

MID SUSSEX DISTRICT COUNCIL

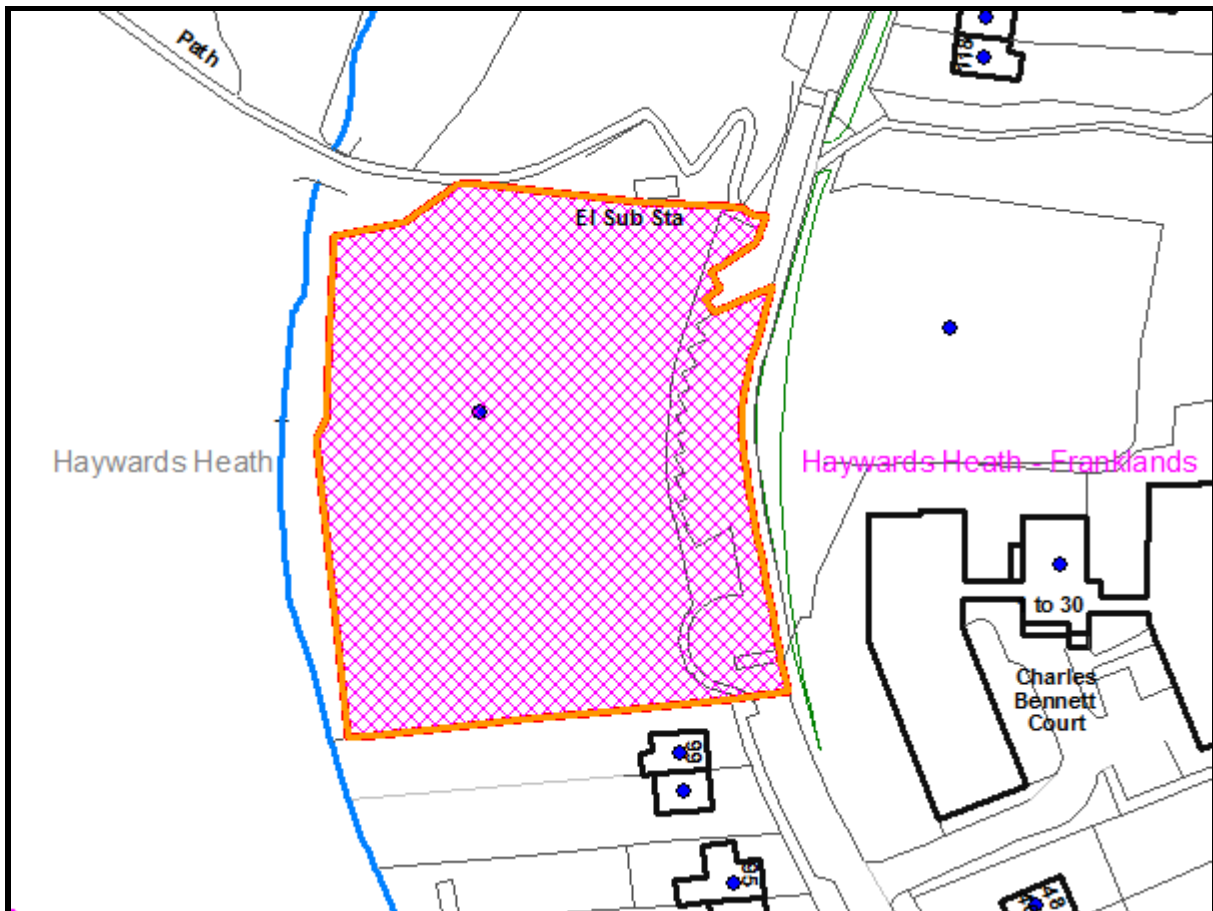
Planning Committee B

13 DEC 2018

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/18/4118



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**LAND PARCEL NORTH OF 99 FRANKLANDS VILLAGE HAYWARDS
HEATH WEST SUSSEX
PROPOSED RESIDENTIAL DEVELOPMENT OF 24 X 2 BED FLATS
INCLUDING 30% AFFORDABLE UNITS (8 UNITS).
FRANKLANDS VILLAGE HOUSING ASSOCIATION**

POLICY: Ancient Woodland / Brownfield Land / Built Up Areas / Conservation Area / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 8th January 2019

WARD MEMBERS: Cllr Garry Wall / Cllr Rod Clarke /

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 a residential development of 24 no. 2-bed flats arranged in two 3.5-storey blocks. This includes 8 no. affordable units (33%) and 30 car parking spaces.

