

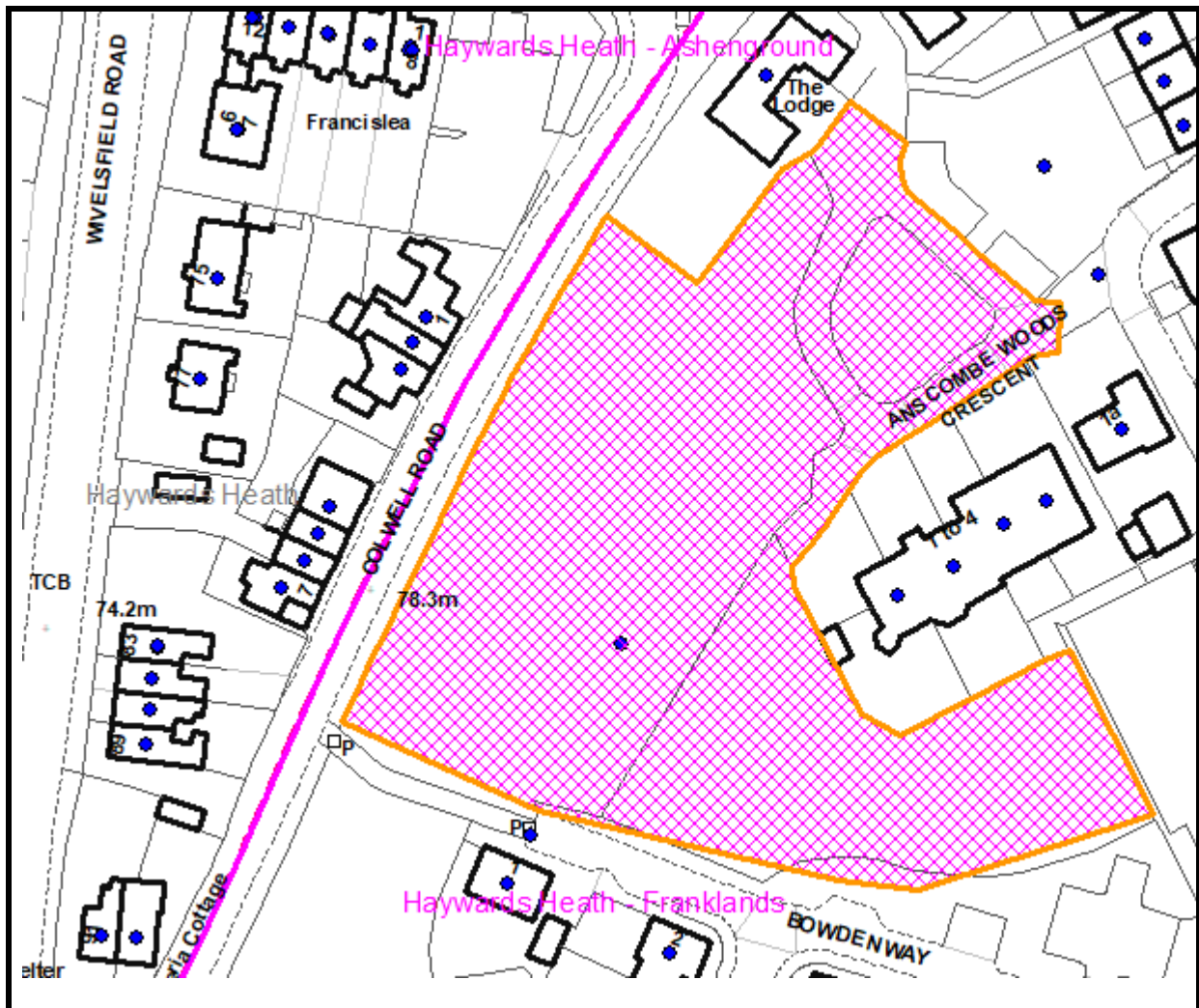
# Planning Committee



Recommended for Permission

6th July 2023

DM/21/3875



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<b>Site:</b>	Land At Anscombe Woods Crescent Haywards Heath West Sussex
<b>Proposal:</b>	The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022 Ground Level Tree Assessment received 12/10/2022, Amended Plans 17.03.2023 to change design).
<b>Applicant:</b>	Homes (Haywards Heath) Ltd

<b>Category:</b>	Smallscale Major Dwellings
<b>Target Date:</b>	16th June 2023
<b>Parish:</b>	Haywards Heath
<b>Ward Members:</b>	Cllr Rod Clarke / Cllr Paul Kenny /
<b>Case Officer:</b>	Joseph Swift

### **Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R29210KT0DA00>

### **1.0 Purpose of Report**

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

### **2.0 Executive Summary**

2.1 This application seeks full planning permission for the erection of two buildings to provide 2 no. 1 bed apartments, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan at Land at Anscombe Woods Crescent, Haywards Heath.

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

2.3 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

2.4 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

2.5 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 paragraph 11 of the NPPF is an un-tilted one.

2.6 Weighing in favour of the scheme is that the development will provide 10 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given significant positive weight.

- 2.7 It is considered that the design of the scheme is satisfactory and will be appropriate to the locality.
- 2.8 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.
- 2.9 It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology subject to conditions and that matters relating to land contamination can be dealt with by condition.
- 2.10 It is not considered that the proposal would cause significant harm to the amenities of existing occupiers around the site.
- 2.11 If permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.
- 2.12 Weighing against the proposal is the loss of a category B tree and the proposal results in the incursion in the Root Protection Area of a number of trees.
- 2.13 Whilst the scheme provides 4 fewer car parking spaces than the West Sussex County Council standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.
- 2.14 There may be some disruption during the construction phase, but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 2.15 It is considered that on balance, the impact on the trees and lower parking provision are considered to be outweighed by the benefits of the proposal. It is therefore considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. The scheme is considered to comply with the development plan when read as a whole and therefore planning permission should be granted.

### **3.0 Recommendation**

#### **3.1 Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure the required infrastructure payments and the travel plan monitoring fee together with the conditions set in Appendix A.

#### **3.2 Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 28<sup>th</sup> September 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

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

#### **4.0 Summary of Representations**

4.1 61 letters of objection:

- Loss of wildlife habitat/green space/ Protected species (bats)
- Large and overbearing/scale
- Cramped form of development/ overdevelopment
- Overlooking/loss of privacy
- Drainage issues/ can't connect to Bowden Way
- Parking/traffic/highway safety
- Noise and disturbance/ impact on home working
- Impact on trees
- Loss of informal open space
- Obscure historic architecture/loss of a view
- Design and character
- Loss of sunlight
- Screening
- Insufficient infrastructure (schools, doctors, dentist etc)
- High sound pressure level and vibration will impact on health conditions
- Changes don't overcome previous comments

#### **5.0 Summary of Consultees**

5.1 **Street Naming and Numbering:**

Informative 29 required.

5.2 **Environmental Protection Officer:**

No objection subject to condition

5.3 **WSCC Minerals and Waste:**

No Comment

5.4 **MSDC Drainage Officer:**

No objection subject to condition

5.5 **MSDC Housing Officer:**

The applicant is proposing to deliver 10 flats which falls under the threshold set out in District Plan Policy DP31.

5.6 **WSCC Lead Local Flood Authority:**

No objection

5.7 **Ecological Consultant:**

No objection subject to condition

5.8 **WSCC County Planning Officer:**

Requires infrastructure contributions towards primary and secondary education, libraries and Total Access Demand

5.9 **WSCC Highway Authority:**

No objection subject to condition

5.10 **Contaminated Land Officer:**

No objection subject to condition

5.11 **Southern Water:**

No objection

5.12 **Woodland Trust:**

Holding objection

5.13 **MSDC Community Facilities and Project Officer:**

Requires infrastructure contributions towards play space, formal sport and community buildings

5.14 **MSDC Tree Officer**

Objection

**6.0 Town Council Observations**

6.1 The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022 Ground Level Tree Assessment received 12/10/2022, Amended Plans 17.03.2023 to change design).

