovery strategy followed by remediation methods to be put in place if necessary.

It is considered that the proposed development would not be directly affected by pollution impacts and would therefore comply with relevant policy DP29: Noise, Air and light Pollution of the Mid Sussex District Plan and the advice contained within the National Planning Policy Framework.

Planning Balance and Conclusions

This full planning application is proposing 18 dwellings, comprising a mix of 6 flats and 12 houses.

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

The application site is a brownfield site within the built confines of a Category 1 settlement and is allocated for housing development for approximately 15 dwellings through policy H5 of the Neighbourhood Plan. It is considered to be a sustainable location for infill residential development. The principle of the development is thus established and compliant with the development plan.

The proposal would provide 50% affordable housing which exceeds the requirement of policy DP 31 of the District Plan to provide 30%. This is a significant benefit of the scheme.

The existing development on site is surplus to the requirements of the Council and the displaced storage facilities arising from the scheme can be suitably accommodated and managed within the extensive storage areas elsewhere across the Council sites.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area in accordance with policies DP26 of the District Plan and H5 of the Neighbourhood Plan.

No significant harm would be caused to the amenities of the surrounding residential occupiers (DP26) and the scheme would not cause harm in terms of parking or highway safety (DP21). Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. There would be potential amenity and environmental benefits from the removal of the Council depot which might be used for a range of other storage uses without the need for planning permission.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Special Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H5. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 legal agreement to secure financial contributions towards infrastructure, it is recommended that planning permission be granted.

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.

Pre-commencement conditions

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

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

4. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including where necessary proposed contours and finished landscaping. The development shall only be carried out in accordance with the approved details

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,

- the erection and maintenance of any security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- the protection of existing neighbouring properties from dust
- details of public engagement both prior to and during construction works.

Reason: To allow the Local Planning Authority to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan.

6. No development shall commence until a method statement for wildlife protection and habitat creation with a pro-forma checklist has been submitted to, and approved by, the local planning authority. This should be a working document for use on site, just setting out the practical steps required for implementation with any supporting plans, photos or diagrams required). The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: In accordance with policy DP38 of the Mid Sussex District Plan and the National Planning Policy Framework.

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

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan. (This pre-commencement condition is necessary as it requires details to be submitted and approved which are fundamental to the protection of potentially important archaeology during the construction period.)

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP41 of the Mid Sussex District Plan and the National Planning Policy Framework.

Construction phase

9. No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment in accordance with policy DP41 of the Mid Sussex District Plan, policy E7 of the Haywards Heath Neighbourhood Plan and the National Planning Policy Framework.

10. The works shall be carried out in accordance with the Tree Protection measures detailed in the Tree report dated 30/08/19 and as shown on the tree protection plan and shall be implemented and fully adhered to for the duration of the construction works, and a landscaping plan submitted detailing the trees and hedges to be retained along with new planting. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To mitigate the loss of trees and to ensure the retention and maintenance of trees and vegetation which is an important feature of the area and in the interests of visual amenity to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

11. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, a landscaping management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development for its permitted use. The landscaping management plan shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies E9 of the Neighbourhood Plan.

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

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

However, during the Covid-19 period an exception to the above can be made and temporary changes to construction working hours until 9pm or later, 6 days a week, wherever possible will be permissible save for Sundays or bank holidays.

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

13. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted
- Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan.
14. 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 and to accord with Policy DP26 of the Mid Sussex District Plan.
15. The development shall be carried out in accordance with the details contained within the Sustainability and Energy Statement (Bluesky Unlimited, 21st August 2019)
- Reason: To comply with the requirements of Policy DP39 of the Mid Sussex District Plan.
16. No development shall be carried out above ground slab level unless and until samples and a schedule of materials and finishes to be used for the external walls, roofs and windows/doors 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.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H5 of the Neighbourhood Plan.
17. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.
- Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP41 of the Mid Sussex District Plan and the National Planning Policy Framework.

18. The working drawings to show details for the provision of 30% electric vehicle charging points across the development hereby permitted, shall be submitted to and approved in writing by the local planning authority and implemented and retained thereafter.

Reason: To comply with transport and sustainability policies DP21 and DP39 of the Mid Sussex District Plan and guidance contained within The National Planning Policy Framework.

Pre-occupation conditions

19. No dwelling shall be occupied until the checklist approved under Condition 6 has been completed, signed off by the project ecologist / wildlife consultant and approved in writing by the local planning authority.

Reason: In accordance with policy DP38 of the Mid Sussex District Plan and the National Planning Policy Framework.

20. No part of the development shall be first occupied until the accesses, parking areas and footways and serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These areas shall thereafter be permanently retained for their designated purpose unless otherwise agreed by the local planning authority.

