

MID SUSSEX DISTRICT COUNCIL

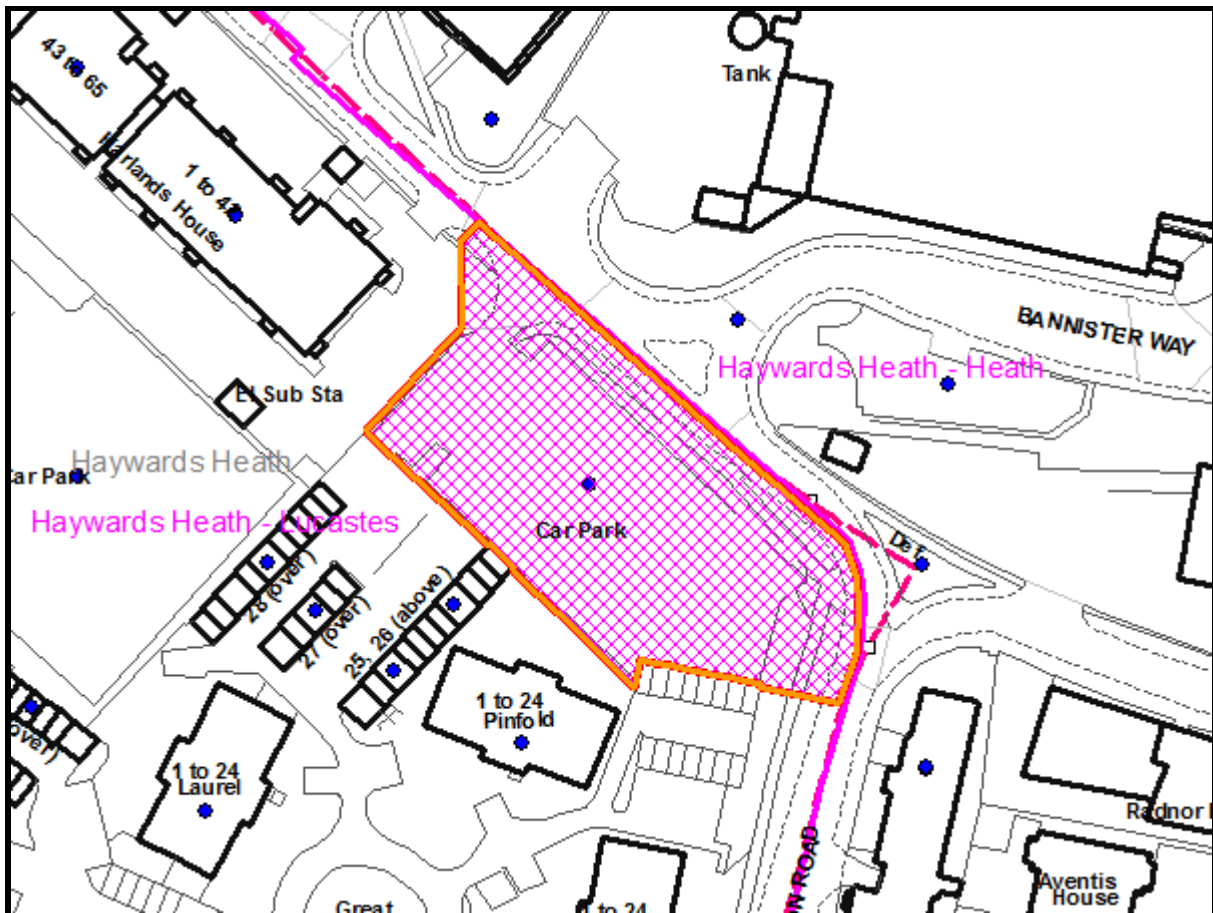
Planning Committee A

6 DEC 2018

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/17/2384**



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**NCP LTD HARLANDS ROAD CAR PARK HARLANDS ROAD HAYWARDS HEATH**

**THE CLEARANCE OF THE SITE; AND THE CONSTRUCTION OF A BUILDING CONTAINING 40 RESIDENTIAL APARTMENTS (17 X 2-BED, 21 X 1-BED AND 2 X STUDIOS), WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND ANCILLARY WORKS (AMENDED DESCRIPTION AND PLANS RECEIVED 23 JULY) (AMENDED PLANS RECEIVED 14 AUGUST 2018 SHOWING ADDITIONAL CAR PARKING SPACES AND UPDATED DAYLIGHTING INFORMATION RECEIVED 26 SEPTEMBER 2018)**

**FRONTIER ESTATES LTD**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) / Tree Preservation Order Points / Advance Payment Code (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 10th September 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Andrew Watt

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Full planning permission is sought for the clearance of the site and the construction of a building containing 40 residential apartments (17 x 2-bed units (5 being duplex), 21 x 1-bed units and 2 x studios), together with associated access, car parking, landscaping and ancillary works. None of the dwellings will be affordable (as set out in the Assessment section below).

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

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

Weighing in favour of the scheme is that the development will provide 40 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed, together with local infrastructure contributions. There will also be a visual improvement to the immediate surroundings, in terms of the design of the building.

Weighing against the scheme is an impact on neighbouring amenity in terms of loss of daylighting and the loss of a private off-street car parking facility. However, it is

not considered that this impact would be so overbearing as to be intrusive on the amenities of neighbouring residents, and the loss of the parking facility would not result in any highway safety issues resulting from overflow parking demands.

There will be a neutral impact in respect of a number of issues such as landscaping, drainage, land contamination and sustainability, including the impact on the Ashdown Forest.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP25, DP26, DP27, DP29, DP30, DP31, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8, E9, E11, E13, T1, T2, T3, H6 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the required level of infrastructure contributions and inclusion of an appropriate viability review mechanism (including required Affordable Housing provisions), as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

If by 8 March 2019, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions and viability review mechanism, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

*"The application fails to comply with Policies DP20 and DP31 of the Mid Sussex District Plan, Policy T2 of the Haywards Heath Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development."*

## **SUMMARY OF REPRESENTATIONS**

Haywards Heath Society: The Society objects to this proposal because the District Council requirement for 30% affordable housing has not been provided for.

9 letters of objection (from 7 residents) to the amended scheme (40 units):

- significant overbearing impact
- loss of all our outlook
- loss of light
- highway safety issues
- increased noise and disturbance

- proposed design of the construction does not blend in with existing apartment blocks in the area which is already over developed
- five storeys will block the skyline from the existing flats at the rear of Pinfold House (Great Heathmead) and drastically reduce the natural light
- "Outlook" of trees and sky for the past 20 years will now consist of a brick wall.
- lacks architectural integrity
- loss of car park
- no new facilities to support the new housing
- Flats will be built on this site but should not be detrimental to existing residents eg Pinfold House whose residents do not have the luxury of being able to look out of windows in other directions than onto this site
- The boundary between Great Heathmead and the proposed development should be tree lined
- Further reduction in air quality
- Inadequate onsite parking for future residents
- Loss of trees and shrubbery and wildlife
- Unsuitable housing type
- Japanese knotweed will need to be dealt with
- Flats will be unaffordable for first time buyers

23 letters of objection to the original scheme (65 units):

- Loss of car park
- too high and would have a "significant overbearing impact and loss of outlook" on the properties in Great Heathmead, especially Pinfold House
- overdevelopment of the site
- contravenes the neighbourhood plan for "approximately 40 units" under policy H6
- road access
- traffic congestion
- too intrusive
- overcrowding
- noise and disruption
- height should be lowered

## **SUMMARY OF CONSULTATIONS**

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

### **MSDC Contaminated Land Officer**

Approve with conditions.

### **MSDC Design Review Panel**

Supports the scheme subject to amendments.