The application site is located within the built-up area of Haywards Heath where the principle of development accords with Policies DP4 and DP6 of the Mid Sussex District Plan. It is also located within the Franklands Village Conservation Area and the proposal is considered to preserve its character and appearance.

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 24 additional residential units (6 more than an extant permission) 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. 8 of these units will be affordable and this lends further weight in favour of the scheme. 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. Financial

contributions towards local and county infrastructure are also secured through a legal agreement.

There will be a neutral impact in respect of a number of issues such as the design, impact on the Conservation Area, neighbouring amenity, parking, landscaping, drainage, contaminated land, sustainability and biodiversity, including the impact on the Ashdown Forest.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27DP29, DP30, DP31, DP35, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation to secure the required level of infrastructure contributions and affordable housing provision, 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 affordable housing, 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: No objection.

SUMMARY OF CONSULTATIONS

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

MSDC Conservation Officer

No major concerns, but updated comments to be reported.

MSDC Contaminated Land Officer

Approve with conditions

MSDC Drainage Engineer

To be reported.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Housing Enabling Officer

The applicant is proposing a development of 24 x 2 bed flats which gives rise to an onsite affordable housing requirement of 30%. The applicant is proposing 8 units for affordable housing which meets the policy requirement. The units will be delivered by Franklands Village Housing Association as 100% rented tenure and in accordance with an established and agreed principle, FVHA will have 100% nominations on first lettings with MSDC receiving 50% of the nominations on re-lets. This will be secured by way of the S106.

MSDC Leisure Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Corporate Estates (Property) Team

To be reported.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

To be reported.

MSDC Waste Services

To be reported.

WSCC Drainage Strategy Team

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

WSCC Highways

No objection, subject to conditions.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

Consultant Ecologist

To be reported.

Southern Water

No objection, subject to condition and informative.

Sussex Police

No major concerns; however, additional measures to mitigate against any identified local crime trends should be considered.

TOWN COUNCIL OBSERVATIONS

The Town Council supports this application and welcomes the contribution of 30% affordable units, which is in accordance with the Haywards Heath Neighbourhood Plan and Mid Sussex District Plan 2014-2031.

The Town Council requests that developer Section 106 contributions for local community infrastructure, amounting to £14,352, are allocated towards developing real time bus information specifically within the Franklands Ward of Haywards Heath. (This sum has been calculated in accordance with the formula in Mid Sussex District Council's Development Infrastructure and Contributions Supplementary Planning Document (adopted July 2018).)

INTRODUCTION

Full planning permission is sought for a residential development of 24 no. 2-bed flats arranged in two 3.5-storey blocks. This includes 8 no. affordable units (33%) and 30 car parking spaces.

RELEVANT PLANNING HISTORY

In March 1994, planning permission was granted for emergency landslip works, which entailed levelling the area of landfill built on the toe of the hill in order to anchor the ground as a foundation for the land above, i.e. 2m above the original land level, totalling an area of 290 sq m (HH/008/94).

In August 1994, planning permission was granted for landslip works to provide additional toe loading to the slope with the construction of an embankment, totalling an area of 3000 sq m (HH/091/94).

In June 2008, planning permission was refused on this site and a smaller parcel of land opposite for two blocks of flats and five pairs of semi-detached houses with

associated off-street parking (total 22 units) (ref: 08/00868/FUL). The 3 reasons for refusal were as follows:

1. The proposal, by virtue of the design, scale and layout would constitute a cramped and unsympathetic form of development that fails to enhance or preserve the character of the Franklands Village Conservation Area and therefore conflicts with Policies CH4 and DEV1 of the West Sussex Structure Plan and Policies B1, B12 and H3 of the Mid Sussex Local Plan.
2. By reason of its height, bulk and proximity to the boundary of the adjacent dwellings, this would be an obtrusive and overbearing form of development, resulting in an increased sense of enclosure to the detriment of the residential amenities of the adjacent occupiers and therefore conflicts with Policy B3 of the Mid Sussex Local Plan.
3. The proposal fails to provide for the provision of infrastructure or contributions thereto in relation to transport, libraries, civic amenity and leisure and it is therefore contrary to Policy DEV3 of the West Sussex Structure Plan and Policies G3, R3 and R4 of the Mid Sussex Local Plan.