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

21. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be submitted to and approved in writing by the local planning authority and be fully implemented prior to completion of the development and thereafter maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

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

Post-occupation monitoring/management conditions

23. The recommendations set out in the Preliminary Ecological Appraisal report by Urban Edge Environmental Consulting dated September 2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

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

24. The garages serving those dwellings hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway and to accord with Policy DP21 of the Mid Sussex District Plan.

25. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, shall be carried out (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to preserve the amenities of neighbouring residents and to accord with Policy DP26 of the Mid Sussex 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 or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
3. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning->

[conditions-discharging-and-modifying-conditions](#) (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

5. 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.
6. 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 is available to read on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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
Planning Layout	1358/Pln/101	B	23.04.2020
Block Plan	1358/Pln/113	B	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/102	B	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/103	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/104	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/105	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/106	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/107	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/108	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/109	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/110	A	23.04.2020
Proposed Floor and Elevations Plan	1358/Pln/111	A	23.04.2020
Street Scene	1358/Pln/112	B	23.04.2020
Highways Plans	1358/Pln/115	C	23.04.2020
Planning Layout	1358/Pln/116	B	23.04.2020
Means of Enclosure	1358/Pln/117		23.04.2020
Location Plan	1358/Pln/100		03.09.2019
Tree Survey	SH22611-03		03.09.2019

APPENDIX B – CONSULTATIONS

WSSC Archaeology

Having reviewed the amended information, I have no change to make to my previous comments on this application, dated 08/10/2019, copied below for reference:

Recommend Archaeological Condition:

The application site is relatively large (c.0.6ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore, I am pleased to note that an Archaeological Desk Based Assessment (produced by Thames Valley Archaeological Services) has been submitted in support of this application. The assessment is acceptable, and concludes that although there are no identified heritage assets within the proposal site itself, there remains the potential for previously unknown below ground archaeological remains. Notably, this includes remains associated with the London to Brighton Roman Road; the postulated route is expected to run adjacent to the site, however topographical analysis of LiDAR data has not ruled out the possibility that the feature may extend within the site, or for the presence of associated roadside settlement and activity. Other archaeological investigations in the vicinity have also revealed some evidence for Mesolithic, Neolithic and Bronze Age periods and more substantial evidence dating from the Medieval and Post medieval periods.

Cartographic analysis has demonstrated that while some impact on surviving archaeological horizons may be expected as a result of previous land use of the site, there remains some good potential for preservation across much of the site.

Given that the unknown archaeological potential of the site, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy DP34 of the Mid Sussex Local Plan, I recommend that further archaeological work is required in relation to this proposed development. In the first instance this should take the form of trial trench evaluation will involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that may be present on the site. The results of the evaluation will enable decisions to be made regarding suitable mitigation measures to be developed if necessary.

In the absence of any evidence to suggest that remains of a standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological work be carried out in advance of planning permission. In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

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

WEST SUSSEX COUNTY COUNCIL CONSULTATION

The Local Highway Authority (LHA) would have no additional comments to make over and above our previous comments on the 25th February 2020. The revised plans namely

1358/Pln/115 Rev C have been considered as part of this response. The advice relating to Bolnore Road and its status would still stand.

WEST SUSSEX COUNTY COUNCIL CONSULTATION

The Local Highways Authority (LHA) has been consulted on the above planning application for 18 dwellings with associated parking and landscaping at Beech Hurst Depot. This application has been supported with a Stage 1 Road Safety Audit (RSA) and a Planning Design and Access Statement.

Comments

The Stage 1 Road Safety Audit (RSA) has been completed in line with GG/119 standards as per WSCC Guidance. The RSA has picked up on 4 issues with the development site in its current format. The LHA's previous response from October 2019 and January 2020 requested additional information on the RSA and visibility aspects.

Having had correspondence with the applicant on these matters we can confirm that we would agree in principle the plan 1358/Pln/115 Rev A covers the requirement for swept path diagrams and the visibility splays. The Designers Response has been reviewed to the RSA and in response to point 5.5 advises that the internal access road is to be designed as a shared space and further details will be provided at the Stage 2 Detailed Design Stage of the application.

Conclusion

On the basis of the above the LHA would be satisfied with the highway aspects of the proposals and would not consider the application to have a 'Severe' residual impact on the adjoining highway network and thus would be in accordance with Paragraph 109 of the National Planning Policy Framework (NPPF).

Bolnore Road

We are aware there has been concerns in relation to the existing road surface along Bolnore Road which has been a cause of concern for this application and previous applications.