### **MSDC Drainage Engineer**

No objection, but require further information relating to the repositioning of the culvert and confirmation that safe means of disposal of foul water can be provided.

### **MSDC Environmental Protection Officer**

Approve with conditions.

### **MSDC Housing Enabling Officer**

Additional information was requested and provided by the developer to clarify aspects of the viability assessment in relation to the details of the scheme, the gross development value, the build cost assumptions, fees and site value. Having undertaken a desk top review of the additional information provided the District Valuer concluded that it is not viable to provide any affordable housing either onsite or by way of commuted sum. The situation will however be reviewed at a later date in the project when more accurate information about costs and values will be able to be provided. Potentially this could enable an affordable housing contribution to be provided. This review mechanism will be secured through the s106 agreement.

### **MSDC Leisure Officer**

Requests financial contributions towards local leisure infrastructure.

### **MSDC Parking Services**

The combined loss of the Harlands Road car park and additional on-street parking restrictions in the area does have the potential to displace vehicles, and initial evidence would suggest that the remaining supply of on and off street provision may not have the capacity to accommodate displaced vehicles requiring long stay parking.

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

Informative requested.

### **MSDC Tree Officer**

No objection, subject to landscaping plan.

### **MSDC Urban Designer**

No objection, subject to conditions requiring further approval of landscaping, facing materials and details.

### **WSSC Drainage Strategy Team**

Detailed comments relating to surface water drainage and flood risk for the proposed development.

## **WSSC Highways**

No objection, subject to conditions.

## **WSSC Infrastructure**

Requests financial contributions towards county infrastructure.

## **Environment Agency**

No comment received.

## **Southern Water**

No objection, subject to condition and informative.

## **Sussex Police**

No major concerns.

## **TOWN COUNCIL OBSERVATIONS**

Haywards Heath Town Council (HHTC) objects to this application.

The Town Council's Planning Committee supports the development in principle of this brownfield site, as detailed in Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP) and this latest amended proposal meets the requirement of Policy E9, evidenced by the reduced massing, height and number of dwelling units.

(Point 3 under Previous Comments refers) Design comments are as before: we still believe that the original designs submitted in late 2016 to the initial Mid Sussex Design Review Panel presented the best aesthetic option, and that successive amendments reduced the design appeal to blend in with previous mistakes, rather than providing a fresher more modern design in this prominent central location.

We are concerned by the objections raised by neighbouring residents Mr & Mrs Chitty, specifically relating to a loss of privacy and overlooking from the proposed development, which has been exacerbated by moving it further up the incline and will negatively affect their own outlook, the latter of which is regrettable, but is not specifically a material planning consideration.

In the unwelcome event of permission being granted, we request that this is subject to the following conditions:

- a. The development must have a gated access, the purpose of which would be to safeguard resident amenity by preventing unauthorised parking by commuters and others;

- b. Euro-bin facilities - these will be collected by a commercial waste operator - no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
- c. We note that the size of the plot remains unchanged, as does the building footprint, however HHTC is disappointed that the number of parking spaces has been reduced from 45 down to 30. We would prefer to see provision increased to 40 spaces, including future-proofing for electric vehicle charging points.

Developer Section 106 contributions should be adjusted down proportionately.

**Pedestrian School Route:**

We believe there are significant highways issues due to the volume and speed of traffic at this busy through route to the industrial area of Burrell Road and the northern areas of town. We would require developer support for a Section 278 contribution to deliver a safe pedestrian crossing solution from the proximity of the development towards the Sainsbury's side of Harlands Road.

**Affordable Housing:**

However, whilst we note the provision of 3 affordable housing units, HHTC believes this figure is too low and fails to meet the requirement of the respective HHNP and Mid Sussex District Plan Policies. For this reason also, HHTC objects to the application.

**Previous Comments (submitted to the MSDC Online Public Register on 15/2/18):**

The Town Council notes the amended plans received by Mid Sussex District council on 5/1/18. However, they do nothing to address the reasons for objecting to this application when it was considered the first and second time round, i.e. on 19/6/17 and 13/11/17. Therefore, the Town Council objects to this application and reiterates the reasons for this as follows:

1. The construction of a building containing 65 apartments would be contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP). Whilst this policy supports the principle of residential development on this site, it places a restriction of 'approximately 40' on the number of dwellings that would be acceptable. Clearly, 65 is nowhere near 40 and therefore the proposal is too big, too tall and would give rise to an overdevelopment of the site;
2. Leaving aside the fact that the proposal undermines the integrity of the HHNP, the provision of only 45 parking spaces for 65 apartments (35% of which are to be 2-bed) is inadequate and unrealistic. There is no disputing that the site is in an accessible and convenient location; nevertheless, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. On-site parking should be provided at a ratio of one space per dwelling;

3. Members dislike the appearance of the proposed development because it 'blends in' too closely with other buildings in the vicinity that lack architectural merit. Members expressed a preference for the architects' original 2016 design, before it evolved through the Mid Sussex Design Review Panel.

Moreover, Members are appalled at the assertion that the result of a Financial Viability Assessment 'leads to a conclusion that it is financially unviable to provide any affordable housing as part of the proposed development or make any financial contribution in lieu.' This is simply not acceptable. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer.

In the unwelcome event of permission being granted, the Town Council requests that this be conditional on the development having a gated access. The purpose of this would be to safeguard resident amenity by preventing unauthorised parking by commuters and others. Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) - public realm improvements to South Road;
- art in the community - town centre: £5,000;
- support for Haywards Heath library: £5,000;
- Independent Works Programme (IWP) - community infrastructure: £15,000;
- highways/transport: £5,000.

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## **INTRODUCTION**

Full planning permission is sought for the clearance of the site and the construction of a building containing 40 residential apartments (17 x 2-bed units (5 being duplex), 21 x 1-bed units and 2 x studios), together with associated access, car parking, landscaping and ancillary works.

This application was originally to be reported to the Planning Committee on 8th November but was deferred from the meeting by officers as there were concerns that some issues raised by the District Valuer had not been satisfactorily addressed and thus further information and clarification was required. The applicants have provided further information on viability matters and this has been considered by the District Valuer.

## **RELEVANT PLANNING HISTORY**

A planning application for the erection of residential flats on a brownfield site with associated landscaping and external works was withdrawn in January 2002 (HH/299/99).

## **SITE AND SURROUNDINGS**

This 0.2ha, rectangular-shaped site is in use as an NCP surface car park, providing space for 91 vehicles. It forms a prominent position on the inner corner of the Milton Road/Bannister Way one-way gyratory in a central area of Haywards Heath, just to the west of the railway station. Land levels rise approximately 5m from the north-



west to south-east, and access is gained from the north. There is a footpath adjoining both carriageways with boundaries formed of post-and-wire fencing and varying degrees of vegetation screening, most notably to the north-west and south-east.

The surrounding land is developed: to the north is the Sainsbury's supermarket and 5-storey office building further north-west; to the east is a car wash and car showroom; to the south-east is the 5-storey residential Milton House; to the south is the Great Heathmead residential complex, with the 4-storey Pinfold House closest to the site, a garage block east and 4 flats over garages (2-storey buildings) immediately west - beyond that is the Dolphin Leisure Centre and its surface car park; and to the north-west is the 4/5-storey Harlands House residential block of flats.

The site is allocated for residential development for approximately 40 dwellings in Policy H6 of the Haywards Heath Neighbourhood Plan (2016).

## **APPLICATION DETAILS**

Full planning permission is sought for the clearance of the site (by removal of hardstanding) and the construction of a building containing 40 residential apartments (17 x 2-bed units (5 being duplex), 21 x 1-bed units and 2 x studios), together with associated access, car parking, landscaping and ancillary works. None of the dwellings will be affordable (as set out in the Assessment section below).