In January 2009, planning permission was refused on this site and a smaller parcel of land opposite for two blocks of 12 flats, 1 terrace of 4 houses and 3 pairs of semi-detached houses with associated off street parking (total 22 units, with 6 being affordable) (08/02762/FUL). The 3 reasons for refusal were as follows:

1. The design of the proposed scheme, specifically the lack of cohesion in form, rhythm and detailing between the proposed blocks of flats and the terrace of houses on the western side of the site, and the insufficient spacing between them in relation to their height and wider context of Franklands Village, would represent a cramped form of development that would be out of keeping with and harmful to the character and appearance of the Franklands Village Conservation Area. The proposal would therefore be contrary to policies CH4 and DEV1 of the West Sussex Structure Plan, policies B1, B2, B12 and H3 of the Mid Sussex Local Plan and PPS1: Delivering Sustainable Development (2005), which promote high quality design in new developments.
2. The proposal has failed to provide any assessment of the impact of the proposed development and its construction (especially Units 4b and 7) on the adjacent ancient woodland and its habitat, part of which is a designated Site of Nature Conservation Importance (SNCI). The lack of plan details, an ecological report and arboricultural implications assessment would not allow any impacts to be identified or mitigation measures considered and as such the proposal would be contrary to policies ERA2 and DEV1 of the West Sussex Structure Plan, policies C5, C6 and B7 of the Mid Sussex Local Plan, and PPS9: Planning for Biodiversity and Geological Conservation (2005), which seek to protect species.
3. The proposal fails to provide for the provision of infrastructure or contributions thereto in relation to transport, libraries, civic amenity and leisure and also fails to provide a mechanism to deliver the proposed affordable housing units and it is therefore contrary to policy DEV3 of the West Sussex Structure Plan and policies G3 and H4 of the Mid Sussex Local Plan.

In July 2010, planning permission was granted on this site and a smaller parcel of land opposite for three blocks of 18 flats and 2 pairs of semi-detached houses, all

with associated off street parking (equating to 22 dwellings in total (6 x 3-bed flats, 12 x 2-bed flats and 4 x 3-bed houses), with all being affordable units) (10/01024/FUL). This permission was not implemented and lapsed.

In September 2013, planning permission was granted on this site only for a residential development of 18 flats (13/01776/FUL). This permission was not implemented and lapsed.

In July 2017, planning permission was granted on this site only for a residential development of 18 flats (DM/16/3026). This permission has not been implemented but is extant.

On the opposite side of the road:

In December 2012, planning permission was granted on the smaller parcel of land opposite for 2 pairs of semi-detached houses, identical to the relevant part of planning permission 10/01024/FUL (12/03168/FUL), other than the houses were to be for sale on the open market, rather than providing affordable housing. This permission was not implemented but in September 2015, planning permission was granted for an identical scheme, ostensibly to extend the time period for implementation (DM/15/3023). This permission was not implemented and lapsed.

In March 2018, planning permission was granted on this parcel of land for a 3.5-storey block of 12 no. 2-bed flats (DM/17/4137). This permission is currently being implemented.

SITE AND SURROUNDINGS

The site lies within the built up area of Haywards Heath and within the Franklands Village Conservation Area. Together with a smaller parcel of land opposite to the east (currently being developed), they contained a total of 8 x 2-bed flats and 6 x 3-bed houses, but following a landslide in December 1993/January 1994, they were left structurally unsound and had to be demolished. They have remained undeveloped since.

Both land parcels are steeply sloping. Land levels within the application site drop sharply from east to west by about 12m and more gently (4m) from south to north. There is a ditch at the valley bottom, adjacent to the western boundary, and the land rises sharply uphill towards more modern dwellings at Albert Close. This land is designated a Site of Nature Conservation Importance (SNCI) and a public footpath runs along the northern boundary. Beyond this is an undeveloped wooded area with the footpath providing access to similar open space at the rear of houses further to the north. The site is bounded to the east by Reed Pond Walk, with some car parking spaces on the western side of the road and a mini-roundabout. Vehicular access is one-way from north to south, but two-way immediately to the south of the site boundary.

Partially opposite and to the south-east of the site (and adjacent to the existing development site) is Charles Bennett Court, a two-storey 'H'-shaped building on the eastern side of Reed Pond Walk, offering accommodation with a considerably higher

density than the rest of this part of the Conservation Area. Immediately adjoining the site to the south is 99 Reed Pond Walk, a 2-storey semi-detached house set at road level with a significantly sloping rear garden to the west.