In relation to this point the initial section of Bolnore Road to the north entering the B2272 is an adopted 'D' class highway subject to a 30 mph speed limit. It has been requested that the southern section of Bolnore Road is adopted is formally adopted by the LHA like the northern section. At present this is a Byway Open to All Traffic (BOAT) The status of the BOAT to the south is that it is technically adopted by the LHA and in theory it is used to serve all traffic in the same way as the northern end. The question as to whether the BOAT can be upgraded to a 'D' class we have looked into. From our investigations with our legal team this could be achieved and most likely would be delivered through a Section 278 Agreement but there are a few important points to make reference to:

- The cost of this upgrade would have to be met through the developer
- Land ownership would also need to be checked (depending on the extent)
- The applicant was willing and able to offer it for adoption. The LHA could not insist on the road being adopted as part of this development.

Finally, we would obviously need to discuss the particulars with our implementation team prior to giving any further comments on this.

In lieu of the above Section (S)59 of the Highways Act 1980 relates to the 'recovery of expenses due to extraordinary traffic'. Our understanding is the applicant is willing to enter into an S59 Agreement with the LHA. Our colleagues in the Public Rights of Way Team would also need to comment on this matter to see if they were in agreement.

Essentially the S59 provides for the highway authority to recover the cost of excess expenses incurred in repairing roads damaged by an operator causing excessive weight or extraordinary traffic to pass along a highway. For such funds to be applicable the Local Planning Authority (LPA) needs to be able to demonstrate that the need for repairs results directly from an operator's use of a section of the highway, over and above the use that would on average be the case.

WEST SUSSEX COUNTY COUNCIL CONSULTATION

Background: The Local Highways Authority (LHA) has been consulted on the above planning application for 18 dwellings with associated parking and landscaping at Beech Hurst Depot. This application has been supported with a Stage 1 Road Safety Audit (RSA) and a Planning Design and Access Statement.

Comments: The Safety Audit has been completed in line with GG119 standards as per WSCC Guidance. The RSA has picked up on 4 issues with the development site in its current format. The LHA's previous response from October 2019 requested additional information on the RSA and visibility aspects. Upon inspection of the planning portal there does not appear to be any additional information on the points raised. Until this information is provided there would be no further comments from the LHA and the previous More Information request from October 2019 would still stand.

WEST SUSSEX COUNTY COUNCIL CONSULTATION

RECOMMENDATION: Advice - No objection

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage. The following is the comments of the LLFA relating to surface water drainage and flood risk for the pro-posed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30 year and 100 year events: Low risk

Comments: Current surface water 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 should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification: Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

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.

Ordinary Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses in close proximity to the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across 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.

Records of any historic flooding within the site? No

Comments: We do not have any records of historic surface 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.

Future development - Sustainable Drainage Systems (SuDS)

The Foul and SuDS Drainage Statement included with this application states that permeable paving and deep bore soakaways would be used to control the surface water runoff from the site. It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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 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.

WEST SUSSEX COUNTY COUNCIL CONSULTATION

S106 CONTRIBUTION TOTAL: Resurfacing works on Bolnore Road byway 27CU

Looking at the amended plans submitted 27th April 2020 the PRow comments made on 23rd Oct 2019 still stand.

I also noted the comments made by WSCC Highways on 25th Feb 2020 and would agree with them that the dedication of the current byway, ref 27CU, from where it meets the D classification road to the north down to the development site, as a D road, would be the most effective solution due to the change in characteristics of this area. The cumulative effect of development and associated increase in traffic during and post construction has had a detrimental effect on the surface of this route and will continue to do so with the addition of this development.

The other option highlighted by Jamie Brown was the use of section 59 of the Highways Act to reclaim expenses due to extraordinary traffic. This is not always practical as it is difficult to prove how the damage was caused and by whom as there are other users of this route. I have experience of many other situations across the county where damage has been caused to the surface of a PRow by contractors during a development and WSCC have been left with the costs of making the surface good. This in part is why this route is not in a great condition now even before this development begins.

This route and the future residents along this route would benefit greatly if this route is made up to a suitable standard as part of the development and I believe the developers will benefit from having a smart and suitable surface leading all the way to the development for future sales.

I believe that the public would benefit the most from the Section 278 dedication as described in Jamie Brown's email dated 25/02/20 and would recommend that this be enabled to future proof this route.