The Town Council objects to the application, even though the principle of development has already been established by a previous application. New information provided by the tree officer coupled alongside a concern that the site will not provide for a net rise in bio diversity has led to the Town Council's position on the application.

- 1) The Town Council notes the large number of objections and
- 2) Has concerns regarding the lack of affordable housing,

- 3) The lack of parking on the site, which is exacerbated by the controlled parking in the surrounding roads.
- 4) With regards to bio diversity on the site as previously mentioned, the loss of trees and the use of green land for the development of the housing and the road network leads to the Town Council perceiving that the site will not meet the requirement for a 10% increase in such. There is also the concern about the ancient woodland soil on the site and the encroachment of the required 15m buffer zone against DP36 and DP37 of the Mid Sussex District Plan.

## **7.0 Introduction**

- 7.1 This application seeks full planning permission for the erection of two buildings to provide 2 no. 1 bed apartments, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan at Land at Anscombe Woods Crescent, Haywards Heath.

## **8.0 Relevant Planning History**

- 8.1 There is an extensive planning history on the wider South Downs Park site with Outline planning permission being granted for a residential development comprising up to 222 dwellings and full planning permission for the construction of part of the proposed Haywards Heath relief road under reference HH/130/98.
- 8.2 On this particular parcel of land, the Local Planning Authority (LPA) resolved at the Planning Committee in June 2013 to grant approval for a residential development comprising of 10 units with associated landscaping and parking (reference 12/04158/FUL). Following the committee meeting, the applicants never completed the S106 agreement and after an extended period the application was returned, and a decision was never issued.

## **9.0 Site and Surroundings**

- 9.1 The application site lies within the built up area boundaries of Haywards Heath, with the woodland to the west of the site being designated as Ancient Woodland and subject to a Tree Preservation Order (TPO). The site itself is fairly level but the land to the north is at a higher level and the land to the south is at a lower level. To the north are the existing two storey residential dwellings 1- 4 Larch Wood, which was a conversion of an original hospital building, with Bowden Way to the south/ south west, with the traditional style two storey dwellings Nos 1, 2, 3, 4, 5, 6, 7, 8 Bowden Way on the opposite side of Bowden Way to the application site, together with a parking area to the eastern side of the site.

## **10.0 Application Details**

- 10.1 Full planning permission is sought for the erection of two buildings to provide 2 no. 1 bed apartments, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan at Land at Anscombe Woods Crescent, Haywards Heath.

- 10.2 Both blocks are two and a half storey and have been shown to be of the same design, with grey plain roof tiles, buff multi facing brickwork, off white (Vulcan Oatmeal) composite horizontal cladding walls, and brown buff contrast brick to the window and door reveals. The blocks are an 'L' shape, with block 1 (plots 1 to 5) being slightly larger with a width of some 22 metres, by a maximum of some 13 metres in depth, with an eaves height of 7 metres and an overall height of 10.5 metres. Block 2 (plots 6 to 10) will be slightly smaller, measuring some 22 metres in width, by a maximum of some 12 metres in depth, with an eaves height of 7 metres and an overall height of 10.5 metres.

Block 1 will provide the following accommodation:

Unit 1: 2 bedroom, 68 square metres  
Unit 2: 2 bedroom, 77 square metres  
Unit 3: 2 bedroom, 68 square metres  
Unit 4: 3 bedroom, 128 square metres  
Unit 5: 1 bedroom, 56 square metres

Block 2 will provide the following accommodation:

Unit 6: 2 bedroom, 68 Square metres  
Unit 7: 2 bedroom, 77 square metres  
Unit 8: 2 bedroom, 68 square metres  
Unit 9: 3 bedroom, 128 square metres  
Unit 10: 1 bedroom, 56 square metres

- 10.3 Access is gained off Anscombe Woods Crescent with 10 parking spaces and 3 visitor spaces proposed, together with covered cycle parking to the north of block 2.
- 10.4 As part of the proposal the applicant is also proposing the provision of a woodland management plan that will improve the existing ancient woodland, with the removal of invasive species and introduction of native planting. The woodland has been shown to be made secure with the addition of a post and rail fence and hedging.

## **11.0 Legal Framework and List of Policies**

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states: '*In dealing with such an application the authority shall have regard to:*
- a) *The provisions of the development plan, so far as material to application,*
  - b) *And local finance considerations, so far as material to the application, and*
  - c) *Any other material considerations.'*
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

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

- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

#### Mid Sussex District Plan

- 11.8 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:
- Policy DP4: Housing
  - Policy DP6: Settlement Hierarchy
  - Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
  - Policy DP20: Securing Infrastructure
  - Policy DP21: Transport
  - Policy DP26: Character and Design
  - Policy DP27: Dwelling Space Standards
  - Policy DP29: Noise, Air and Light Pollution
  - Policy DP30: Housing Mix
  - Policy DP37: Trees, Woodland and Hedgerows
  - Policy DP38: Biodiversity
  - Policy DP39: Sustainable Design and Construction
  - Policy DP41: Flood Risk and Drainage
  - Policy DP42: Water Infrastructure and the water Environment

#### Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies:

SA38 Air Quality

#### Neighbourhood Plan

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



as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

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

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.11 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

- 11.12 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, 11, 12, 38, 47, 111, 124, 126, 130 and 194 to 202 are considered to be relevant to this application.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Mid Sussex District Plan 2021-2039 Consultation Draft

11.14 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

## 12.0 Assessment

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

- The principle of development;
- The design and visual impact;
- The impact on neighbouring amenity;
- Transport matters;
- Drainage;
- Land contamination;
- Sustainability;
- Space standards;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Housing mix;
- Water infrastructure;
- Air Quality

### Principle of development

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

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

12.4 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.

12.5 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.

12.6 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.'*

- 12.7 The site is in a sustainable 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.
- 12.8 Thus, the principle of this development is acceptable in line with the above development plan policies and the NPPF.

Design and visual impact on the character of the area

- 12.9 Policy DP26 of the Mid Sussex 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.'*

- 12.10 A similar ethos is found within the Neighbourhood Plan, with Policy E9 stating:

*'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.'*

12.11 Policy H8 of the Neighbourhood Plan states:

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

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

12.12 The Council's adopted Design Guide is a material consideration in the determination of the application. Design Principle DG38 requires good architecture whilst responding appropriately to its context.

12.13 Within the locality, to the north are the converted hospital buildings, while to the south is a newer built residential development and therefore the wider locality has a fairly mixed character. Following concerns from Officers, the design of this proposal has been amended, with the replacement of the render with composite cladding, removal of eaves dormers, removal of the pitched roof to the balconies and alterations to the fenestration sizes.

12.14 The proposal has adopted a design approach which blends in with the newer build development of Bowden Way, utilising a similar pallet of materials, while also adding some slight variation to provide it with its own individual character. Concerns have been raised in relation to the size and scale of the building, the proposed building is effectively three storey as it proposes accommodation within the roof, however, both within the Bowden Way and Southdowns Park, there are a mixture of two and three storey dwellings visible, in addition it is considered that there is adequate spacing around the building so it would not appear cramped. Furthermore, due to the change in levels the proposal would not exceed the height of Larchwood.

12.15 Although, it is noted that the proposal does vary from the more traditional hospital building to the north, this is similar to the relationship throughout the wider Southdowns Park, which has been significantly redeveloped with a mix of converted

buildings together with a number of new builds and as such this relationship is also considered acceptable here.

12.16 Policy E13 in the Neighbourhood Plan states:

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

12.17 The proposal will be provided with communal gardens to the front and the rear of the building, together with each unit having its own small balcony space. Given the type of dwellings proposed, character of the area and topography of the site, it is considered that the amenity space that would be provided for future residents is satisfactory and accords with policy E13.

12.18 To conclude on matters of general design, it is considered that the proposal is of a good quality design that responds to the existing locality. The development will optimise the use of the site, as sought by policy DP26 in the DP and paragraph 124 in the NPPF and is of an appropriate size and scale that is also in-keeping with the character of the wider locality. Consequently, the proposal is considered to comply with the above mentioned policies.