The majority of Reed Pond Walk (apart from Charles Bennett Court and the development site opposite) comprises pairs of two-storey semi-detached houses/maisonettes - facing onto the road and with good gaps between allowing views through to land at the rear. The houses were built in the 1930s with traditional brick elevations and pitched tiled roofs. The general character of this part of Reed Pond Walk is one of attractive and spacious development with plentiful mature planting and good sized gardens.

APPLICATION DETAILS

Full planning permission is sought for a residential development of 24 no. 2-bed flats arranged in two 3.5-storey blocks. This includes 8 no. affordable units (33%) and 30 car parking spaces.

Both blocks are identically designed, albeit they will sit at different levels, reflecting the complex topography of the site. To the front, they will appear as 2.5-storey buildings, with the upper ground floor below the road level and rooflights inserted throughout the roof space. However, to the rear, they will be viewed as full 3.5-storey buildings with the lower ground floor level being apparent, and with a mix of dormers and rooflights throughout the top level. Additional dormers and rooflights will be provided to the side elevations. Private amenity space will be provided to all 4 flats at lower ground floor level by way of a patio, to all 8 at upper ground floor level by means of patios and terraces, but none to the remaining 12 first and second floor flats - the latter all contained within the roofspaces.

The buildings have been designed with traditional elevations of brick and tile hanging with solid gables, projections and entrances, all set beneath heavy roof forms that are characteristic of the Conservation Area. Cycle and refuse/recycling storage facilities are provided in separate structures to the front of each block, adjacent and at grade with the road and parking spaces: 18 to be provided in front of both blocks, with 6 further allocated spaces further to the north and 6 unallocated spaces north of that. Both blocks will be accessed from the road via separate footways, with a set of steps descending to the respective entrances. Further steps will be provided at the rear of each block to access the rear communal space.

LIST OF POLICIES

Mid Sussex District Plan (Mar 2018)

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

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

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

Policy DP20: Securing Infrastructure
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP29: Noise, Air and Light Pollution
Policy DP30: Housing Mix
Policy DP31: Affordable Housing
Policy DP35: Conservation Areas
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
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)

Dormer Window and Rooflight Design Guidance (Aug 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 include:

Policy E6: Green Infrastructure

"Policy E6: New major development will be required to promote Green Infrastructure opportunities within the site and establish and / or enhance links between this and existing Green Infrastructure in the immediate vicinity of the site."

Policy E7: Sustainable Drainage Systems

"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: Sustainable Design

"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: Local Character

"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 E13: Amenity Space

"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: Pedestrian and Cycle Connections

"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: Funding of Cycle Routes

"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: Parking Provision

"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 H8: Housing Development within the Built up Area Boundary

"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), 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), 175 (biodiversity and ancient woodland), 177 (habitats sites), 178 and 179 (land contamination), 180 (noise and light pollution) and 192-196 (heritage assets) 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;
- The design and visual impact on the character and appearance of the Conservation Area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Standard of accommodation; and
- Planning Balance and Conclusion

Principle of development

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

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

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

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

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

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

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the

development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

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

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

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

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

Policy DP6 states (in part):

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

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

The site is considered suitably sustainable in location and the proposal is considered to be of an appropriate nature and scale. Therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF. At neighbourhood plan level, Policy H8 is relevant, and it is considered that the proposal also meets the criteria within this policy.

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

Design and visual impact on the character and appearance of the Conservation 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 proposed development is located within the Franklands Village Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation Areas and states: *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Policy DP35 of the Mid Sussex District Plan states:

"Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."

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

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

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

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

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

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

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

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

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

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

Franklands Village Conservation Area has a special and quite individual character that is underpinned by its modest, mostly 2-storey 1930's semi-detached houses of an arts and crafts style within a semi-rural setting. The houses all face the street with a largely consistent design that gives the area a cohesive quality. They are generously set back with grass verges and are surrounded by mature trees and shrubbery. Off-street car parking tends to be sensitively integrated at the side of each house so that it does not dominate.

As the 3.5-storey blocks will be set below street level, their visual impact will be reduced. It is also considered that the separation gap between the buildings is acceptable; the siting and design of the bin and cycle stores are acceptable; and the incorporation of a consistent design and building type satisfactorily integrates with the surrounding buildings, particularly that being built opposite.

Overall, it is considered that the proposal is again acceptable in design terms, as it would enhance the character and appearance of the Conservation Area. Although full comments are awaited from the Council's Conservation Officer, she raises no objection in principle, such that the proposed works are acceptable in preserving the character and appearance of the Conservation Area.

