

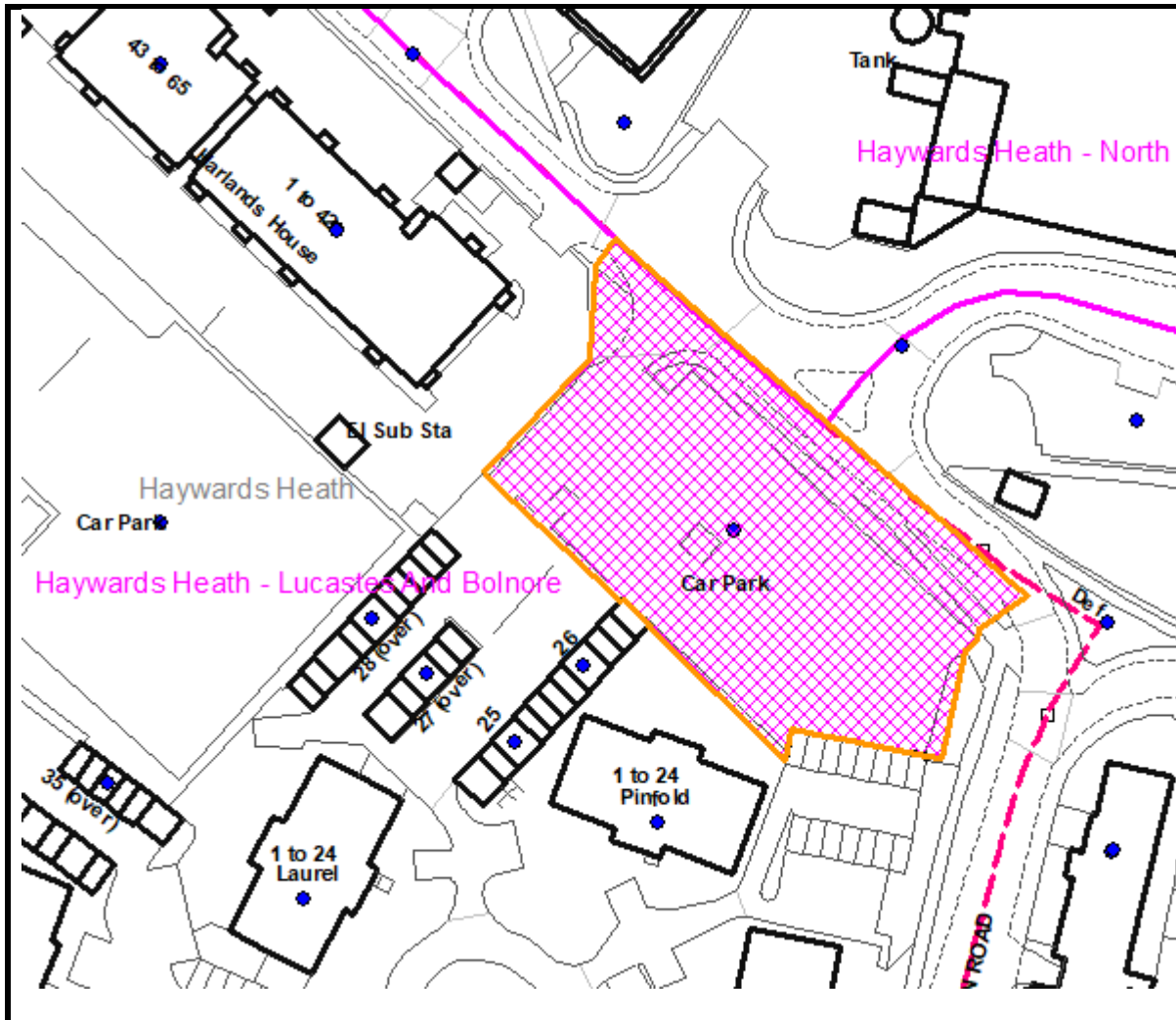
District Planning Committee



Recommended for Permission

10th August 2023

DM/22/0596



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Site:	NCP Ltd Harlands Road Car Park Harlands Road Haywards Heath West Sussex
Proposal:	The clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping and ancillary works. (Financial Appraisal Supporting Statement received 5/5/22) (Amended Plans received 7th March 2023)
Applicant:	Mr Damian Wood
Category:	Smallscale Major Dwellings