#### Impact on neighbouring amenity

12.19 The proposal is located between Larchwood to the north and the dwellings off Bowden Way to the south. Due to the distance to Wheeler Court to the north east, with a car park between, it is not considered to impact upon these dwellings, as such the main impact is considered to be on Larchwood and Bowden Way.

12.20 Policy DP26 in the District Plan seeks to avoid '*significant harm*' to neighbouring amenity taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Policy H9 in the Neighbourhood Plan states in part '*The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*' There is some conflict between the wording of these two policies. In accordance with planning law, the conflict needs to be resolved in favour of the most recently adopted policy. As such policy DP26 should be given greater weight and the test is whether there would be significant harm to neighbouring amenity.

12.21 Within the built-up area boundaries a degree of overlooking is considered acceptable and a rule of thumb is to provide a back to back distance of at least 21 metres. Although, the proposal would have a front to rear relationship with No. 1- 4 Larchwood, it has been shown that it will achieve a separation distance of some 19.5 metres at pinch point, but the majority of the buildings would achieve a 22 metres distance. The proposal would have a rear to front relationship to the dwellings off Bowden Way, however, this would have a minimum distance of some 18.2 metres (between plots 1-5 and No. 3 Bowden Way) at the closest point but again rising to over 22 metres.

12.22 With these being front to rear relationships, it is considered that the spacing is acceptable and combined with the existing and proposed screening, it is not

considered that the proposal would cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. The application therefore complies with policy DP26 in the District Plan in respect of residential amenity.

- 12.23 Concerns have been raised in regard to noise and disturbance, particularly in relation to the construction phase. While it is understood that there will be some disruption during construction, The Environmental Protection Officer has recommended conditions on construction hours, a plan to address noise, vibration, dust and burning of materials. Subject to these conditions and the fact that any disruption will only be for a limited period during the construction phase, it is considered acceptable in this context.

#### Transport matters

- 12.24 Policy DP21 in the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*
- *Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

12.25 The reference to severe impacts reflects paragraph 111 in the NPPF which states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

12.26 The Local Highway Authority (LHA) has raised no objection to the scheme based on the impact of vehicular movements on the capacity of the highway network. The site would utilise the existing vehicular access of Southdowns Park which was considered to provide suitable visibility, with the proposed trip generated also not considered a significant material intensification of movements. Your Planning Officer has no reason to disagree with the comments of the Highway Authority on these matters. The Highway Authority are the statutory body responsible for the highway network within the District and their views should be afforded significant weight. The proposal would not have a severe impact on the capacity of the road network and therefore there is no conflict with this element of policy DP21.

#### Car parking

12.27 Policy T3 in the Neighbourhood Plan states in part that *'Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'*

12.28 The scheme proposes 13 car parking spaces. The WSCC Car Parking Demand Calculator indicates that a development of this size would require 17 parking spaces (with the proposed allocation). As such the scheme is 4 spaces short and would conflict with the part of policy T3 referred to above.

12.29 The LHA has raised no objection to the application based on the level of car parking, noting that the site is in a sustainable location. Furthermore, the LHA have noted that there is limited on-street parking within the immediate vicinity, however there are comprehensive parking restrictions in place on nearby roads to stop any parking in places that may result in a detriment to highway safety. In addition, the LHA does not anticipate that the shortfall in parking would give rise to a highway safety impact, nor a parking capacity impact issue.

12.30 It is also the case that prospective occupiers of the proposed flats would be aware of the level of car parking that would be provided, and it is reasonable to assume that if it is important to prospective occupiers that they have a flat with two dedicated car parking spaces, they would not wish to occupy one of these flats.

12.31 For an application to be refused on the basis that the car parking provision is insufficient, there has to be some identifiable harm arising from the level of car parking. The LHA do not consider that the level of car parking would result in a highway safety hazard. As such it is not considered that it could be demonstrated that the level of car parking proposed would result in harm that would justify a refusal of planning permission.

### Sustainable transport

- 12.32 The application has been supported with a transport statement, which sets out that the application site offers good accessibility to both public transport, cycling and pedestrian linkages. They have also advised that all parking spaces will be electrical vehicle charging spaces and will provide secure cycle parking.
- 12.33 Policy T2 in the Neighbourhood Plan states:
- '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.'*
- 12.34 The County Council have advised that it is intended to spend the Total Access Demand (TAD) contribution on South Road Pedestrian Improvements Scheme. As such, this is the project the County Council believes it would be most appropriate to spend the TAD monies.
- 12.35 The Development and Infrastructure SPD identifies routes for pedestrians, cyclists and equestrians as a type of project that Local Community Infrastructure (LCI) contributions could be spent on. In this case, the Town Council have requested that the LCI contribution is spent on the proposed Country Park on land off of Hurstwood Lane.
- 12.36 There is no specific cycle route project that has been identified. In light of this and the fact consultees have not expressed a preference to spend either the TAD or LCI contributions on cycle routes, it is not felt that there are grounds to resist the application in relation to policy T2 not being met.

### Drainage

- 12.37 Policy DP41 in the DP seeks to ensure that developments are satisfactorily drained and do not increase the risk of flooding off site. Policy E7 in the Neighbourhood Plan has similar aims. The site is within flood zone 1 and is at low fluvial flood risk (from main rivers) and at very low surface water flood risk. It is proposed that the development will discharge of surface water to the public surface water sewer network, via third party land at a run off rate of 0.9l/s, with foul water drainage to the mail foul sewers. The Councils Drainage Engineer has advised that they have no objection to the proposal subject to a condition to ensure compliance with policy DP41 in the DP and policy E7 in the Neighbourhood Plan. It is therefore considered that the site can be adequately drainage.

### Land contamination

- 12.38 The site has potentially contaminated land sources, historically being part of a hospital. The NPPF advises in paragraph 184 that *'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*
- 12.39 The Council's Contaminated Land Officer has recommended that a condition can be applied to any planning permission and this would ensure compliance with the NPPF requirements.



### Sustainable Design

12.40 Policy DP39 of the District Plan states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

12.41 Policy E8 of the Neighbourhood Plan has similar aims.

12.42 The applicants have provided an Energy Statement as part of the application which sets out that the proposal would include:

- U values at least 50 per cent better than Part L
- Air permeability 50 per cent better than Part L
- Mechanical extract ventilation
- 100 per cent low energy lighting
- PV Panels
- Achieve consumption target of 110 litres per person, per day

12.43 It is considered the applicants have had regard to policy DP39 in the DP and policy E8 in the Neighbourhood Plan.

### Dwelling space standards

12.44 The proposal would comply with the national dwellings space standards and thus comply with policy DP27 in the District Plan.

### The impact on trees

12.45 Policy DP37 in the DP states in part that *'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'*

12.46 The application has been supported by an Arboricultural Impact Assessment, Ground Level Tree Assessment, together with two responses to the Tree Officers comments. The proposal is seeking to remove a Scots Pine (category B), two Leyland Cypress (one category U and one category C) and a group of small self-seeded specimens providing an understorey layer beneath more established specimens; predominantly laurel, holly and English oak (category C), together with

encroachment into the Root Protection Areas (RPA) of two Wellingtonia and an English Oak. Although the trees are covered by a Tree Preservation Order (TPO), whenever a planning permission has been granted that involves work on protected trees, the planning permission take precedence and there is not a requirement to seek separate consent to carry out works on the trees in question.

- 12.47 The Councils Tree Officer has objected to the proposal, raising concerns about the impact on the Ancient Woodland, loss of a category B Tree, little room for mitigation for lost trees, encroachment into the RPA and future pressure on the trees. The impact on the Ancient Woodland is a matter for the Councils Ecology consultant and is covered within the following section of the report.
- 12.48 The loss of the category B tree and encroachment into the RPA's is regrettable and is contrary to DP37. However, it is also noted that despite this conflict with policy DP37, the proposal is seeking to reduce the amount of hardstanding with the Ancient Woodland Buffer zone, provide protection to the woodland, remove the tarmac and replace it with permeable paving and if approved, the proposal will be conditioned to ensure improvement to the Ancient Woodland. Furthermore, being subject to a TPO, any future works would require consent. In your Planning Officers view, the loss of one category B tree and the encroachment into a RPA would not be a sufficient reason to resist this planning application.