Accordingly, the scheme would comply with Policies DP26 and DP35 of the Mid Sussex District Plan and paragraph 196 of the NPPF.

Impact on neighbouring amenity

The main property affected by the proposal would be 99 Reed Pond Walk, with occupiers of Charles Bennett Court and 118 Reed Pond Walk not significantly

affected due to distance and effective boundary screening in both cases. The main impact upon surrounding residents would arise from the positioning of Block B within 10m of the flank wall of 99 Reed Pond Walk, albeit this would be a corner-to-corner oblique relationship (the previous scheme was 8.6m away). This spacing, plus the ridge height and the lower land levels away from this property combine to ensure that the buildings would not be unduly harmful to the neighbouring amenities in terms of loss of outlook or loss of privacy and accordingly the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Access, parking and impact on highway safety

All car parking (30 spaces) will be provided adjacent to the road, effectively on-street, similar to the existing arrangements where 12 spaces are provided in a herringbone formation. As this is a one-way street with an indicated speed limit of 10mph, there will be no highway safety or access issues to consider. The mini roundabout to the south-east corner of the site will be removed to accommodate these spaces, as was approved in the latest 2017 permission. The one-way traffic flow plate formerly on this roundabout has been repositioned further to the north, slightly beyond where the footpath meets the road, and the traffic signage will remain in place to signal that access is one-way. 24 cycle parking spaces are also proposed in two separate compounds. It is not considered that the scheme would result in any highway safety issues and the parking provision is acceptable. Accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

Drainage

The means of drainage to serve the proposed development could be controlled by condition, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Land contamination

The NPPF Glossary defines Site investigation information as:

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

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

Sustainability

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 application has been accompanied by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. It notes that four groups of C-grade trees will be removed in order to implement the proposed works. The remainder of the trees on the west and southern margins in particular, as well as those to the north-east, will be retained.

While comments are awaited from the council's Tree Officer, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex District Plan states:

"Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of*

Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

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

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

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

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

An Extended Phase 1 Habitat Survey has been submitted as part of this application. It concludes that there are no ecologically valuable habitats within the development site likely to be affected by the proposals, but makes recommendations during construction period and afterwards, relating to protecting existing trees, providing a

buffer zone to the ancient woodland (which is more than 15m away from the nearest building) and boundary treatments.

While comments are awaited from the Council's Ecological consultant, it is considered that, subject to compliance with a suitably worded condition, the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

Impact on Ashdown Forest

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

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

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

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

Infrastructure contributions

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

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

and:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the 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.

On 25 July 2018 the Council adopted a Supplementary Planning Document on Development Infrastructure and Contributions.

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 Academy)	£25,452	(additional facilities at Warden Park Primary Academy)
Education - Secondary College)	£27,392	(additional facilities at Oathall Community College)
Education - 6th Form	N/A	
Libraries Heath Library)	£7,195	(upgrading of digital services at Haywards Heath Library)
Waste	N/A	
Fire & Rescue	N/A	
No. of Hydrants	0	
TAD	£47,770	(South Road public realm improvements)

District Council Contributions:

Equipped play	£19,277	(Hardys Memorial)
Kickabout facilities	£16,193	(Hardys Memorial)
Formal sport	£22,078	(Hardys Memorial Field)
Community Buildings Hall)	£12,662	(improvements to 1st Haywards Heath Scout Hall)

Local Community Infrastructure £14,352 (towards developing real time bus information specifically within the Franklands Ward of Haywards Heath)

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 1,000m²;*
- 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 proposal is to provide 8 affordable units in total (33%) on site (Units 3-10 inclusive), with all being 2-bed flats, providing either 70 or 71 sq m of internal floorspace. All will be delivered by Franklands Village Housing Association as 100% rented tenure, thus exceeding the usual mix of 75% available for rent and 25% for shared ownership. The council's Housing team are satisfied with this proposal, which will be secured through a legal agreement (as set out above). Accordingly the proposal would meet the above policy.

Housing mix

Policy DP30 of the Mid Sussex District Plan states:

"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;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

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

Although the proposed development provides only a single type of dwelling (all being 2-bed, 4-person flats), the internal floor area does vary. The scheme will deliver a policy-compliant affordable housing provision, together with smaller market housing units that are required in Haywards Heath and the District more generally. It is therefore felt that, taken as a whole, the proposal would reflect current and future housing needs and therefore can be supported in line with this policy.