The building will occupy the northern two-thirds of the site across most of its full width, with the remainder being reserved for an outdoor car park and landscaping. Access will be as existing, via the lowest level of the site, which will allow a gated undercroft car parking area to be formed beneath the building.

The design approach adopted is a tri-partite arrangement as it descends the slope, with the easternmost end being 4/5-storeys above the adjoining land level, 4-storeys in the centre and 3/4-storeys to the west. The building will be finished with brick elevations, recessed balconies and chamfered window reveals, topped with a flat roof, the lower two sections set back from the front elevation.

40 car parking spaces will be provided in total, which includes 2 disabled bays and 4 electric charging spaces. This area is split between the undercroft storey and the rear of the site. Also within this undercroft is the refuse store, cycle storage area (66 spaces) and plant areas. 2 staircases and 2 lifts will be provided within the block as a whole, together with a feature staircase in the foyer, residents' store and a residents' gym on the ground floor.

## **LIST OF POLICIES**

### **Mid Sussex District Plan (Mar 2018)**

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

Policy DP4: Housing  
Policy DP6: Settlement Hierarchy  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP20: Securing Infrastructure  
Policy DP21: Transport  
Policy DP25: Community Facilities and Local Services  
Policy DP26: Character and Design  
Policy DP27: Dwelling Space Standards  
Policy DP29: Noise, Air and Light Pollution  
Policy DP30: Housing Mix  
Policy DP31: Affordable Housing  
Policy DP37: Trees, Woodland and Hedgerows  
Policy DP39: Sustainable Design and Construction  
Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Affordable Housing Supplementary Planning Document (Jul 2018)

Development Viability Supplementary Planning Document (Jul 2018)

Waste Storage and Collection Guidance for New Developments (May 2015)

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

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

Relevant policies:

*"Policy E7: New development proposals will be required to incorporate Sustainable Drainage Systems (SuDS), where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained."*

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

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

*"Policy E9: Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

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

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character."*

*"Policy E11: Major Development proposals sited on the edge of Haywards Heath or in a visually prominent location will be required to be supported by an assessment of the views to and from the proposed development. Any identified visual impact must be addressed through the design of the buildings, site layout, and the landscaping of the site. Where relevant the developers should have regard to the High Weald Management Plan as land to the northwest of the Town lies within the High Weald AONB."*

*"Policy E13: Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s) and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy."*

*"Policy T1: Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles."*

*"Policy T2: Planning applications for new major development proposals will be required to contribute towards the funding of cycle routes to Haywards Heath Railway Station and the town centre in accordance with the proposed Mid Sussex Infrastructure Delivery Plan, Mid Sussex Community Infrastructure Levy Charging Schedule and any S106 Obligations document or equivalent in place at the time."*

*"Policy T3: Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC."*

*"Policy H6 - Harlands Road Car Park (Site Area: 0.2ha)*

- *Capacity: The site should provide for approximately 40 dwellings. Form, Layout and Landscaping: This is a prominent corner site fronting a busy road.*
- *Care will need to be taken in designing a scheme which respects the existing adjoining residential and business development and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its prominent location.*
- *Build height should be similar to that which exists adjoining the site.*
- *Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development.*
- *The developer will be required to demonstrate that the loss of the private car park will have no adverse effect on street car parking in the locality."*

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

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

## **National Policy and Other Documents**

### **National Planning Policy Framework (NPPF) (Jul 2018)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

Paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170

(enhancing the natural and local environment), 178 and 179 (land contamination) and 180 (noise and light pollution) are considered to be most relevant.

## **Planning Practice Guidance**

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

#### **ASSESSMENT**

The main issues for consideration are:

- The principle of development (including the loss of the car park);
- The design and visual impact on the character of the area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Sustainability;
- The impact on trees;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Standard of accommodation;
- Other matters; and
- Planning Balance and Conclusion

#### **Principle of development (including loss of car park)**

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

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

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

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

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

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

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

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

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

The site falls within the built-up area of Haywards Heath as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan. The site is considered suitably sustainable in location and therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6.

The relevant section of Policy DP6 states that: *"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 District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. Haywards Heath is categorised as a Category 1 settlement in Policy DP6 of the Mid Sussex District Plan, i.e. a "Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements." It is the most favourable category in the Mid Sussex District, and the majority of housing developments are expected to be provided in these areas over the Plan period. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, further detail is provided by Policy H6, which allocates the site for residential development according to the following principles:

- *"Capacity: The site should provide for approximately 40 dwellings. Form, Layout and Landscaping: This is a prominent corner site fronting a busy road.*
- *Care will need to be taken in designing a scheme which respects the existing adjoining residential and business development and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its prominent location.*
- *Build height should be similar to that which exists adjoining the site.*
- *Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development.*
- *The developer will be required to demonstrate that the loss of the private car park will have no adverse effect on street car parking in the locality."*

The application scheme has been revised during the course of the application, reducing from 65 units to 40, in order to secure compliance with the above policy. As set out in the Design section below, it is considered that the building responds sensitively to this prominent location and in relation to the height of the surrounding buildings. Drainage matters are addressed in the Drainage section below.

In relation to the loss of the existing car park on the site, Policy DP25 of the Mid Sussex District Plan is also applicable, as the community facilities and local services referred to in this policy include car parks. It states (in part):

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

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

It is acknowledged that the District Plan policy is broader in scope than the more detailed Neighbourhood Plan policy and that the existing car park, being a private enterprise, could be closed unilaterally at any time. Nonetheless, the applicants' Transport Statement sets out the results of a survey carried out to demonstrate that the closure of the site car park will not have a materially adverse effect on street parking in the locality. It shows there is capacity in the Harlands Road car park during a typical weekday (of 14 spaces at its worst) and on a Saturday (80 spaces). These results were transposed to the Haywards Heath Station car park, which was viewed as exhibiting typical characteristics of a commuter car park and would be most likely to absorb the capacity lost from the application site. Its capacity was 75 spaces at its worst on a typical weekday and 764 spaces on a Saturday. If the Harlands Road car parking was reassigned exactly to the Station car park, then there would be sufficient capacity at weekends, but not for a one hour period during a typical weekday (1 car). In reality, though, this displacement would not occur as there are comprehensive on-street parking restrictions in the locality and (shorter-stay) town centre car parks are located some significant distance away (850m) so would not affect the vitality and viability of the town centre, so would accord with Policy T3 of the Neighbourhood Plan.

Several local residents have raised objections to the proposal on the basis of the loss of this car parking facility, which clearly provides a service to commuters in particular. The council's Parking Services team were therefore requested to provide comments based on the submissions made by the applicants through their Transport Statement. These comments are reported in full in Appendix B but in summary, the following points are made:

- It is likely that the majority of users of this car park are either commuters or local workers, using it on a long-stay basis.
- There are no capacity issues on Saturdays and there are no on-street restrictions on Sundays, so the main capacity concerns relate to weekdays.

- The loss of the Harlands Road car park does have the potential to displace vehicles and the remaining on- and off-street provision may not have the capacity to accommodate these vehicles requiring long-stay parking.

Based on the above, it is considered that more weight should be given to the allocation of this site for an alternative (residential) use based on the Neighbourhood Plan (found sound and agreed by majority local referendum), particularly given that the car park could close without requiring any permission from the council. It is furthermore considered that the necessary research has been carried out with and the Highway Authority conclude that, given the extent of parking restrictions currently in place on the surrounding highway network, the development would not lead to any highway safety issues resulting from overflow parking demands.

Taking all the above into account, it is considered that the loss of the car park and the principle of an alternative residential development on this site is acceptable in accordance with the above development plan policies.