#### Biodiversity

- 12.49 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.'*

- 12.50 The application is accompanied by an extended Preliminary Ecological Appraisal, ground level tree assessment and a technical note on the amending parking layout. Following initial comments, the Sustainable Urban Drainage Scheme (SUDS) pond within the ancient woodland buffer has been removed and parking within the ancient woodland has also been removed. The proposal will still result in a 16.1 square metre development of the access road within the buffer of the ancient woodland, however, as part of the proposal an existing area of 66 square metres of hardstanding will be removed from the ancient woodland buffer zone, so overall, the proposal would result in a net decrease of some 49.9 square metres of hard surfacing within the buffer zone. This will be an improvement on the current position.
- 12.51 Although the proposal will result in encroachment to the Ancient Woodland buffer zone the Councils Ecology consultant has assessed the application and has advised that there is sufficient ecological information available to determine the application. The Councils Ecological Consultant recommends a number of planning conditions to secure mitigation and enhancement measures and with such conditions in place, they advise that there are no ecological reasons to object to the proposal. Your Planning Officer has no reason to disagree with this assessment. It is considered that subject to conditions, policy DP38 of the District Plan will be met. The Town Council have referred to a requirement for a 10% increase in bio diversity. However, this is not a requirement of the development plan. The requirement for 10% bio diversity net gain is due to come into force in November 2023 through national legislation and is not a requirement to grant planning permission for this development.

#### Habitats Regulations

- 12.52 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.53 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.54 A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational disturbance

- 12.55 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.56 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.57 The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

### Atmospheric pollution

- 12.58 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.
- 12.59 The proposed development was modelled in the Mid Sussex Transport Study 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.

### Conclusion of the Habitats Regulations Assessment screening report

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

No mitigation is required in relation to the Ashdown Forest SPA or SAC. A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

### Infrastructure provision

- 12.61 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.62 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
  - b) An Affordable Housing SPD

c) A Development Viability SPD

- 12.63 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

*'55 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:

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

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

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

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

- 12.65 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	£11,470 (additional facilities at Northlands Wood Primary Academy)
Education – Secondary	£12,344 (additional facilities at Oathall Community College)
Libraries	£3,343 (additional facilities at Haywards Heath Library)
TAD	£22,292 (South Road pedestrian improvement scheme)

District Council Contributions

Equipped play	£7,790 (Southdowns Park and or Barry Drive and or Sandy Vale)
Kickabout facilities	£6,544 (Southdowns Park and or Barry Drive and or Sandy Vale)
Formal sport	£8,922 (Tim Farmer Recreation Ground and / or St Francis Sports Ground.)
Community Buildings	£8,922 (Ashenground Community Centre and / or The Woodside)

Local Community Infrastructure     £6,728 (Proposed Country Park on land off of Hurstwood Lane)

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

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

#### Housing mix

12.68     Policy DP31 in the DP seeks to provide a mix of dwelling types and sizes from new development that reflects current and future local housing needs. The proposal is seeking to provide 2 no. 1 bedroom apartments, 6 no. 2 bedroom apartments and 2 no. 3 bedroom apartments. The scheme will deliver smaller market housing units that are required in Haywards Heath and the District more generally. On this basis, there is no conflict with policy DP31 and the proposal will provide a good mix of housing to reflect the current and future local housing needs. The number of units proposed is below the threshold for requiring affordable housing.

#### Water Infrastructure

12.69     Policy DP42 in the DP states in part '*Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate,*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and*
- *that there is adequate water supply to serve the development'*

12.70     South East Water are the water supply company for this area. The applicants have provided a letter from South East Water that quotes for the cost of connecting the development. It is considered that the applicants have demonstrated that a water supply can be provided in line with policy DP42.

#### Air Quality

12.71     Policy SA38 seeks to avoid unacceptable impacts on air quality and says development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development.

12.72     The Environmental Protection Officer has requested a condition on Air Quality. Whilst there are no air quality management areas (AQMAs) in the vicinity of the site, the proposal is for 10 dwellings and as such is considered a major development, Policy SA38 in part sets out that an air quality assessment is required:

*'Where sensitive development is proposed in areas of existing poor air quality and/or where major development is proposed'*

12.73     As such, with this being a major development, it is considered that the condition is justified.

### Other matters

12.74 Southdowns Park has a number of Listed Buildings, however, owing to the distance from the nearest Listed Building, with development between the application site and the Listed Buildings the proposal is not considered to impact upon the setting of these.

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

- 13.1 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.
- 13.2 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 paragraph 11 of the NPPF is an un-tilted one.
- 13.3 Weighing in favour of the scheme is that the development will provide 10 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given significant positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.
- 13.4 It is considered that the design of the scheme is satisfactory and will be appropriate to the street scene.
- 13.5 It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology subject to conditions and that matters relating to land contamination can be dealt with by condition.
- 13.6 It is not considered that the proposal would cause significant harm to the amenities of existing occupiers around the site.
- 13.7 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.
- 13.8 Whilst the scheme provides 4 fewer car parking spaces than the WSCC standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.
- 13.9 There may be some disruption during the construction phase, but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 13.10 Weighing against the proposal is the loss of a category B tree and result in the incursion in the RPA of a number of trees.
- 13.11 However, on balance the impact on the trees and lower parking provision are considered to be outweighed by the benefits of the proposal. It is therefore

considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. The scheme is considered to comply with the development plan when read as a whole and therefore planning permission should 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.

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

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

3. No development above slab level 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 and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

5. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk



and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

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

6. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Technical Note Ground Level Tree Assessment UE0426 (Urban Edge Environmental Consulting, October 2022), Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021), the Technical note to assess the impacts of the amended parking layout (SJA Trees, May 2022), Planning Layout DWG. No. 696.021.013.D (STA Associates, June 2022) and the letter (Lander Planning, June 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

7. Prior to commencement of development a Non-Licensed Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to bats during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

8. Prior to commencement of development a Non-Licensed Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

9. Prior to commencement of development a Non-Licensed Reptile Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations and to comply with Policy DP38 of the Mid Sussex District Plan.

10. Prior to commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

11. Prior to commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

12. Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

13. Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

14. Prior to the construction of the fencing around the ancient woodland, details of the construction method shall be submitted and approved by the Local Planning Authority. The fence shall thereafter be installed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 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 car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan.

16. 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 to be submitted to and approved by the Local Planning Authority.

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

17. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

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

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

19. The development hereby permitted shall be occupied until the refuse/recycling storage facilities have been provided in accordance with the approved plans and thereafter retained.

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.

20. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials

for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

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

21. Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers and to comply with Policy DP26 and DP29 of the Mid Sussex District Plan.

22. Air Quality - Prior to occupation the applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: In order to comply with MSDC Policy DP29: Noise, Air and Light Pollution and SA38 of the Sites Allocations DPD

23. No development above slab level shall take place until details of the proposed PV panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that this is a sustainable development and to achieve a well designed building and to comply with policies DP26 and DP39 in the Mid Sussex District Plan 2014-2031

24. 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.

25. 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.

#### INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. 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.
4. Please be advised that a formal Sewer Connection (S106) application is required to be completed and approved by Southern Water Services.