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

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

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

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

The proposed dwellings would range between 70 and 83 sq m in terms of the internal floorspace, which would comply with or exceed the standard of 70 sq m for 2-bed, 4-person, single storey units, as set out in the government's Technical Housing Standards - Nationally Described Space Standards document. Accordingly, the proposal would comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan-led. 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 24 additional residential units (6 more than an extant permission) 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. 8 of these units will be affordable and this lends further weight in favour of the scheme. 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. Financial contributions towards local and county infrastructure are also secured through a legal agreement.

There will be a neutral impact in respect of a number of issues such as the design, impact on the Conservation Area, neighbouring amenity, parking, landscaping, drainage, contaminated land, sustainability and biodiversity, including the impact on the Ashdown Forest.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP31, DP35, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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(s) 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 Policies DP26 and DP35 of the Mid Sussex District Plan and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

5. No development shall take place until details of the existing and proposed site levels (in particular relating to 99 Reed Pond Walk) have been submitted to and approved in writing by the Local Planning Authority, including proposed contours and finished landscaping, such as retaining walls or raised terraces. 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.

6. No development shall take place until a scheme and method statement setting out the measures that are to be implemented to secure the stability of the slopes during

the construction of the development and thereafter have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of land drainage. Development shall be carried out in accordance with the approved scheme and method statement.

Reason: To ensure that the development is carried out satisfactorily and will secure the stability of the slope and to comply with the NPPF requirements.

7. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access 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.

8. 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:

- measures to control noise affecting nearby residents;
- wheel cleaning/chassis cleaning facilities;
- dust management plan; 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.

9. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

- a) A *desk study report* documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 'Investigation of potentially contaminated sites - code of practice'. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

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 study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 'Guidance on investigations for ground gas.' Where possible the laboratory analysis for permanent gases and Volatile Organic Compounds (VOCs) should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS). The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the Local Planning Authority,

- c) A *remediation method statement* detailing the 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. For risks related to bulk gases, this will require the production of a *design report* and an *installation report* for the gas as detailed in BS 8485:2015 - 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

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

10. 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.

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

Monday to Friday: 08:00 - 18:00 hrs;

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank 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

12. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The

boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

13. Prior to the commencement of construction of any 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. The development hereby permitted shall not be occupied / brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 9 c) that any remediation scheme required and approved under the provisions of condition 9 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 stand-alone report including (but not be limited to):
- a) Description of remedial scheme;
 - b) as built drawings of the implemented scheme;
 - c) photographs of the remediation works in progress;
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9 c).

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.

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

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

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

17. 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.

18. 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.

Post-occupation monitoring / management conditions

19. If, during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation, a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

20. The development hereby permitted shall be implemented in accordance with the mitigation measures identified in the submitted Vegetation Survey and Risk Assessment for Protected Species by Ralph Hobbs dated October 2018.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements, Policy DP38 of the Mid Sussex District Plan and Policy E5 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 developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - 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. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

6. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	1795_100		08.10.2018
Block Plan	1795_101		08.10.2018
Proposed Site Plan	1795_105		08.10.2018
Proposed Floor Plans	1795_110		08.10.2018
Proposed Floor Plans	1795_111		08.10.2018
Proposed Floor Plans	1795_112		08.10.2018
Proposed Floor Plans	1795_113		08.10.2018
Proposed Roof Plan	1795_114		08.10.2018
Proposed Elevations	1795_115		08.10.2018
Proposed Elevations	1795_116		08.10.2018
Proposed Elevations	1795_117		09.10.2018
Proposed Elevations	1795_118		09.10.2018
Proposed Floor Plans	1795_120		08.10.2018
Proposed Floor Plans	1795_121		08.10.2018
Proposed Floor Plans	1795_122		08.10.2018
Proposed Floor Plans	1795_123		08.10.2018
Proposed Roof Plan	1795_124		08.10.2018
Proposed Elevations	1795_125		08.10.2018
Proposed Elevations	1795_126		08.10.2018
Proposed Elevations	1795_127		09.10.2018
Proposed Elevations	1795_128		09.10.2018
Proposed Sections	1795_130		08.10.2018
Proposed Sections	1795_131		08.10.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council supports this application and welcomes the contribution of 30% affordable units, which is in accordance with the Haywards Heath Neighbourhood Plan and Mid Sussex District Plan 2014/2031.

The Town Council requests that developer Section 106 contributions for local community infrastructure, amounting to £14,352, are allocated towards developing real time bus information specifically within the Franklands Ward of Haywards Heath. (This sum has been calculated in accordance with the formula in Mid Sussex District Council's Development Infrastructure and Contributions Supplementary Planning Document (adopted July 2018).)