### **Design and visual impact on the character of the area**

Policy DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*



- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The scheme has been assessed by the Design Review Panel and by the council's Urban Designer, with comments reported in full in Appendix B. In summary, it is considered that the density of development makes efficient use of this site (200 dph) and the layout and height is appropriate in relation to the surrounding area. The overall design approach is appropriate in its own right and will improve the visual amenities of this locality. For these reasons, it is considered that the proposal will comply with Policy DP26 of the Mid Sussex District Plan and Policies E9, E11, E13, H6 and H8 of the Haywards Heath Neighbourhood Plan.

### **Impact on neighbouring amenity**

Whilst Policy H8 of the Neighbourhood Plan requires that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded, Policy DP26 of the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: "policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence." As the MSDP is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

The main properties affected by the proposal would be Pinfold House to the south and Harlands House to the north-west.

The proposed development would be sited a minimum distance of 22m from the rear elevation of Pinfold House and 21m from the side elevation of Harlands House. In both cases, it is not considered that the building would result in a significantly adverse loss of privacy to the amenities of these neighbouring occupiers.

In terms of potential loss of light to these and other adjoining properties, a daylight and sunlight assessment was carried out by the applicants, based on Building Research Establishment (BRE) Guidelines. The latest version dates from 2011 and stresses that "the guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design."

The report makes clear that "due to the vacant nature of the site ... any massing coming forward is likely to create BRE percentage changes ... however, these are minor in nature."

In assessing the specific impact of the changes on surrounding windows, 3 rooms at 4 (living room) and 5 (both bedrooms) Pinfold House would experience a change above the target set out in the guidelines. However, the assessment notes that these would be of no greater than minor significance and would thus be acceptable.

It is acknowledged that this proposed building will have an impact on the amenities of these neighbouring occupiers, based on the research carried out on behalf of the applicant. But as specified above, the planning policy test is whether such an impact would be sufficiently significant to warrant a refusal on this basis alone. Your officers consider that this impact would not be so overbearing as to be intrusive and accordingly would consider that the scheme would comply with Policy DP26 of the Mid Sussex District Plan and Policy H8 of the Neighbourhood Plan.

### **Access, parking and impact on highway safety**

The Highway Authority has raised no objection to the application, based on information supplied in the Transport Statement and a Stage One Road Safety Audit. Full comments are reported in Appendix B and it is considered that with the imposition of conditions securing further details relating to access, car parking spaces, a car parking management plan, cycle parking and a construction management plan, the proposal would comply with Policy DP21 of the Mid Sussex District Plan.

### **Drainage**

The proposal entails the diversion of a private sewer, which runs alongside the north-western boundary beneath the site. This can be secured through a condition. The application is accompanied by a Drainage Assessment, which proposes a sustainable drainage system utilising pervious paving and subsurface storage, which will improve the existing surface run-off situation. For foul drainage, the proposal will connect to a nearby public sewer. Both these matters can be secured by a suitable condition. The council's Drainage Engineer raises no objection in principle to the drainage approach to be taken to this proposal and accordingly the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy E7 of the Neighbourhood Plan.

### **Land contamination**

The NPPF Glossary defines Site investigation information as:

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

The Council's Contaminated Land Officer has assessed the applicant's Environmental Desk Study Assessment and found it meets current standards.

Accordingly he recommends conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

### **Sustainability**

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

### **Impact on trees**

The council's Tree Officer has raised no objection to the proposal in principle and hence, subject to a landscaping condition requiring a landscaping plan, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan and Policies E9, H6 and H8 of the Neighbourhood Plan.

### **Impact on Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

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

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### **Infrastructure contributions**

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

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

and:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact, which is detailed in the Supplementary Planning Document on Development Infrastructure and Contributions, adopted on 25 July 2018. These costs are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

Based on 17 x 2-bed market units and 23 x 1-bed market units, the applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

*County Council Contributions:*

|                       |                         |
|-----------------------|-------------------------|
| Education - Primary   | £20,259                 |
| Education - Secondary | £21,803                 |
| Education - 6th Form  | N/A                     |
| Libraries             | £9,821                  |
| Waste                 | N/A                     |
| Fire & Rescue         | N/A                     |
| No. of Hydrants       | Secured under condition |
| TAD                   | £70,149                 |

*District Council Contributions:*

|  |         |  |
|--|---------|--|
| Equipped play                          | £15,343 | (the Dolphin Leisure Centre play area)             |
| Kickabout facilities                   | £12,888 | (the Dolphin Leisure Centre)                       |
| Formal sport                           | £33,837 | (increased capacity at the Dolphin Leisure Centre) |
| Community Buildings<br>Centenary Hall) | £19,406 | (improvements to St Wilfrid's Church               |

Local Community Infrastructure £21,562

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

## **Affordable housing**

Policy DP31 of the Mid Sussex District Plan states:

*"The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

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

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

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

The applicant did not propose any affordable housing units within this scheme and submitted a Financial Viability Assessment to justify a departure from this policy requirement. This was assessed by the District Valuer, commissioned on behalf of the council, who concluded that the scheme was not viable if affordable housing was to be incorporated.

This application was originally to be reported to the Planning Committee on 8th November but was deferred from the meeting by officers as there were concerns that some issues raised by the District Valuer had not been satisfactorily addressed and thus further information and clarification was required. The applicants have provided further information on viability matters and this has been considered by the District Valuer. He has concluded that *"It is my view that the scheme is unviable for*

*affordable housing. The offer of three shared ownership units appears to be made as a gesture and if I was advising the developer this would be withdrawn if a review mechanism was to be included.*" The applicants had originally three shared ownership units but this has been withdrawn and does not form part of the application. The scheme before Members would provide no affordable housing units.

The situation will however be reviewed at a later date in the project when more accurate information about costs and values will be able to be provided. As a result a viability review mechanism will be incorporated into the legal agreement and potential affordable units will be identified in an Additional Affordable Housing Schedule appended to the agreement. Inclusion of such a review accords with the council's Development Viability Supplementary Planning Document and thus the above policy would be met.

## **Housing mix**

Policy DP30 of the Mid Sussex District Plan states (in part):

*"To support sustainable communities, housing development will:*

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*

*Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans)."*

It is considered that the proposal would comply with this policy, which reflects the significant need for smaller dwellings, with 70% of new households being of one or two persons (as confirmed by the North West Sussex Strategic Housing Market Assessment Update (2012)

## **Standard of accommodation**

Policy DP27 of the Mid Sussex District Plan states:

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

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

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

The proposed dwellings would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a

high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

### **Other matters**

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

### **PLANNING BALANCE AND CONCLUSION**

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

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

Weighing in favour of the scheme is that the development will provide 40 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed, together with local infrastructure contributions. There will also be a visual improvement to the immediate surroundings, in terms of the design of the building.

Weighing against the scheme is an impact on neighbouring amenity in terms of loss of daylighting and the loss of a private off-street car parking facility. However, it is not considered that this impact would be so overbearing as to be intrusive on the amenities of neighbouring residents, and the loss of the parking facility would not result in any highway safety issues resulting from overflow parking demands.

There will be a neutral impact in respect of a number of issues such as landscaping, drainage, land contamination and sustainability, including the impact on the Ashdown Forest.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP25, DP26, DP27, DP29, DP30, DP31, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8, E9, E11, E13, T1, T2, T3, H6 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved Plans**

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

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

### **Pre-commencement conditions**

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan.

4. No development shall be carried out until elevation and section drawings at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority showing details of the windows, brickwork pattern, balconies, size and design of privacy screens and the configuration of the windows serving the gym and foyer where they meet the pavement. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan.

5. No part of this permission shall be implemented unless and until an agreement between the site owner(s) and Mid Sussex District Council to move the culvert has been concluded. No dwelling hereby permitted shall be occupied until the changes to the culvert have been completed.