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Site Plan	696.021.013	F	17.03.2023
Proposed Sections	696.021.017	A	17.03.2023
Proposed Floor Plans	696.021.12	A	17.03.2023
Proposed Floor Plans	696.021.016	A	17.03.2023
Proposed Elevations	696.021.014	A	17.03.2023
Proposed Elevations	696.021.015	A	17.03.2023
Landscaping Details	696.021.13	E	20.12.2022
Location Plan	696.021.018		01.02.2023
Proposed Floor and Elevations Plan	696.021.019		05.11.2021
Proposed Floor and Elevations Plan	696.021.020		05.11.2021
Existing Block Plan	696.021.021		05.11.2021

## APPENDIX B – CONSULTATIONS

### Street Naming and Numbering

**Weekly list date:** 31.01.2022 and 04.01.2022

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Linda Symes

Street Naming and Numbering Officer

### **Informative (Info29)**

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

### **Planning applications requiring SNN informative**

DM/21/4233

DM/21/1842

DM/21/3875

DM/22/0245

DM/22/0129

### **MSDC Environmental Protection 23.02.2022**

Environmental Protection has no particular concerns, but does recommend conditions to control noise and hours during construction, as well as a condition to mitigate against the impact of the development upon air quality. Should the development receive approval, Environmental Protection recommends the following conditions:

#### **Conditions:**

- **Construction hours:** Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday – Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

- **Construction Environmental Management Plan (CEMP):** No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers  
Reason – In line with MSDC Policy DP29: Noise, Air and Light Pollution

- **Air Quality** - The applicant shall submit an emissions mitigation calculation, in accordance with the *Air Quality & Emissions Mitigation Guidance for Sussex* which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason – In line with MSDC Policy DP29: Noise, Air and Light Pollution

### **MSDC Environmental Protection 21.03.2023**

The amended plans submitted on the 17th of March 2023 do impact the comments I made on the 23rd of February 2022.

### **WSCC Minerals and Waste**

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngprsntrn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).



## MSDC Drainage Officer

### Application Details

Application Number	DM/21/3875
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-04-29
Site Location	Land at Anscombe Woods Crescent, Haywards Heath
Development Description	The erection of two buildings to provide 2 no. 1-bed apartment, 6 no. 2-bed apartments and 2 no. 3-bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan.
Recommendation	No objection subject to condition

### Flood risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk.

There are no historic records of flooding occurring on this site or the immediate area surrounding the site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

### Sewers on site

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

### Surface water drainage

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The application is supported by a drainage strategy report, dated December 2021. The Greenfield QBar runoff rate for the developed area is stated to be 0.9l/s.

The drainage strategy is based on infiltration not being possible on the site. Attenuation of surface water before discharging into the public surface water sewer network, via third party land, at 0.9l/s is proposed. The applicant has provided evidence that Southern Water have capacity for the proposed 0.9l/s surface water discharge into the public sewer system.

The drainage strategy states rainwater harvesting is being considered as part of the development. The flood risk and drainage team would advise the applicant that any storage provided by harvesting systems cannot be counted towards the required attenuation volumes. This is due to the potential of harvesting systems being at capacity during a storm event.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

### **FOUL WATER DRAINAGE**

It is proposed that the development will discharge foul water drainage to the main foul sewers.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

### **CONDITION RECOMMENDATION**

#### ***C18F - MULTIPLE DWELLINGS/UNITS***

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

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

### **GENERAL DRAINAGE REQUIREMENT GUIDANCE**

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

### **SURFACE WATER DRAINAGE**

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

### **FOUL WATER DRAINAGE**

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan <sup>1</sup>	
<b><i>For soakaways</i></b>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<b><i>For discharge to watercourse</i></b>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<b><i>For discharge to sewer</i></b>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>3</sup>	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>2</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>3</sup> Formal approval via S106 etc is not required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<b><i>For connection to main foul sewer</i></b>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection <sup>4</sup>	
<b><i>For non-mains system with drainage field</i></b>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> <li>a) The system meets latest General Binding Rules</li> <li>b) An Environmental Permit application is to be submitted</li> </ul>	
<b><i>For non-mains system with discharge to open water</i></b>	
Evidence that either: <ul style="list-style-type: none"> <li>a) The system meets latest General Binding Rules</li> <li>b) An Environmental Permit application is to be submitted</li> </ul>	
Outfall location and construction details	

**MSDC Drainage Officer 21.07.2023**

The flood risk and drainage team have reviewed the alterations to the proposed development. We can confirm that these alterations do not impact our existing consultation response.

**MSDC Housing Officer Comments 03.03.2022**

The applicant is proposing to deliver 10 flats which falls under the threshold set out in District Plan Policy DP31. The proposed total internal floorspace (excluding balconies) measures 782m<sup>2</sup> which is also under the affordable housing threshold. As no part of the site falls within the High Weald area of Outstanding Natural Beauty, we would not require a payment towards offsite delivery of affordable housing. Should any new plans be submitted, please ensure that Housing Enabling are consulted.

**MSDC Housing Officer Comments 11.04.2023**

The most recently submitted plans do not alter the number of units submitted, or take the GIA over the threshold of 1000m<sup>2</sup>. As such, our comments of 03/03/22 remain valid. Should any further plans be submitted, please ensure that Housing Enabling are consulted.

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## **WSCC Lead Local Flood Authority**

<b>TO:</b>	Mid Sussex District Council FAO: Planning Officer
<b>FROM:</b>	WSCC – Lead Local Flood Authority
<b>DATE:</b>	26/07/22
<b>LOCATION:</b>	Land At Anscombe Woods Crescent Haywards Heath West Sussex
<b>SUBJECT:</b>	DM/21/3875  The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022).
<b>RECOMMENDATION:</b>	No objection

Thank you for consulting with us.

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 flood risk.

We have no comments to submit with regards to this matter. Please consult the District Drainage Engineer.

Kind Regards

**Flood Risk Management Team**

### **Ecology Consultants**

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

### **Summary**

We have reviewed the Technical Note Ground Level Tree Assessment UE0426 (Urban Edge Environmental Consulting, October 2022), the Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021), the Technical note to assess the impacts of the amended parking layout (SJA Trees, May 2022), Planning Layout DWG. No. 696.021.013.D (STA Associates, June 2022) and the letter (Lander Planning, June 2022) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species, particularly bats, Great Crested Newt, Hazel Dormouse, Badger, Hedgehog, reptiles and nesting birds, and identification of proportionate mitigation.

We note that ancient woodland (irreplaceable habitat) lies adjacent to the site and we therefore recommend the implementation of a 15m buffer zone as advised by Government Standing Advice (<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>).

We welcome the removal of the SUDS pond from the ancient woodland buffer and the removal of 66sqm of existing hard surfacing within the ancient woodland buffer which will be replaced with more suitable habitat through the woodland management plan (letter (Lander Planning, June 2022) and Planning Layout DWG. No. 696.021.013.D (STA Associates, June 2022)).

We accept that the remaining incursion into the ancient woodland buffer is small (16.1sqm) and unavoidable given that the adjacent land is in third party ownership.

We agree that, as the Technical Note Ground Level Tree Assessment UE0426 (Urban Edge Environmental Consulting, October 2022) concludes that the trees to be removed have negligible or low bat roost potential, no further bat surveys are required and works can proceed under a bat non-licensed method statement.

We support the implementation of a Hazel Dormouse non-licensed method statement and a reptile non-licensed method statement (Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021)).

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021), the Technical note to assess the impacts of the amended parking layout (SJA Trees, May 2022), Planning Layout DWG. No. 696.021.013.D (STA Associates, June 2022) and the letter (Lander Planning, June 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly particularly bats, Great Crested Newt, Hazel Dormouse, Badger, Hedgehog, reptiles and nesting birds. The finalised measures should be provided in a Construction and Environmental Management Plan – Biodiversity, to be secured as a pre-commencement condition of any consent.