Target Date:	25th August 2023
Parish:	Haywards Heath
Ward Members:	Cllr Abdul Bashar / Cllr Paul Lucraft /
Case Officer:	Stuart Malcolm

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7PR05KT04L00>

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 clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping and ancillary works.
- 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. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.
- 2.3 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.
- 2.4 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.
- 2.5 It is considered that the principle of development is acceptable. The site is located within the built up area of Haywards Heath and occupies a sustainable location close to the town centre, the railway station and various local services. The site is also allocated for residential development in the Haywards Heath Neighbourhood Plan by virtue of Policy H6. Planning permission has also previously been granted for a development of 40 residential units here. Whilst the proposed application seeks permission for more units (64 in total) than what the site is allocated for (approximately 40), planning policy at both local and national level encourages the efficient use of previously developed sites within sustainable locations. This should only result in a refusal of the application if the extra number of units was found to cause planning harm and conflict with the development plan on any of the other planning issues that form part of the overall assessment.

- 2.6 The detailed design and overall impact on visual amenity are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as sympathetic to its surroundings as possible. The proposal does not have an adverse impact on any existing trees that have high amenity value and a suitable landscaping scheme can be secured via condition.
- 2.7 Although the proposal will change the appearance of the site when viewed from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 2.8 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. The loss of the existing parking facility would not result in any highway safety issues resulting from overflow parking demands and this matter has been accepted in principle through the previous residential consent on this site DM/17/2384. Therefore, no highway objection is raised.
- 2.09 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate whilst a condition will secure biodiversity enhancements.
- 2.10 The scheme does not propose any onsite affordable housing as the applicants have demonstrated that the scheme would not be viable to provide any affordable housing units. A commuted sum of £155,458 is however secured to be used for off-site affordable housing. As such, the applicants have complied with the requirements of Policy DP31 in relation to this matter. A review mechanism will be included within the section 106 legal agreement. This will determine at a later stage whether the development is capable of providing additional affordable housing deemed unviable at planning application stage through the Submission Viability Appraisal.
- 2.11 The application therefore complies with policies DP4, DP6, DP17, DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, Policies E7, E8, E9, E13, T1, T2, T3, H6 and H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application is therefore recommended for approval based on the following dual recommendation.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions and the necessary affordable housing contribution and the viability review mechanism.

Recommendation B

3.2 If a satisfactory planning obligation has not been completed by 25th August 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:

1. The proposal fails to provide the required affordable housing contribution, the viability review mechanism or the infrastructure contributions. The application therefore conflicts with Policies DP20 and DP31 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Development Viability', 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

4.1 A total of 35 representation documents have been received across the consultation periods. The representations have raised a number of issues, which can be summarised as follows:

- Insufficient car parking provided for residents and visitors
- Pressures on local infrastructure including health, schools, water and sewers
- Adverse impact on ecology
- Inaccuracies in submissions
- Overdevelopment and too large for site
- No need for further residential development
- Too high, especially compared to neighbouring properties
- Will reduce privacy, outlook and light to neighbouring properties
- Excessive noise to neighbouring residents
- Is access safe onto this busy road?
- Number of units above what is allocated in Neighbourhood Plan
- What percentage will be affordable housing?
- Displacement of existing car park users
- Should a car parking capacity survey be provided
- Local approvals contribute to pressures in vicinity of site
- Amended plans do not improve the scheme
- DAS is inaccurate
- Footprint of building excessive
- Landscaping proposals appear unimplementable
- Existing consent for 40 units is enough for this site
- Quality of materials adequate
- Private secondary access to Great Heathmead needs to remain
- Is the development sustainable?
- Not enough road crossings around site so this is hazardous
- Adverse impact on trees
- Conflicts with Development Plan policies
- Design out of keeping
- Is a need for the existing car park
- Could lead to higher parking charges elsewhere
- Houses should be built here not flats
- Highway danger to children who frequent the surrounding pavements
- Must be other brownfield sites for this sort of development