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

6. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the



development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

7. 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. 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.

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

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

Reason: In the interests of highway safety and the amenities of the area and to comply with Policies DP21 and DP26 of the Mid Sussex District Plan and Policies E8, E9 and H8 of the Haywards Heath Neighbourhood Plan.

9. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- hours of construction working;
- measures to control noise affecting nearby residents;
- wheel cleaning/chassis cleaning facilities;
- dust control measures;
- pollution incident control and site contact details in case of complaints;

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any

variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

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

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

Please note: section a) of this condition has been purposely stricken through, as the Phase I Geo-Environmental Desk Study Assessment, undertaken by Amec Foster Wheeler Environment & Infrastructure UK Ltd (ref: 39400RR06i2), dated April 2017, is deemed to have met this requirement.

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

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

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

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

Reason: 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

### **Construction phase**

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

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

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

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

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

### **Pre-occupation conditions**

13. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies E5 and E9 of the Haywards Heath Neighbourhood Plan.

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

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan and Policy E8 and E9 of the Haywards Heath Neighbourhood Plan.

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

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

16. No part of the development shall be first occupied until a car park management plan setting how the proposed car parking is to be managed and maintained has been submitted to and approved in writing by the Local Planning Authority. Once approved, the car parking spaces shall thereafter be managed as per the agreed plan.

Reason: To safeguard the on-site car parking for residents and to comply with Policy DP21 of the Mid Sussex District Plan.

17. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

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

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policies E8 and E12 of the Haywards Heath Neighbourhood Plan.

19. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy E8 of the Haywards Heath Neighbourhood Plan.

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant/s (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

Reason: In the interests of amenity and in accordance with Policy DP20 of the Mid Sussex District Plan and the Fire and Rescue Services Act 2004.

## Post-occupation monitoring / management conditions

21. Glazing and ventilation installed within the build shall meet the requirements laid out in the Sound Impact Assessment report by Amec Foster Wheeler Environment & Infrastructure UK Ltd (ref: 39400), dated the April 2017. Specifically glazing and ventilation will need to meet the standards laid out Tables 6.1 to 6.4 of said report.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from:  
<https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

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

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

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

### 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 |
|----------------------|-----------|---------|----------------|
| Site Plan            | A-02-250  | P3      | 05.01.2018     |
| Proposed Elevations  |           |         |                |
| Proposed Floor Plans | A-03-204  | P5      | 22.10.2018     |
| Sections             | A-04-201  | -       | 26.10.2017     |
| Existing Site Plan   | A-02-201  | -       | 08.06.2017     |
| Proposed Site Plan   | A-02-202  | P4      | 19.07.2018     |
| Location Plan        | A-02-203  | P4      | 19.07.2018     |
| Proposed Floor Plans | A-03-201  | P4      | 19.07.2018     |
| Proposed Floor Plans | A-03-202  | P5      | 22.10.2018     |
| Proposed Floor Plans | A-03-203  | P5      | 22.10.2018     |
| Proposed Floor Plans | A-03-205  | P5      | 22.10.2018     |
| Proposed Floor Plans | A-03-206  | P5      | 22.10.2018     |
| Proposed Floor Plans | A-03-207  | P3      | 05.01.2018     |
| Proposed Elevations  | A-05-201  | P6      | 24.10.2018     |
| Proposed Elevations  | A-05-202  | P6      | 24.10.2018     |
| Proposed Elevations  | A-05-203  | P6      | 24.10.2017     |
| Street Scene         | A-05-204  | P6      | 24.10.2018     |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Town Council notes the amended plans received by Mid Sussex District council on 5/1/18. However, they do nothing to address the reasons for objecting to this application when it was considered the first and second time round, i.e. on 19/6/17 and 13/11/17.

Therefore, the Town Council objects to this application and reiterates the reasons for this as follows:

1. the construction of a building containing 65 apartments would be contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP). Whilst this policy supports the principle of residential development on this site, it places a restriction of 'approximately 40' on the number of dwellings that would be acceptable. Clearly, 65 is nowhere near 40 and therefore the proposal is too big, too tall and would give rise to an overdevelopment of the site;

2. Leaving aside the fact that the proposal undermines the integrity of the HHNP, the provision of only 45 parking spaces for 65 apartments (35% of which are to be 2-bed) is inadequate and unrealistic. There is no disputing that the site is in an accessible and convenient location; nevertheless, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. On-site parking should be provided at a ratio of one space per dwelling;
3. Members dislike the appearance of the proposed development because it 'blends in' too closely with other buildings in the vicinity that lack architectural merit. Members expressed a preference for the architects' original 2016 design, before it evolved through the Mid Sussex Design Review Panel.

Moreover, Members are appalled at the assertion that the result of a Financial Viability Assessment 'leads to a conclusion that it is financially unviable to provide any affordable housing as part of the proposed development or make any financial contribution in lieu.' This is simply not acceptable. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer.

In the unwelcome event of permission being granted, the Town Council requests that this be conditional on the development having a gated access. The purpose of this would be to safeguard resident amenity by preventing unauthorised parking by commuters and others. Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) - public realm improvements to South Road;
- art in the community ' town centre £5,000;
- support for Haywards Heath library £5,000;
- Independent Works Programme (IWP) ' community infrastructure £15,000;
- highways/transport £5,000.

### **Parish Consultation**

Haywards Heath Town Council (HHTC) objects to this application.

The Town Council's Planning Committee supports the development in principle of this brownfield site, as detailed in Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP) and this latest amended proposal meets the requirement of Policy E9, evidenced by the reduced massing, height and number of dwelling units.

(Point 3 under Previous Comments refers) Design comments are as before: we still believe that the original designs submitted in late 2016 to the initial Mid Sussex Design Review Panel presented the best aesthetic option, and that successive amendments reduced the design appeal to blend in with previous mistakes, rather than providing a fresher more modern design in this prominent central location.

We are concerned by the objections raised by neighbouring residents Mr & Mrs Chitty, specifically relating to a loss of privacy and overlooking from the proposed development, which has been exacerbated by moving it further up the incline and will negatively affect their own outlook, the latter of which is regrettable, but is not specifically a material planning consideration.

In the unwelcome event of permission being granted, we request that this is subject to the following conditions:

- a. the development must have a gated access, the purpose of which would be to safeguard resident amenity by preventing unauthorised parking by commuters and others;
- b. Euro-bin facilities ' these will be collected by a commercial waste operator ' no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
- c. we note that the size of the plot remains unchanged, as does the building footprint, however HHTC is disappointed that the number of parking spaces has been reduced from 45 down to 30. We would prefer to see provision increased to 40 spaces, including future-proofing for electric vehicle charging points.

Developer Section 106 contributions should be adjusted down proportionately.

#### Pedestrian School Route:

We believe there are significant highways issues due to the volume and speed of traffic at this busy through route to the industrial area of Burrell Road and the northern areas of town. We would require developer support for a Section 278 contribution to deliver a safe pedestrian crossing solution from the proximity of the development towards the Sainsbury's side of Harlands Road.

#### Affordable Housing:

However, whilst we note the provision of 3 affordable housing units, HHTC believes this figure is too low and fails to meet the requirement of the respective HHNP and Mid Sussex District Plan Policies. For this reason also, HHTC objects to the application.