Ecological Advice

Recommendation

Based on the results of the eDNA testing of pond water samples provided by the applicant's ecologist, the issue of potential great crested newt presence raised in the supporting Preliminary Ecological Appraisal (PEA) report has been adequately addressed and no significant impacts on this species are anticipated. The only other potential impacts on protected species, identified in the PEA report could be dealt with by a method statement covering mitigation measures during site clearance and construction and the habitat value of the site appears to be relatively low, with no priority habitat types identified. The PEA makes recommendations for enhancements in line with Policy DP38 of the Mid Sussex District Plan, which states:

"Biodiversity will be protected and enhanced by ensuring development [amongst other matters]: 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..."

Given the layout, there appears to be little opportunity for the proposal to implement these measures so it is hard to see how a net gain could be achieved and MSDC will need to weigh this against other material considerations. Some limited measures could be achieved such as incorporation of nest/roost boxes and some very limited native planting. If it is decided to grant consent, the following condition is recommended:

Pre-commencement

No development shall commence until a method statement for wildlife protection and habitat creation with a pro-forma checklist has been submitted to, and approved by, the local

planning authority. This should be a working document for use on site, just setting out the practical steps required for implementation with any supporting plans, photos or diagrams required). The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Prior to occupation

No dwelling shall be occupied until the checklist approved under Condition ____ has been completed, signed off by the project ecologist / wildlife consultant and approved in writing by the local planning authority.

MSDC Parks and Landscapes (email sent to former case officer on 04.10.2019)

"Just to let you know that I had a look at the planning application DM/19/3619 from a Landscape point of view and couldn't find any problems with the layout of this house development. At the moment there isn't much for me to comment on.

I presume that there will be some planting plans that will include some description of what plants and trees will be planted in the area.

Also just to let you know that there is a large area with Japanese knotweed on the adjacent land (North side) and a small area on MSDC land. I know that if this weed is present on the land the problem needs to be addressed. "

Tree Officer

I have reviewed the above documents and have the following comments:

1. Three category C trees and a group of category C trees are to be removed to facilitate the development. Trees of this classification should not act as a constraint upon the development.
2. Protection measures for retained trees and hedges have been detailed within the tree report (AMS) and tree protection plan drawing and include temporary ground protection, tree protection fencing and sensitive demolition of current structures. The method statement is appropriate and should be fully adhered to throughout the construction.
3. Pruning to facilitate the development has been outlined within the report and does not appear excessive and is therefore acceptable.
4. Service and utility provisions have yet to be finalised and should be sensitively designed to ensure minimal damage to tree roots as outlined in the tree report.

Accordingly, there are no objections to the development on arboricultural grounds subject to the condition that the tree protection measures detailed in the Tree report dated 30/8/19 and as shown on the Tree Protection Plan shall be implemented and fully adhered to for the duration of construction works, and a landscaping plan submitted detailing the trees and hedges to be retained along with new planting to mitigate the loss of the trees noted above.

MSDC Community Facilities

"Thank you for the opportunity to comment on the plans for the development of 18 residential dwellings at Beech Hurst Depot, Bolnore Road, Haywards Heath 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 five or more dwellings.

CHILDRENS PLAYING SPACE

Beech Hurst Gardens, owned and managed by the Council, is adjacent to the development site and this facility will face increased demand from the new development so a contribution of £15,110 is required to make improvements to play equipment at this site. We also require a financial contribution of £12,639 toward new kickabout provision for older children to be used at Beech Hurst Gardens or the Tim Farmer Recreation Ground. 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 £18,253 is required toward improvements to the tennis courts at Beech Hurst Gardens.

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 £10,469 is required toward the Beech Hurst Learning Centre and / or The Yews community centre in Boltro Road, Haywards Heath.

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. "

Haywards Heath Town Council

DM/19/3619 - Mid Sussex District Council, Beech Hurst Depot, Bolnore Road.

Demolition of existing buildings and redevelopment to provide 18 dwellings comprising 2 no. 1-bed flats, 4 no. 2-bed flats, 5 no. 2-bed houses, 3 no. 3-bed houses and 4 no. 4-bed houses with associated access, landscaping and car parking.

The Town Council notes the submission of a revised Statement of Community Involvement (received by Mid Sussex District Council on 07/01/2020). As this is the only change to the application since the Town Council's original representation was submitted on 04/11/2019, the Town Council has no further comment to make. For the avoidance of doubt, the original representation is reiterated below:

'This site is earmarked in the Haywards Heath Neighbourhood Plan (HHNP), detailed in Policy H5, and thus the principle of development is already established for approximately 15 housing units. The Town Council welcomes the provision of additional affordable housing in excess of policy requirements; however, the Town Council notes ongoing concerns relating to density on the site.