One of the letters received was a letter of support enquiring about one of the units

5.0 Summary of Consultees

- 5.1 **MSDC Urban Designer:** No objection subject to conditions
- 5.2 **MSDC Tree Officer:** No objections but need to secure details on hard and soft landscaping, a planting schedule including tree pit details and tree protection measures.
- 5.3 **MSDC Housing Officer:** No objection subject to affordable housing contribution of £155,458 being secured along with the viability review mechanism.
- 5.4 **MSDC Drainage Officer:** No objection subject to conditions
- 5.5 **MSDC Leisure Officer:** Financial contributions towards infrastructure requested
- 5.6 **MSDC Contaminated Land Officer:** No objection subject to conditions
- 5.7 **MSDC Property and Estates:** The Estates Team would expect to receive separate notification of the proposed works from the Developer so that negotiations can be opened and an Agreement reached regarding the diversion of the culvert that goes under the site and which MSDC maintains.
- 5.8 **MSDC Environmental Protection:** No objection subject to conditions
- 5.9 **West Sussex Highways:** No objection subject to conditions
- 5.10 **West Sussex County Council Infrastructure:** Financial contributions towards infrastructure requested
- 5.11 **West Sussex County Council Lead Local Flood Authority:** Refer to MSDC Drainage
- 5.12 **West Sussex Fire and Rescue Service:** No objection
- 5.13 **NHS Sussex:** No objection subject to securing £69,580 health services contributions
- 5.14 **Southern Water:** No objections, applicant should be aware of requirements that need to be discussed directly
- 5.15 **Sussex Police:** Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to their observations, concerns and recommendations being satisfactorily addressed / given due consideration by the applicant.

6.0 Haywards Heath Town Council Observations

- 6.1 The Town Council notes the receipt of amended plans dated 07/03/2023 but these do not alter its OPPOSITION to the proposals, the reasons for which were first submitted on 02/05/2022. Whilst the Town Council acknowledges that the principle of development on this site has been established – with consent for 40 apartments under application number DM/17/2384 – it now OBJECTS on the following grounds:

1. reverting to a proposal for a larger number of apartments, i.e. 64, is contrary to Policy H6 of the Haywards Heath Neighbourhood Plan (HHNP), which places a restriction of 'approximately 40' on the number of dwellings that would be acceptable;
2. by virtue of its scale, the proposal would give rise to an overdevelopment of the site, contrary to Policy E9 of the HHNP;
3. the reduction in the provision of parking spaces – from 51 to 41 – for 64 apartments (25% of which are to be 2-bed) is totally inadequate and unrealistic. Whilst there is no disputing that the site is in an accessible and convenient location, it is probable that most residents from the development would have a car and, with insufficient parking capacity on site, this would lead to overspill parking in the wider neighbourhood. This is in an area where parking is already at a premium because of existing on-street restrictions. Such is the existing lack of parking in the locality that night-time parking is now taking place on the pathway alongside Caffyns Garage nearby. On-site parking should be provided at a ratio of one space per dwelling;
4. at the time of considering the application, there is no provision for affordable housing, which is contrary to Policy DP31 of the Mid Sussex District Plan 2014–2031. The Town Council does not accept that it would be financially unviable to provide any affordable housing or make any financial contribution in lieu. The Town Council now additionally requires that any Section 106 Agreement specifying the extent of any financial contributions (or not) to offset the lack of affordable housing, should be subject to a review after 75% of the units are subject to either lease or sale agreements;
5. there are concerns that the proposed increase in the number of residential units, i.e. up from 40 to 64, would place additional strain on or overload existing drainage infrastructure which could lead to an increased incidence of flooding in the locality.