#### Previous Comments (submitted to the MSDC Online Public Register on 15/2/18):

The Town Council notes the amended plans received by Mid Sussex District council on 5/1/18. However, they do nothing to address the reasons for objecting to this application when it was considered the first and second time round, i.e. on 19/6/17 and 13/11/17. Therefore, the Town Council objects to this application and reiterates the reasons for this as follows:

1. the construction of a building containing 65 apartments would be contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP). Whilst this policy supports the principle of residential development on this site, it places a restriction of 'approximately 40' on the number of dwellings that would be acceptable. Clearly, 65 is nowhere near 40 and therefore the proposal is too big, too tall and would give rise to an overdevelopment of the site;
2. leaving aside the fact that the proposal undermines the integrity of the HHNP, the provision of only 45 parking spaces for 65 apartments (35% of which are to be 2-bed) is inadequate and unrealistic. There is no disputing that the site is in an accessible and convenient location; nevertheless, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. On-site parking should be provided at a ratio of one space per dwelling;
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In the unwelcome event of permission being granted, the Town Council requests that this be conditional on the development having a gated access. The purpose of this would be to safeguard resident amenity by preventing unauthorised parking by commuters and others. Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

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- art in the community ' town centre: £5,000;
- support for Haywards Heath library: £5,000;
- Independent Works Programme (IWP) ' community infrastructure: £15,000;
- highways/transport: £5,000.

### **Parish Consultation**

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- the construction of a building containing 65 apartments would be contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP). Whilst this policy supports the principle of residential development on this site, it places a restriction of 'approximately 40' on the number of dwellings that would be acceptable. Clearly, 65 is nowhere near 40 and therefore the proposal is too big, too tall and would give rise to an overdevelopment of the site;
- leaving aside the fact that the proposal undermines the integrity of the HHNP, the provision of only 45 parking spaces for 65 apartments (35% of which are to be 2-bed) is inadequate and unrealistic. There is no disputing that the site is in an accessible and convenient location; nevertheless, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. On-site parking should be provided at a ratio of one space per dwelling;
- Members dislike the appearance of the proposed development because it 'blends in' too closely with other buildings in the vicinity that lack architectural merit. Members expressed a preference for the architects' original 2016 design, before it evolved through the Mid Sussex Design Review Panel.

Moreover, Members are appalled at the assertion that the result of a Financial Viability Assessment 'leads to a conclusion that it is financially unviable to provide any affordable housing as part of the proposed development or make any financial contribution in lieu.' This is simply not acceptable. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer.

In the unwelcome event of permission being granted, the Town Council requests that this be conditional on the development having a gated access. The purpose of this would be to

safeguard resident amenity by preventing unauthorised parking by commuters and others. Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

1. local community infrastructure (LCI) - public realm improvements to South Road;
2. art in the community ' town centre £5,000;
3. support for Haywards Heath library £5,000;
4. IWP ' community infrastructure £15,000;
5. highways/transport £5,000.

### **MSDC Contaminated Land Officer (comments on original scheme)**

Main Comments:

The application looks to create 65 residential apartments.

As part of the application a Phase I Geo-Environmental Desk Study Assessment has been undertaken by Amec Foster Wheeler Environment & Infrastructure UK Ltd (ref: 39400RR06i2), dated April 2017, and has been submitted as part of the application.

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

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

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

### **Recommendation:**

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

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

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

**Please note:** section a) of this condition has been purposely stricken through, as the Phase I Geo-Environmental Desk Study Assessment, undertaken by Amec Foster Wheeler

Environment & Infrastructure UK Ltd (ref: 39400RR06i2), dated April 2017, is deemed to have met this requirement.

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

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

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

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

### **MSDC Design Review Panel (5 September 2017)**

The panel were appreciative of the design exercise adopting projecting balconies but agreed the original scheme with the inset balconies was a stronger design solution.

The restrained / refined character of the original has been lost behind the projecting balconies which generates a busy facade. In sustainability terms, there can be cold-bridging issues with cantilevered balconies.

There was nevertheless still a concern about the level of natural light reaching the north facing flats. A daylight study was therefore essential.

The following design solutions were suggested:

- Reduce the depth of the flats by re-positioning the internal access corridor closer to the northern elevation (with the south facing flats given deeper plans as they benefit from the better orientation).
- Fully-fenestrate the inset balconies including glazing the return faces with the aperture in the façade extending the full width of the balcony.

The partial tree-planting along the street frontage was half-hearted and needed to be extended all the way along as shown on the original proposal (after further consideration it was accepted the idea of a green wall, suggested by the panel at the February meeting, was impractical).

### **Overall Assessment**

Support the scheme subject to the adoption of the original inset balcony arrangement and the above considerations

## **MSDC Drainage Engineer**

Thank you for highlighting the proposed development at Harlands Road.

The MSDC surface water culvert that runs through the site is proposed to be moved to allow for the development. Whilst we have agreed in principle to the culvert being diverted, this requires formal agreement between MSDC and the developer.

It is also proposed to discharge surface water to the culvert with initially agreed discharge rates that should provide betterment over the existing situation.

Southern Water have stated that there is insufficient capacity within the local foul network to accommodate the proposed development. Reading through the drainage assessment, this still has not been resolved, and the development has no clear means of disposing of foul water.

At present, we have received:

- OWC application and supporting fee
- Layout plans, calculations and details including divert and easement area
- Intent to move and connect to the MSDC culvert

We do not object to this proposed development, but we do require further information in order to provide a clear consultation response. Therefore, please can we receive the following:

1. A formal agreement set-up between MSDC and the developer for the culvert to be moved and constructed to an appropriate specification in order for it to be handed back over to the Council in an appropriate condition. It will be expected that the client will meet the costs of the preparation of the agreement and any legal fees that the Council incur. This will need to be undertaken with the MSDC legal and estates teams.  
[estatesstaff@midsussex.gov.uk](mailto:estatesstaff@midsussex.gov.uk)  
[legalinfo@midsussex.gov.uk](mailto:legalinfo@midsussex.gov.uk)
2. The supporting hydraulic modelling of the culvert and downstream leg to d/s of MH16. This was to part support the OWC and to part inform the impact of the altered culvert and proposed discharge from the development. (Please see attached email).
3. Confirmation that the proposed development has the safe means of disposing foul water from the development.

## **MSDC Environmental Protection Officer**

I can confirm that comments made by Environmental Protection on 6 November 2017 relating to this development still stand.

Comments made 6 November 2017 on original scheme:

### **Main Comments:**

The application looks to create 65 residential apartments.

Given the proximity of the site to the road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to. Environmental Health does not

have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter are dealt with at the planning stage.

A Sound Impact Assessment by Amec Foster Wheeler Environment & Infrastructure UK Ltd (ref: 39400), dated the April 2017 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.

As environmental noise levels vary throughout the site, the report has identified the different levels of protection in terms of glazing and ventilation that will be needed at specific locations in order to ensure habitable rooms meet BS8233:2014 requirements.

Tables 6.1 to 6.4 details the levels of glazing and ventilation required in each area. A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

The report mentions that Sainsbury's receives night time deliveries, but that the noise levels are acceptable in the proposed apartments under current guidance provided the recommended level of insulation is put in place. There will still be however be a certain level of buyer beware when purchasing next to a supermarket with night deliveries, as they will likely still be heard to a certain extent.

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

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

For that reason Amec Foster Wheeler Environment & Infrastructure UK Ltd have taken background readings and recommended the maximum rating level that the combined plant noise level from the proposed should achieve. However plant would be required to 5dB below the representative background level (L90), at the nearest noise sensitive receptor, rather than equal to current background, unless for some reason this criteria cannot be met.

A plant and machinery condition has therefore been attached.