The overriding concern raised by residents is the poor condition of Bolnore Road and the potential for further damage from the construction process. The Town Council critically notes representations from residents and specifically the West Sussex County Council Public Rights of Way (WSSCC PROW) requirement for a planning condition as follows:

'if planning permission is granted for this development a condition should be included for resurfacing of Bolnore Road from the end of the D classified section through to the access road for the development site. This is the request of WSSCC PROW to ensure that the future increases in private use of this route does not result in a deteriorating surface of the PROW.

WSCC Highways have also been consulted on this application and any comments regarding the section carrying D status will be included by the Highways Officer.'

The Town Council wishes to reinforce this condition by requesting that the entire western end of Bolnore Road, i.e. from Saddlers Way westwards, is brought up to a WSCC Highways adoptable standard which includes the provision of a footway. The highway is to be constructed using materials of the appropriate grade, i.e. nothing substandard.

For the absence of doubt, if this planning condition is not delivered, the Town Council OBJECTS to the application.

In addition to the above condition - which the Town Council considers non-negotiable - any permission granted must also be subject to the following:

- No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved by Mid Sussex District Council (MSDC). The CMP shall follow the access and working hours restrictions that applied to the development of Phase 5 of Bolnore Village and shall include but not be limited to the following:
 1. In the spirit of neighbourliness, community engagement and to demonstrate best practice, the developers must consult with local residents and notify them in advance of the key stages of development. They must provide a meaningful liaison forum with and for residents for the duration of the build;
 2. The developers must be required to fund pre-commencement (of works) and post-completion surveys of the condition of Bolnore Road and verges and must be obligated to rectify, on an ongoing basis, any defects that are attributable to construction traffic. A post-completion survey must be approved by WSCC Highways and/or MSDC prior to first residential occupation of the development;
 3. In order to protect the amenity of local residents, works of construction (including the use of plant and machinery, and deliveries or collection of plant, equipment or materials) shall be limited to the following times:
 - Monday-Friday 08:00-18:00 hours;
 - Saturday 09:00-13:00 hours;
 - Sunday and Bank/Public Holidays No work permitted;
 4. Access to the site for HGVs over 7.5 tonnes and for articulated vehicles shall be limited to the following times:
 - Monday-Friday 09:15-15:30 hours;
 - Saturday, Sunday and Bank/Public Holidays No access permitted;
 5. Access to the site for heavy plant shall be limited to the following times:
 - Monday-Friday 11:00-15:00 hours;
 - Saturday, Sunday and Bank/Public Holidays No access permitted;
 6. No construction or supply vehicles shall exceed a speed limit of 10mph along Bolnore Road. Advisory 10mph speed restriction signs shall be erected in Bolnore Road by the developers (subject to approval by WSCC Highways);

7. In order to ensure the safety of all highway users, there shall be no parking of contractors', developers' or visitors' vehicles on the BOAT (byway open to all traffic) section of Bolnore Road. There are no enforceable parking restrictions here and the developers must therefore be required to erect temporary barriers to prevent parking on the verge.

The Town Council urges colleagues within the higher tiers of local government to engage in all steps necessary to get the western end of Bolnore Road brought up to standard and adopted once and for all. This could coincide with the implementation of traffic calming measures, and parking restrictions (say weekdays between 09:00 and 10:00 hours, and 13:00 and 14:00 hours) to prevent commuter parking.

The Town Council requests that developer Section 106 contributions for local community infra-structure are allocated towards the proposed Country Park on land off of Hurstwood Lane.

PLANNING SERVICES DIVISION: SECTION 106 CONSULTATION RESPONSE

Summary of Contributions

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	39.2		
	Primary	Secondary	6th Form
Child Product	0.4051	0.4051	0.0000
Total Places Required	2.8359	2.0256	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£6,332		
Population Adjustment	39.2		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	18		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	39.2		
Net Parking Spaces	35		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£52,095
Education - Secondary	£56,067
Education - 6th Form	No contribution
Libraries	£6,332
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£52,198
Total Contribution	£166,692

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 firefighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd 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 ser-vic 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 18 Net dwellings, and an additional 35 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

4

- 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 facilities at Harlands Primary School.

The contributions generated by this proposal shall be spent on supporting the National Curriculum at Warden Park Secondary Academy.

The contributions generated by this proposal shall be spent on providing resources to support health and wellbeing at Haywards Heath Library.

The contributions generated by this proposal shall be spent on pedestrian and traffic calming improvements to South Road, Haywards Heath.

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

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.

TPR = (No of year groups) x (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).

Child Product = Adjusted Population x 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

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:

Contributions = SQ M Demand x 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

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.

$$\text{TAD} = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$$

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.

$$\text{Infrastructure contributions} = \text{Car parking spaces} \times \text{Cost multiplier}$$

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).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 703$$

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

This page is intentionally left blank