MSDC Conservation Officer

To be reported.

I've just been working on comments for the above- I have no major concerns given the existing permission on the site but I have a couple of questions/requests for further info:

- What more can be done to break up/soften the off street parking provision with soft landscaping? I appreciate at least some of this hardstanding area is existing but anything

which can be done to soften the frontage and introduce more of a green verge would be beneficial to the quality of the scheme.

- Can the applicant please supply details of the proposed refuse and bin stores? From the submitted street elevation etc. these appear high and bulky, can anything be done to reduce this? What are the proposed facing materials? Is any landscaped screening proposed around these?

MSDC Contaminated Land Officer

Main Comments:

The site has potentially contaminated land sources within the near vicinity.

Adjacent to site is an electricity substation, which historical mapping indicates has been there since 1971. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Additionally a historic landfill at Eastern Road (ref: EAHLD20019), which is considered to be potentially contaminated land, is roughly 50m West of the the proposed site.

Due to the above it is necessary and appropriate to apply a phased potentially contaminated land condition to ensure safe development of the site. This condition should be applied verbatim.

Additionally, a contaminated land discovery strategy would also be recommended for this development just in case otherwise unsuspected contamination is found during the development of the site.

Recommendation: Approve with conditions

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Where possible the laboratory analysis for permanent gases and Volatile Organic Compounds (VOCs) should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS). The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the 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. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

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

In addition, the following precautionary condition should be applied separately:

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Drainage Engineer

To be reported.

MSDC Environmental Protection Officer

Given the proximity of nearby dwellings, Environmental Protection has no objection to this application subject to the following conditions:

Conditions

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

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

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Construction Environmental Management Plan: Prior to the commencement of the development, a Construction Environmental Management Plan 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: measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust management plan 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.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

MSDC Housing Enabling Officer

The applicant is proposing a development of 24 x 2 bed flats which gives rise to an onsite affordable housing requirement of 30%. The applicant is proposing 8 units for affordable housing which meets the policy requirement. The units will be delivered by Franklands Village Housing Association as 100% rented tenure and in accordance with an established and agreed principle, FVHA will have 100% nominations on first lettings with MSDC receiving 50% of the nominations on re-lets. This will be secured by way of the S106.

MSDC Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 24 residential dwellings on Land North Of 99 Franklands Village, Haywards Heath on behalf of the Head of Corporate Resources.

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

CHILDRENS PLAYING SPACE

Hardys Memorial, owned and managed by a community association, is the nearest locally equipped play area approximately 225m from the development site. This facility will face increased demand from the new development and a contribution of £35,470 is required to make improvements to play equipment (£19,277) and kickabout provision (£16,193). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £22,078 is required toward formal sport facilities at the Hardy Memorial Field.

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 £12,662 is required to make improvements to the 1st Haywards Heath Scouts Hall.

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

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

MSDC Corporate Estates (Property) Team

To be reported.

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week **11th October 2018** to **17th October 2018** that the applications listed below will require address allocation if approved.

Planning application number
DM/18/3823
DM/18/4141
DM/18/3856
DM/18/4118

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

Informative: Info29

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

MSDC Tree Officer

To be reported.

MSDC Waste Services

To be reported.

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 surface water mapping shows that the proposed site is at low risk from surface water flooding although the western boundary of the site, on the line of the watercourse, is shown to be at higher risk.</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 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

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

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

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse adjacent to the site on the western boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting an ordinary watercourse will require ordinary watercourse consent.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy and SuDS Assessment for this application proposes that sustainable drainage techniques (infiltration to be explored or attenuation with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. If infiltration can be proved not to be feasible, this method would in principle, meet the requirements of the NPPF and associated guidance documents.

If attenuation is required, above ground, rather than below ground, attenuation is preferable. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits and ease of access for maintenance.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and

including the 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

The proposal to provide 24 x 2 bed flats (8 being affordable housing stock) on land north of no 99 Reed Pond Walk in the Franklands Village area of Haywards Heath has been considered by WSCC as the CHA.

Access

The site is located on a parcel of land on Reed Pond Walk, a crescent style road accessible from both north and south, within the private residential area known as Franklands Village. As such the road does not form part of the public highway network and is privately maintained however; access into Franklands Village development is taken from the public highway at Frankton Avenue which is a 'c' classified road with a 30mph speed limit. Footpath connectivity is good and continues onto Gravelly Lane and Reed Pond Walk.