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

1. Glazing and ventilation installed within the build shall meet the requirements laid out in the Sound Impact Assessment report by Amec Foster Wheeler Environment & Infrastructure UK Ltd (ref: 39400), dated the April 2017. Specifically glazing and ventilation will need to meet the standards laid out Tables 6.1 to 6.4 of said report.
2. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.
3. **Construction hours:** Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
  - Monday to Friday: 08:00 - 18:00 Hours

- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

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

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

### **MSDC Housing Enabling Officer**

Additional information was requested and provided by the developer to clarify aspects of the viability assessment in relation to the details of the scheme, the gross development value, the build cost assumptions, fees and site value. Having undertaken a desk top review of the additional information provided the District Valuer concluded that it is not viable to provide any affordable housing either onsite or by way of commuted sum. The situation will however be reviewed at a later date in the project when more accurate information about costs and values will be able to be provided. Potentially this could enable an affordable housing contribution to be provided. This review mechanism will be secured through the s106 agreement.

### **MSDC Leisure Officer**

Thank you for the opportunity to provide revised comments on the plans for the development of 40 residential dwellings at NCP Ltd, Harlands Road Car Park, Harlands 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 5 or more units.

### CHILDRENS PLAYING SPACE

Dolphin Leisure Centre, owned and managed by the Council, is the nearest locally equipped play area approximately 250m from the development site. This facility will face increased demand from the new development and a contribution of £28,230 is required to make improvements to play equipment (£15,343) and kickabout provision (£12,888). These facilities are within the distance thresholds for children's play as outlined in the Development Infrastructure and Contributions SPD.

### FORMAL SPORT

In the case of this development, a financial contribution of £33,837 is required to increase capacity at the Dolphin Leisure Centre (IDP Ref: HH/158).

### 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 £19,406 is required toward improvements to St Wilfrid's Church Centenary Hall, 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 and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **MSDC Parking Services**

With regards to this planning application, there is increasing evidence that the loss of this car park would have a detrimental impact on off street provision in this area of the town. Whilst it is not a car park managed by MSDC we understand that it is well used by commuters and local business employees on the nearby Burrell Road Industrial Estate as there is not a nearby alternative. Given its location, it is reasonable to conclude that the significant majority of those using this car park are either commuters or local workers, using the car park on a long-stay basis.

The Transport Statement provides a schedule, in section 3.3., of alternative car parking in the vicinity of the site; listing the Haywards Heath Station Car Park, Sainsbury's Car Park, the Dolphin Leisure Centre and Clair Hall Car Parks as off street public car parks. We are aware of feedback from Network Rail, local residents and commuters, that the station car park is regularly reaching capacity during the week, and our own long stay car parks with season ticket availability are also all full with waiting lists. In addition, transactions in our pay and display car parks are increasing year on year. The car parks at the Dolphin Leisure Centre and Clair Hall are provided only for users these facilities so should not be considered as a viable alternative for other parking requirements. I am sure that Sainsbury's and Waitrose would have similar views on their privately operated car parks.

West Sussex County Council are in the final stages of consultation to agree a new Traffic Regulation Order for the Penland Road area. Whilst the final recommendations are not yet known, it is understood that this will include new on-street restrictions with measures to mitigate long stay parking on residential roads in this vicinity.

The combined loss of the Harlands Road car park and additional on-street parking restrictions in the area does have the potential to displace vehicles, and initial evidence would suggest that the remaining supply of on and off street provision may not have the capacity to accommodate displaced vehicles requiring long stay parking.

It is acknowledged that the main concerns highlighted above relate to Monday - Friday and there is likely to be less of a capacity issue on a Saturday. On Sundays there are no on street restrictions and MSDC car parks do not charge.

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

I note from the list of planning applications received during the week **8th June 2017 to 14th June 2017** that the applications listed below will require address allocation if approved.

| <b>Planning application number</b> |
|------------------------------------|
| DM/17/2219                         |
| DM/17/2354                         |
| DM/17/2267                         |
| DM/17/1687                         |
| DM/17/1928                         |
| DM/17/2151                         |
| DM/17/2384                         |
| DM/17/2274                         |

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

Informative: Info29

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

### **MSDC Tree Officer**

Please see below for previous response, we still need a landscape plan that details all replacement tree planting on site.

A planting schedule should include: Size Species, Position, support and aftercare.

I would request that the maintenance and aftercare of all newly planted trees be conditioned to assure the trees grow to maturity.

I've reviewed the accompanying tree reports with this application, please find comments below.

The site does not include any trees protected by TPO and is not within a conservation area.

All trees on site have been identified and classified as per BS 5837 (2012).

Although several trees are to be removed to facilitate the development these are mostly low grade specimens (C) and not worthy of TPO protection.

Protection measures for retained trees have been detailed within the submitted AIA and are appropriate and in conjunction with BS 5837 (2012).



However, no proposed landscaping plan has been submitted. The area will need to be replanted with trees/shrubs post development and a list of species and some detail of maintenance is required.

No objection, subject to receiving landscape plan.

## **MSDC Urban Designer**

### **Summary and Overall Assessment**

The replacement of an unsightly surface car park with an appropriately designed building is in principle welcomed from an urban design perspective. This building has successfully evolved from the pre-application stage and after further revisions submitted since the application was originally submitted in June 2017; its stepped roof-form / three-part frontage on Harlands Road now responds appropriately to the surrounding built form which includes the 4+1 storey Milton House and similar height buildings on Harland Road.

The Design Review Panel (DRP) was supportive of the version of the scheme presented to them in September 2017, which was similar in approach to the current scheme except with additional floors (one storey more at the Milton Road end, and two more storeys at the west end of the longer frontages). The DRP nevertheless had concerns about the lack of tree planting and the level of natural light reaching the predominantly north-facing flats on the Harlands Road side. The current scheme still has limited tree planting because of the forward position of the building frontage, but the frontage is now less imposing upon the street because of a significant reduction in the height of the building (required because of its impact upon the residential amenity of existing residents in the block to the immediate rear). Furthermore, the re-positioning of the inset balconies in front of the bedrooms instead of the sitting rooms, allows sufficient natural light to reach the main living space on the northern side.

While I raise no objections to this application, the scheme is dependent on the quality of the elevational detailing and the extent of the tree planting on the Milton Road side in particular. I therefore recommend conditions that require further approval of the landscaping, facing materials and details. In respect of the latter I suggest conditions are included requiring the approval of further details (elevations and sections at 1:20 scale shown in context) covering the windows, brickwork pattern, balconies, the size and design of the privacy screens, and the configuration of the windows serving the gym and foyer where they meet the pavement.

### **Layout**

The scheme is laid-out with the building frontages defining the Harlands Road street edge and punctuating the corner with Milton Road. The car parking is sensibly accommodated at the rear and in the basement undercroft where it is generally screened by the proposed building from the street. The vehicular access is well positioned on the north-west boundary where it also provides a necessary separation gap around the mature plane tree which will help soften the new development. The north-west corner of the building is nevertheless tightly drawn in relation to the vehicular access, necessitating a chamfered slice out of the frontage at lower ground floor level to provide adequate pavement width.

The DRP and I had sought a more generous set-back along Harlands Road to accommodate more greenery and defensible space to compensate for the loss of trees (necessary to facilitate the development). Unfortunately the proposed set-back is modest as the applicant has had to balance this requirement with the need to provide a sufficient separation distance at the rear to safeguard the amenity of existing residents living in the block of flats adjacent to the south west site boundary. This results in no defensible space in

front of the ground floor flats which is compensated by the flats being at a slightly raised level; it is not though clear from the drawings how the base of the windows and balcony serving the gym will be handled.

The layout has accommodated four street trees along Harland Road; however their proximity to the building is not ideal and will necessitate a fastigate tree to avoid it infringing upon the facade.

On Milton Road, the loss of the existing mature trees and shrubs will expose the building frontage which helps announce the building entrance. However more trees are needed to provide a greater softening and avoid the proposal looking too hard-edged on this prominent corner.