The proposed woodland enhancement, including the removal of invasive and non-native species and retention of deadwood habitat, and the hedgerow creation using native species should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to commencement.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

### **Recommended conditions**

#### **1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Technical Note Ground Level Tree Assessment UE0426 (Urban Edge Environmental Consulting, October 2022), Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, August 2021), the Technical note to assess the impacts of the amended parking layout (SJA Trees, May 2022), Planning Layout DWG. No. 696.021.013.D (STA Associates, June 2022) and the letter (Lander Planning, June 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”*

**Reason:** To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

#### **2. PRIOR TO COMMENCEMENT: BAT METHOD STATEMENT**

*“A Non-Licensed Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to bats during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*



Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

### **3. PRIOR TO COMMENCEMENT: HAZEL DORMOUSE METHOD STATEMENT**

*“A Non-Licensed Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

### **4. PRIOR TO COMMENCEMENT: REPTILE METHOD STATEMENT**

*“A Non-Licensed Reptile Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations

### **5. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.*

*The CEMP (Biodiversity) shall include the following.*

*a) Risk assessment of potentially damaging construction activities.*

*b) Identification of “biodiversity protection zones”.*

*c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

*d) The location and timing of sensitive works to avoid harm to biodiversity features.*

*e) The times during construction when specialist ecologists need to be present on site to oversee works.*

*f) Responsible persons and lines of communication.*

*g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

*h) Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

## **6. PRIOR TO WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

## **7. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

*“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.*

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”*

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

## **8. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications)*

so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

## **WSCC County Planning Officer 25/07/2022**

### **Summary of Contributions**

<b>Education</b>			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	18.8		
	Primary	Secondary	6th Form
Child Product	0.0810	0.0810	0.0000
Total Places Required	0.5670	0.4050	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,343		
Population Adjustment	18.8		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	10		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	18.8		
Net Parking Spaces	10		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### **Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£11,470
<b>Education - Secondary</b>	£12,344
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£3,343
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£22,292
<b>Total Contribution</b>	<b>£49,450</b>

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

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

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

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

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

The calculations have been derived on the basis of an increase in 10 net dwellings, and an additional 10 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 2023. 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/Further 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 Northlands Wood 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 providing additional facilities at Haywards Heath Library.

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

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

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

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

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

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

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

## Breakdown of Contribution Calculation Formulas:

### 1. School Infrastructure Contributions

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

#### **School Contributions = TPR x cost multiplier**

##### a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

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

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

##### b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,229 per child**
- Secondary Schools- **£30,480 per child**
- Sixth Form Schools- **£33,056 per child**

## 2. Library Infrastructure

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

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

**Contributions = SQ M Demand x Cost Multiplier**

a) Square Metre Demand

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

**Square Metre Demand = (Adjusted Population x LFD) / 1000**

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,928** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

## 3. TAD- Total Access Demand

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

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

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

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

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

**Sustainable transport contribution = (net car parking – occupancy) x 773**

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

### **WSCC County Planning Officer 03.04.2023**

Thanks for confirming there hasn't been a change to the housing mix. In that case our contributions would remain as per our previous consultation response dated 25<sup>th</sup> July 2022 and there is no need to submit a further response.

### **WSCC Highways 25.02.2022**

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	25 February 2022
<b>LOCATION:</b>	Land At Anscombe Woods Crescent, Haywards Heath
<b>SUBJECT:</b>	DM/21/3875 The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan.
<b>DATE OF SITE VISIT:</b>	24/02/2022
<b>RECOMMENDATION:</b>	No Objection
<b>S106 CONTRIBUTION TOTAL:</b>	N/A

### **Summary and Context**

This proposal is for the erection of two buildings, comprising of two one-bedroom flats, six two-bedroom flats and two three-bedroom flats. The site is located on Anscombe Woods Crescent, an unadopted road. This application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber". The LHA conducted a site visit on 24/02/2022.

It should be noted that this application is supported by a Transport Statement, prepared by Transport Dynamics. The Transport Statement refers to Paragraph 32 of the NPPF, which is outdated policy and has since been superseded by Paragraph 111 (Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.) This is the context for what WSCC assess planning applications against.

WSCC in its role as Local Highway Authority (LHA) raises no objections to the proposed development.

### **Access and Visibility**

The applicant proposes to utilise the existing vehicular access off Southdowns Park, providing access to Anscombe Crescent. During the site visit, vehicular visibility was assessed at the access point on to Southdowns Park. The LHA considers that visibility at the access on to Southdowns Park is sufficient in both directions, with suitable visibility observed to the south and east.



The Transport Statement includes trip generation data from the TRICS database. The data shows that the proposed development would generate approximately 19 daily movements (07:00-19:00), which is not considered a significant material intensification of movements.

### **Parking and Turning**

The applicant has demonstrated 15 car parking spaces, 10 of which will be allocated and 5 for visitors. The proposed parking provision is in accordance with the WSCC Car Parking Demand Calculator.

From inspection of the plans, the proposed parking bays are suitably sized and on-site turning appears achievable. Swept path tracking for a large refuse vehicle has also been demonstrated to the satisfaction of the LHA.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Regarding cycles, the applicant will provide a communal cycle store, with provision for 10 cycles. This is in accordance with WSCC Parking Standards for cycle parking provision.

### **Sustainability**

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular bus services available from nearby Wivelsfield Road. Haywards Heath Train Station is situated approximately 2.2km north of the site.

### **Conclusion**

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

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

#### ***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 to be 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.

### ***Electric Vehicle Charging Spaces***

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

### **WSCC Highways 10.06.2022**

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	10 June 2022
<b>LOCATION:</b>	Land At Anscombe Woods Crescent, Haywards Heath
<b>SUBJECT:</b>	DM/21/3875 The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan.
<b>DATE OF SITE VISIT:</b>	N/A
<b>RECOMMENDATION:</b>	No Objection / Advice
<b>S106 CONTRIBUTION TOTAL:</b>	N/A

### **Summary and Context**

This proposal is for the erection of two buildings, comprising of two one-bedroom flats, six two-bedroom flats and two three-bedroom flats. The site is located on Anscombe Woods Crescent, an unadopted road. This application has been identified in the MSDC RAG (Red, Amber, and Green) Report as “Amber”. The LHA conducted a site visit on 24/02/2022.

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 25/02/2022, raising no objections. The applicant has submitted amended plans and as such, the LHA has been re-consulted. Following an inspection of the amended plans, the LHA raises no objections to the proposed development.

### **Parking and Turning**

The amended plans include a revised parking layout, which now proposes 13 car parking spaces. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require 14 car parking spaces, or 17 car parking spaces with the proposed allocation. As such, any overspill parking would have to be accommodated elsewhere on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed shortfall of parking provision would give rise to a detrimental highway safety impact, nor a parking capacity issue. However, the LPA is advised to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location within walking distance of local services and public transport links.

From inspection of the plans, the proposed parking bays are suitably sized and on-site turning appears achievable.

## **Travel Plan**

The applicant has submitted a draft Travel Plan for the proposed development. Given the scale of the proposed development, the LHA considers a Travel Plan Statement to be sufficient in this instance. The LHA requests that the Travel Plan Statement be submitted in accordance with WSCC Guidance.

As a minimum, a Travel Plan Statement should include the following:

1. Background information about the site (e.g. location, number of employees/dwellings), and the reasons for developing the Travel Plan Statement (e.g. due to parking pressures, access problems, reducing traffic congestion and pollution, compliance with planning condition etc etc).
2. Details of a nominated Travel Plan Co-ordinator, who will be responsible for implementing and promoting the Travel Plan.
3. A commitment to display local public transport timetables and route maps. Further information can be found at [www.westsussex.gov.uk/publictransport](http://www.westsussex.gov.uk/publictransport) and on the bus operators own websites. Journey planning websites such as Traveline South East and nextbuses.mobi should also be promoted via information/welcome packs and company websites. We would also advise developers/employers to contact their local bus operators as they may be able to provide tailored travel information and offer discounted travel. Bus operators may also provide a quantity of 'taster' tickets, which to enable residents/employees to try using local bus services free of charge.
4. A commitment to display plans of local cycle routes/paths. A number of maps and guides can be found at [www.westsussex.gov.uk/cycling](http://www.westsussex.gov.uk/cycling). The County Council also has a cycle journey planning facility on its web site, which provides turn-by-turn information for the fastest, quietest, and balanced routes:

<https://www.westsussex.gov.uk/leisure-recreation-and-community/walking-horse-riding-and-cycling-routes/cycle-journey-planner/>

In addition, Pindar Creative's Travel Plan Mapping Solution is available to West Sussex organisations. The service enables developers, employers, and other organisations to purchase site-specific multi-modal travel maps, notice boards, and interactive PDFs. This service can be used to produce the local travel information for employee induction packs, notice boards, and websites etc. Further details are on our website:

[https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plan-resources/#additional-support\\_tab](https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plan-resources/#additional-support_tab)

5. A commitment to promoting the health, financial, and environmental benefits of sustainable travel, and to displaying posters that encourage sustainable travel. Posters may be obtained free of charge from the WSCC Travelwise Officer or downloaded at:

[http://www.westsussex.gov.uk/leisure/getting\\_around\\_west\\_sussex/travelwise/supporting\\_material.aspx](http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/travelwise/supporting_material.aspx)

National awareness events, such as Bike Week, Catch the Bus Week, European Mobility Week (inc. Car Free Day), Liftshare Week, Walk to School Week etc should be promoted by the TPC.