Car Parking

24 spaces will be provided for the flats which will be unallocated. WSCC car parking calculator has been consulted and based on no allocation for 16 private flats and 8 social/rented flats, 23 spaces would be required. All associated car parking spaces are provided within the road space outside the flats, within the applicants land. Echelon style spaces will be provided and as per manual for streets guidance should be at least 2.4m x 4.8m to be useable. The road width should be available at the following degrees to ensure they are accessible:

At 60 degrees, W = 4.2m

At 45 degrees, W = 3.6m

Servicing

Access by the emergency services and refuse collectors is likely to take place as per what already exists. Access would be taken from the public highway at Frankton Avenue.

Road Safety Audit

A road safety audit is not required as no new access is proposed and the site is within a private road.

Trips

Associated trips with the flats have been considered and if each flat had 1 car the overall trip rate in the morning and evening peak hour would equate to 10% of the overall trips equating

to 3 additional trips. This is not considered to have any detrimental impact on highway safety or capacity.

Construction Management Plan

Prior to the commencement of any development a construction management plan must be submitted to the LPA for approval. Although the site is within private land the construction should not hinder the movement of people or traffic and cause any safety issues. The attached condition details the information required within the plan to support the safety issues associated with construction.

Sustainability

The site is located in a residential area in close proximity to bus stops. Haywards Heath has its own train station and therefore options are good for getting about via public transport or on foot or bicycle. Cycle storage for the flats will be provided in secure and covered stores accommodating 1 space per flat.

CONDITIONS

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

INFORMATIVE

Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

WSSC Infrastructure

Summary of Contributions

Education				
Locality	Haywards Heath/Cuckfield			
Population Adjustment	45.6			
	Primary	Secondary	6th Form	
Child Product	0.2029	0.2029	0.1096	
Total Places Required	1.4203	1.0145	0.0000	
Library				
Locality	Haywards Heath			
Contribution towards Hassocks/ Hurstpierpoint/Steaying	£0			
Contribution towards Burgess Hill	£0			
Contribution towards East Grinstead/Haywards Heath	£7,195			
Population Adjustment	45.6			
Sqm per population	30/35			
Waste				
Adjusted Net. Households	24			
Fire				
No. Hydrants	TBC			
Population Adjustment	N/A			
£/head of additional population	N/A			
TAD- Transport				
Net Population Increase	45.6			
Net Parking Spaces	24			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			
Summary of Contributions				
S106 type	Monies Due			
Education - Primary	£25,452			
Secondary	£27,392			
Education - 6th	No contribution required			
Libraries	£7,195			
Waste	No contribution required			
Fire & Rescue	No contribution required			
No. of Hydrants	be secured under Condition			
TAD	£47,770			
Total Contribution	£107,809			

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 24 Net dwellings and an additional 24 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 Warden Park Primary Academy.

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

The contributions generated by this proposal shall be spent on upgrading of digital services at Haywards Heath Library.

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

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

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

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.

Consultant Ecologist

To be reported.

Southern Water

Thank you for your letter of 11/10/2018.

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

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the foul and surface water sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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

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

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

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House,

Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Sussex Police

Thank you for your correspondence of 11th October 2018, advising me of a planning application for a proposed residential development of 24 x 2 bed flats including 30% affordable units (8 units) 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 from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and certificated products. Further details can be found on www.securedbydesign.com

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

The development consists of 2 blocks of residential dwellings each with 12 flats, outward facing which creates a good active frontage with the street being overlooked. Parking has been provided with 18 bays directly outside the development with an additional 6 bays further up the road. The latter are unobserved from the dwellings. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

In order for the residents to use the communal private space to the side and rear of the development in a safe and secure manner, it will be important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the garden must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

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

From a crime prevention perspective, it will be important that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD asks for compartmentalisation. SBD seeks to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by the following:

- Dedicated door-sets on each landing preventing unauthorised access to the corridor from the stairwell. Each resident being assigned access to the floor on which their dwelling is located.

I recommend that the secure cycle store has PIR lighting installed internally and that the front door is lockable. A mechanical push button type of lock would be acceptable or a Sold Secure Silver hasp, staple and padlock. Should the proposed cycle store have double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. This arrangement would work very well for the refuse store as well. If used, sheffield hoop style stands are to be of galvanised steel bar construction of at least 3mm thickness and fixed to the concrete floor.

The Crime and 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 and 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.