**Massing and Elevations**

While the reduction in height responds to residential amenity issues, it also relieves the tight frontage on Harlands Road resulting from its back-edge of pavement position. Because of the site's split level arrangement, the rear / south west elevation reads one storey higher than the Harlands Road frontage, for this reason it too benefits from the height reduction.

The stepping-down of the frontage responds to Harland's Road topography and ensures that the north-west flank return is commensurate with the scale of the adjacent building's and does not appear overwhelming. The tripartite sub-division also provides necessary sub division of the long Harland's Road frontage.

Further modelling is provided by the set-back upper floors, the chamfered windows and patterned brickwork. The quality of these details would nevertheless benefit by being secured through condition.

**WSCC Drainage Strategy Team**

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

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

**Flood Risk Summary**

|   |          |
|---|----------|
| Modelled surface water flood risk   | Low risk |
| <p>Comments: Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p> |          |

|   |          |
|---|----------|
| Modelled ground water flood risk susceptibility   | Low risk |
| <p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones.<br/>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p> |          |

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

|  |     |
|--|-----|
| Ordinary watercourses nearby?  | Yes |
| <p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse running across of the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p> |     |

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

The Drainage Assessment for this application proposes that sustainable drainage techniques (permeable paving and below ground attenuation) would be used to reduce the surface water run-off from this development, with discharge to the culverted watercourse. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

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

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

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

### **WSCC Highways**

WSCC has previously raised no highway objection to a development of 65 apartments on this site. The development has now been subsequently reduced to 40 units. Matters of access otherwise remain unchanged. Given the acceptance to the larger scheme, there would be no in principle objections.

The number of parking spaces serving the development has also been increased to 40 (of which 4 are reserved as charging points for electric cars and 2 are disabled spaces). As the Local Planning Authority have adopted their own parking standards, they should check parking provision against these adopted requirements. Given the extent of parking restrictions currently in place on the surrounding highway network, WSCC are satisfied that the development would not lead to any highway safety issues resulting from overflow parking demands.

No objection would continue to be raised. Those conditions within the WSCC response dated 8th December 2017 remain applicable.

### **(Previous comments - 8 December 2017)**

Comments have been made previously on this proposal dated 14th November 2017. Two points were raised that required additional information; the provision of a Stage One Road Safety Audit and details as to how the parking demands have been calculated.

A Stage One RSA has now been submitted. This identifies no road safety issues associated with the proposed access arrangements.

For parking demands, these have been calculated on the assumption that all parking within the site will be unallocated. This approach is acceptable. The provision of unallocated parking would in some way need to be secured as part of this planning application to ensure that parking isn't then allocated at a later stage. A car parking management plan is suggested to cover this.

In conclusion, paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact is severe. Based on the information submitted, WSCC are satisfied that no severe impacts would result. No highway objection would be raised.

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

#### **Access**

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

Reason: In the interests of road safety.

#### Car parking space

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

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

#### Car parking management plan

No part of the development shall be first occupied until a car park management plan setting how the proposed car parking is to be managed and maintained has been submitted to and approved in writing by the Local Planning Authority. Once approved, the car parking spaces shall thereafter be managed as per the agreed plan.

Reason: To safeguard the on-site car parking for residents.

#### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

#### Construction Management Plan

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

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

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

#### **INFORMATIVE**

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

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

## WSCC Infrastructure

### Summary of Contributions

|   |                          |           |          |
|---|--------------------------|-----------|----------|
| <b>Education</b>  |                          |           |          |
| Locality  | Haywards Heath/Cuckfield |           |          |
| Population Adjustment                                     | 62.2                     |           |          |
|   | Primary                  | Secondary | 6th Form |
| Child Product   | 0.1615                   | 0.1615    | 0.0872   |
| Total Places Required                                     | 1.1305                   | 0.8075    | 0.0000   |
| <b>Library</b>  |                          |           |          |
| Locality  | Haywards Heath           |           |          |
| Contribution towards Hassocks/<br>Hurstpierpoint/Steyping | £0                       |           |          |
| Contribution towards Burgess Hill                         | £0                       |           |          |
| Contribution towards East<br>Grinstead/Haywards Heath     | £9,821                   |           |          |
| Population Adjustment                                     | 62.2                     |           |          |
| Sqm per population  | 30/35                    |           |          |
| <b>Waste</b>  |                          |           |          |
| Adjusted Net. Households                                  | 40                       |           |          |
| <b>Fire</b>   |                          |           |          |
| No. Hydrants  | TBC                      |           |          |
| Population Adjustment                                     | N/A                      |           |          |
| £/head of additional population                           | N/A                      |           |          |
| <b>TAD- Transport</b>                                     |                          |           |          |
| Net Population Increase                                   | 62.2                     |           |          |
| Net Parking Spaces  | 40                       |           |          |
| Net Commercial Floor Space sqm                            | 0                        |           |          |
| Total Access (commercial only)                            | 0.0000                   |           |          |

### Summary of Contributions

| S106 type                        | Monies Due                    |
|----------------------------------|-------------------------------|
| Education - Primary              | £20,259                       |
| Education - Secondary            | £21,803                       |
| Education - 6 <sup>th</sup> Form | No contribution required      |
| Libraries                        | £9,821                        |
| Waste                            | No contribution required      |
| Fire & Rescue                    | No contribution required      |
| No. of Hydrants                  | To be secured under Condition |
| TAD                              | £70,149                       |
| <b>Total Contribution</b>        | <b>£122,032</b>               |

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 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 service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2012*.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development 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 40 Net dwellings and an additional 37 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. 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 supporting the National Curriculum at Warden Park Secondary Academy.

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

The contributions generated by this proposal shall be spent on improvements to Commercial Square to improve safety and convenience for pedestrians and cyclists, and promote wellbeing and accessibility in accordance with the Haywards Heath Town Centre Transport Plan.

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.

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.

### **Environment Agency**

No comment received.

### **Southern Water**

Thank you for your letter of 25/07/2018.

The comments in our response dated on 20/11/2018 remain unchanged and valid for the amended details.

### **Sussex Police (Updated comments - 15 August 2018)**

Thank you for your correspondence of 25th July 2018, advising me of a planning application for the clearance of the site; and the construction of a building containing 40 residential apartments (17 x 2-bed, 21 x 1-bed and 2x studios), with associated access, car parking, landscaping and ancillary works (Amended description and plans received 23 July) at the above location, for which you seek advice from a crime prevention viewpoint.

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

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



I note that the amended application has reduced the quantity of dwellings from the original application of 64 to 40 and the number of storeys from 6 to 5. However I cannot locate a new application form indicating the number of proposed car spaces and cycle spaces being made available for the development or any additions to the Design and Access Statement detailing the proposed changes, if any.

Therefore I would like to reiterate my previous crime preventions comments within my letter PE/MID/17/29/A in response to planning application DM/17/0284.

I thank you for allowing me the opportunity to comment.

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

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

**(Previous comments - 5 November 2017, relevant points highlighted below)**

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

It will be essential to control entry not just to the block, but within the block as well. To that end I recommend that access controlled doors for both pedestrian and vehicles are installed. Further security measures in the form of compartmentalisation will be required from the basement and stairwells to each floor in order to improve internal security.

The proposed cycle store is shown as accommodating 60 plus cycles, this will also require controlling. In order to reduce the payoff to a potential offender, I recommend that this store is subdivided at least in two or even an area for each floor.

Lighting in and around the public and parking areas is to conform to the recommendations within BS 5489:2013

I do have some concerns to the surrounding area due to the loss of the existing car park's facilities. Where will the original users park? The lack of parking could redistribute the parking onto the local parking facilities. This has the potential to impact upon them, creating disharmony amongst local residents, cause illegal parking that may result in emergency and refuse routes being blocked.

Finally, given the underground parking facilities, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.