6. A commitment to promoting car sharing, and the County Council's car sharing web site [www.westsussexcarshare.com](http://www.westsussexcarshare.com). A leaflet explaining how the scheme works can be downloaded from the County Council's website and a promotional video is also available:

[http://www.westsussex.gov.uk/leisure/getting\\_around\\_west\\_sussex/travelwise/west\\_sussex\\_car\\_sharing\\_scheme.aspx](http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/travelwise/west_sussex_car_sharing_scheme.aspx)

7. A commitment to conducting a simple Travel Audit to find out:

- how staff/residents/visitors currently travel to and from the site
- staff shift patterns
- how many people live/work in the same postcode area (to assess the potential for car sharing)
- what facilities already exist on site or will be provided as part of the new development (e.g. showers, bike racks, lockers, motorcycle parking)
- what facilities are lacking/are needed to encourage more sustainable travel

8. A commitment to approaching any neighbouring businesses to inform them of your activities and examine the potential to work together to encourage car sharing and walking/cycling buddy schemes. Residential sites should also create links with local school(s), which will almost certainly have a Travel Plan in operation.

9. Consideration of ways in which deliveries to the site may be reduced (e.g. by placing larger less frequent orders, or in the case of residential sites promoting supermarket home delivery services, on-line banking etc).

10. A commitment to promoting any discounts offered by local bike shops to employment/residential sites where a Travel Plan is in place.

11. We would expect to see some sort of travel voucher offering to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged for one of the following:

- a. a season ticket for the local bus service
- b. a rail season ticket or network card
- c. a contribution towards the purchase of a new bicycle and/or equipment
- d. Bikeability training up to 4 members of the household (further details and course costs are available at [www.westsussex.gov.uk/roadsafety](http://www.westsussex.gov.uk/roadsafety))
- e. 12 months free membership to any local Car Club (including joining fee)

The provision of one or more public access electric vehicle charging points for visitors should be considered. There are a number of charge points in West Sussex that are part of the Energise Network, and this should also be promoted through the TPS. Further information is available on our web site:

[http://www.westsussex.gov.uk/leisure/getting\\_around\\_west\\_sussex/travelwise/electric\\_vehicle\\_charging\\_netw.aspx](http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/travelwise/electric_vehicle_charging_netw.aspx)

Wherever possible, dwellings with garages should be equipped with domestic electrical sockets so as to facilitate the charging of electric vehicles.

12. Where a Travel Plan Statement is required the applicant is required to pay a Travel Plan monitoring fee of £1,500 at the application stage.

### **Conclusion**

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

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

#### ***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 to be 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.

#### ***Electric Vehicle Charging Spaces***

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

#### ***Travel Plan Statement (to be approved)***

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

Reason: To encourage and promote sustainable transport

**WSCC Highways 06.07.2022**

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	6 July 2022
<b>LOCATION:</b>	Land At Anscombe Woods Crescent, Haywards Heath
<b>SUBJECT:</b>	DM/21/3875 The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022).
<b>DATE OF SITE VISIT:</b>	24/02/2022
<b>RECOMMENDATION:</b>	Advice
<b>S106 CONTRIBUTION TOTAL:</b>	N/A

This proposal is for the erection of two buildings, comprising of two one-bedroom flats, six two-bedroom flats and two three-bedroom flats. The site is located on Anscombe Woods Crescent, an unadopted road. This application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber". The LHA conducted a site visit on 24/02/2022.

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 10/06/2022, raising no objections. The applicant has submitted amended plans and as such, the LHA has been re-consulted.

From inspection of the amended plans, the only proposed change relates to the removal of a proposed wetlands area. As such, the proposed change does not affect the LHAs previous comments. Therefore, please refer to the LHAs previous consultation response, dated 10/06/2022, for relevant comments and recommended conditions.

### WSCC Highways 24.02.2023

<b>TO:</b>	Mid Sussex District Council FAO: Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	6 April 2023
<b>LOCATION:</b>	Land At Anscombe Woods Crescent, Haywards Heath
<b>SUBJECT:</b>	DM/21/3875 The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022 Ground Level Tree Assessment received 12/10/2022, Amended Plans 17.03.2023 to change design).
<b>DATE OF SITE VISIT:</b>	24/02/2022
<b>RECOMMENDATION:</b>	Advice
<b>S106 CONTRIBUTION TOTAL:</b>	N/A

This proposal is for the erection of two buildings, comprising of two one-bedroom flats, six two-bedroom flats and two three-bedroom flats. The site is located on Anscombe Woods Crescent, an unadopted road. This application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber". The LHA conducted a site visit on 24/02/2022.

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 06/07/2022 and 10/06/2022, raising no objections. The applicant has submitted amended plans and as such, the LHA has been re-consulted.

From inspection of the amended plans, the changes appear minor and do not warrant further comment from a highway safety point of view. Therefore, please refer to the LHAs previous consultation response, dated 10/06/2022, for relevant comments and recommended conditions.

### MSDC Contaminated Land Officer

Looking at our records I can see that site used to historically be a part of the hospital. Medical uses can potentially cause localised contamination.

Our records indicate a desktop study report was received as part of application 05/02335/OUT, By Peter Brett Associates, Ref 16953/002/CBH/RS/RHT/DW/JS, dated, December 2005. Our records indicate this study covered part of the proposed site.

Our records state that the report undertaken found the site to be low risk, as it was mainly for residential use related to the hospital. As such, no further investigation was deemed necessary, but a watching brief was recommended.

Given the above and the sensitivity of the proposed end use applied for, I would recommend a discovery strategy be attached, so that in the event that contamination is found, that works

stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

1) 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.

### **Southern Water 28.02.2022**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

[developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

[southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within exiting sewerage network.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.



- Provide a management and maintenance plan for the lifetime of the development.

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

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

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

### **Southern Water 27.04.2022**

Level 1 Capacity Check Enquiry: Land at Anscombe Woods Crescent, Haywards Heath, West Sussex, RH16 4UJ.

We have completed the capacity check for the above development site and the results are as follows:

#### **Foul Water**

There is currently adequate capacity in the local sewerage network to accommodate a foul flow of **0.09 l/s** for the above development at manhole reference TQ3322**4701**. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with.

#### **Surface Water**

There is currently adequate capacity in the local surface water sewerage network to accommodate a surface water flow of **0.9 l/s** for the above development at manhole reference TQ3322**5655** and TQ3322**4751**.

Although capacity in the surface water network has been identified, in all situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

Guidance on Building Regulations is here: [gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

We would welcome the opportunity to engage with you on the design for disposal of surface water, with a particular focus on the potential for incorporating Sustainable Drainage Systems (SuDS), for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water.

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water. It should be noted that although the above assessment indicates that there is capacity available for your proposed surface water flows the LLFA (Local Lead Flood Authority) may impose/request that a lower flow is discharged to the public surface water sewer.

If the excess surface water flows are to be attenuated on site, it could have a significant effect on any proposed Sewer Adoption (S104) Agreements. Any attenuation proposals should be agreed before any works are implemented on site. Where capacity is limited/restricted, agreement should be sought if you are to include any highway drainage within your proposals as Southern Water is not obligated to accept highway flows.

### **Connecting to our network**

It should be noted that this information is only a hydraulic assessment of the existing sewerage network and does not grant approval for a connection to the public sewerage system. A formal Sewer Connection (S106) application is required to be completed and approved by Southern Water Services. To make an application visit: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk)

Please note the information provided above does not grant approval for any designs/drawings submitted for the capacity analysis. The results quoted above are only valid for 12 months from the date of issue of this letter.

Should it be necessary to contact us please quote our above reference number relating to this application by email at [southernwaterplanning@southernwater.co.uk](mailto:southernwaterplanning@southernwater.co.uk)

### **Woodland Trust**

Thank you for sending across the relevant documents to enable us to assess this application. Thankfully, we have also been able to access the planning application details on the Council's website, so our response is based on a full assessment of the information available.

Whilst we note that the apartment buildings and gardens are sited outside the ancient woodland buffer zone, we do hold concerns regarding incursions from other infrastructure, namely the car parking spaces to the north and east of the wood, as well as the new portion of access track which will serve the proposed buildings. The applicants also propose to site a 'wetland' area within the buffer zone as part of their SUDs obligation.

The National Planning Policy Framework, paragraph 180, states: "*When determining planning applications, local planning authorities should apply the following principles: 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*".

As such, we would recommend that all proposed infrastructure within the ancient woodland buffer zone is re-located to ensure that no damage to the ancient woodland will occur. Whilst we understand that the access track is to be constructed using no-dig methods, we still hold concerns about this element of the proposals.

Natural England and Forestry Commission's standing advice clearly states: "*You should not approve development proposals, including gardens, within a buffer zone*" and "*You should only approve sustainable drainage schemes if: they do not affect root protection areas; and*

*any change to the water table does not negatively affect ancient woodland or ancient and veteran trees.”*

The incursions into the ancient woodland buffer zone must therefore not be allowed for the infrastructure elements, and while we acknowledge that the SUDs is to be located outside the root protection areas of the ancient woodland boundary trees, there does not appear to be any demonstration that the hydrological condition of the woodland would be unaffected by the proposals. Hydrological changes can result in changes to the condition of the ancient woodland, particularly its soil profile, which can then have a knock-on effect on biodiversity. In summary, the Trust will **maintain a holding objection** to these proposals on the basis of potential deterioration of ancient woodland. We will maintain our objection until the applicant is able to redesign their proposals to ensure avoidance of the ancient woodland buffer zone. If the Council is minded to approve this proposal, we would ask that all new hardstanding areas are constructed using no-dig methods, and that HERAS fencing fitted with acoustic and dust screening measures is implemented during construction, to ensure that the adjacent ancient woodland is adequately protected from potential noise and dust pollution. We hope you find our comments to be of use to you. Please do not hesitate to get in contact if you wish to discuss our concerns in further detail.

### **MSDC Community Facilities Project Officer 04.03.2022**

Thank you for the opportunity to comment on the plans for the development of 10 residential dwellings on Land At Ancombe Woods Crescent, 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 over 5 units.

#### **CHILDRENS PLAYING SPACE**

Soouthdowns Park and Sandy Vale are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new development and a contribution of £14,334 is required to make improvements to play equipment (£7,790) and kickabout provision (£6,544). 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 £8,922 is required toward formal sport facilities at the Tim Farmer Recreation Ground and / or St Francis Sports Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,928 is required to make improvements to Ashenground Community Centre and / or The Woodside.

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

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

### **MSDC Community Facilities Project Officer 31.03.2023**

Thank you for the opportunity to comment on the amended plans in respect of the development at Land At Anscombe Woods Crescent Haywards Heath.  
As the housing mix does not appear to have changed, I have nothing to add to my previous comments.

### **MSDC Tree Officer Comments 21.03.2022**

Whilst it is really a matter for our ecologist in terms of the Ancient Woodland, I nevertheless make the following comments ; government guidance ' Ancient Woodland, ancient trees and veteran trees : advice for making planning decisions ', January 2022 makes it clear that AWs and their buffer zones are protected for their own sake, ie whether they contain trees or not. The 15m buffer is a minimum. It is clear that this should be more if, for instance, there is an increase in traffic, which the development would promote in this case.  
It also advises that that LPAs ' should not approve development proposals, including gardens' within the buffer zone. Significant incursion of hard surfacing , foundations etc would occur and it would not be left in a semi natural state as required.  
Development should occur ' as a last resort only ' . This proposal does not meet these criteria.

The application is contrary to Policy DP37 and DP38 in respect of the AW and its buffer.

The loss of a cat B and prominently visible Scots pine would be contrary to Policy DP37.

There is little room to seriously mitigate the loss of trees.

There would be future pressures on retained trees due to parking areas, proximity to buildings, incursions into RPAs.

Another significant tree, the Wellingtonia, would have significant encroachment within its RPA, almost 20%. Other protected trees would also be lost/impacted.

The development is ' squeezed' into the site, with associated pressures on trees, limited room for new trees or the space for them to develop.

It is therefore contrary to Policy DP37.

I object to this application.

### **MSDC Tree Officer Comments 08.06.2022**

Whilst I note the removal of two car spaces, I'm afraid this does not overcome the fundamental policy objections to the proposal and my previous comments stand.

### **Haywards Heath Town Council 21/02/2022**

The principle of development on this site has already been established under previous application 12/04158/FUL. Whilst Mid Sussex District Council resolved to grant planning permission subject to the completion of a Section 106 Legal Agreement, the application was subsequently not proceeded with.

The Town Council supports this latest application and is pleased to see that the footprint of the proposed apartment buildings and parking is smaller than that proposed under the

previous application 12/04158/FUL, which was for 10 houses.

In the event that the application is granted permission, the Town Council requests that it be subject to the following conditions:

1. electric vehicle charging points shall be provided for all parking spaces;
2. developer Section 106 contributions for local community infrastructure are allocated towards the proposed Country Park on land off of Hurstwood Lane;
3. no development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period;
4. there shall be no parking of construction-related vehicles (i.e. contractors, site operatives or site visitors) in Bowden Way, in any residents' private parking areas or in the surrounding vicinity in general;
5. no part of the development shall be first occupied until such time as biodiversity enhancements have been delivered in respect of the ancient woodland and buffer zone;
6. the development shall aim to be water neutral. (A water neutral development will not add to the overall water demand of an area and will have a net zero impact on the mains water supply. The aim of water neutrality is to minimise the impact on existing water resources, infrastructure, and the environment. Offsetting for a particular project should link to the same water resource zone for which the water resources are being abstracted.);
7. works for the implementation of the development (including the use of plant and machinery, and deliveries or collection of plant, equipment or materials) shall be limited to the following times:

Monday-Friday 08:00-18:00 hours;

Saturday 09:00-13:00 hours;

Sunday and Bank/Public Holidays No work permitted.

### **Haywards Heath Town Council 25/04/2023**

The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store and woodland management plan. (Amended plans 18.05.2022, Amended plan and additional information submitted 28.06.2022 Ground Level Tree Assessment received 12/10/2022, Amended Plans 17.03.2023 to change design).

The Town Council objects to the application, even though the principle of development has already been established by a previous application. New information provided by the tree officer coupled alongside a concern that the site will not provide for a net rise in bio diversity has led to the Town Council's position on the application.

- 1) The Town Council notes the large number of objections and
- 2) Has concerns regarding the lack of affordable housing,
- 3) The lack of parking on the site, which is exacerbated by the controlled parking in the surrounding roads.
- 4) With regards to bio diversity on the site as previously mentioned, the loss of trees and the use of green land for the development of the housing and the road network leads to the Town Council perceiving that the site will not meet the requirement for a 10% increase in

such. There is also the concern about the ancient woodland soil on the site and the encroachment of the required 15m buffer zone against DP36 and DP37 of the Mid Sussex District Plan.