In the unwelcome event of permission being granted, the Town Council requests that this be subject to the following conditions:

- a. no part of the development shall be first occupied until the proposed 3 no. stacked/vertical tandem parking bays have been installed and are fully operational;
- b. the development must have a gated access, the purpose of which would be to safeguard resident amenity by preventing unauthorised parking by commuters and others;
- c. if refuse/recycling facilities are to be provided by means of Eurobins – which will be collected by a commercial waste operator – no collections shall be permitted before 07:00 hours, in order to protect nearby resident amenity;
- d. in order to reduce single use plastics, provision shall be made on the residents' terrace (if there is to be one) for potable water;
- e. during the construction phase, ducting shall be laid in order to future-proof the development for the provision of additional electric vehicle charging points;
- f. there are significant highways issues due to the volume and speed of traffic at this busy through route to the industrial area of Burrell Road and the northern areas of the town. Developer support would be required for a Section 278 contribution to

deliver a safe pedestrian crossing solution from the proximity of the development towards the Sainsbury's side of Harlands Road;

g. developer Section 106 contributions shall be allocated as follows:

- i. local community infrastructure public realm improvements to South Road;
- ii. art and/or cycle rack provision within the wider Heath Ward area £10,000;
- iii. Independent Works Programme (IWP) – community infrastructure £15,000;
- iv. highways/transport £5,000.

7.0 Introduction

7.1 The application seeks full planning permission for the clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping and ancillary works.

8.0 Relevant Planning History

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

8.2 Planning permission was granted on 14th February 2020 under application reference DM/17/2384 for:

“The clearance of the site; and the construction of a building containing 40 residential apartments (17 x 2-bed, 21 x 1-bed and 2 x studios), with associated access, car parking, landscaping and ancillary works.”

It is worth noting that that this scheme was found to be unviable if it provided a 30% policy compliant level of affordable housing although the legal agreement did secure three First Homes (originally shared ownership). The applicant has confirmed that they have commenced the implementation of application DM17/2384 although works have not progressed far beyond commencement.

9.0 Site and Surroundings

9.1 The site measures 0.2 hectares in area and is broadly rectangular-shaped. It is in use as an NCP car park, providing space for 91 vehicles.

9.2 The site occupies a prominent position on the inner corner of the Milton Road/Bannister Way one-way gyratory in a central area of Haywards Heath, just to the west of the railway station.

9.3 Land levels rise approximately 5m from the north-west to south-east, and access is gained from the north onto Harlands Road. There is a footpath adjoining both carriageways with boundaries formed of post-and-wire fencing and varying degrees of vegetation screening, most notably to the north-west and south-east.

9.4 Given the central location, the surrounding land is developed. To the north is the Sainsbury's supermarket and 5-storey office building further north-west. To the north east is a car wash and car showroom. To the south-east is the 5-storey residential Milton House. To the south is the Great Heathmead residential complex,

with the 4-storey Pinfold House closest to the site, a garage block to the east of it and 4 flats over garages (FOGS 2-storey buildings) immediately to its west. Further beyond the FOGS is the Dolphin Leisure Centre and its car park. Finally, to the north-west is the 4/5-storey Harlands House residential block of flats.

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

9.6 In planning policy designation terms, the site is located within the built up area of Haywards Heath.

10.0 Application Details

10.1 The application seeks full planning permission for the construction of a building containing 64 residential apartments. This will consist of the following mix of units:

- 48 x 1 bed
- 16 x 2 bed

10.2 The proposal involves the clearance of the site as existing which means the cessation in use of the existing private car park.

10.3 The existing access point onto Harlands Road will be utilised to create the permanent access to the site. This will be for pedestrians as well as the vehicular access.

10.4 The footprint of the new building is largely similar to the previously consented scheme with the building located on the north eastern half of the site close up against Harlands Road.

10.5 The new building will comprise a lower ground floor area where some internal car parking and cycle parking area is proposed. Refuse and recycling is also located here. The residential accommodation is located above and, given the change in ground levels, this gives a different storey height of between four and seven floors.

10.6 In design terms, the applicant has stated that: "by employing simple elevation treatments - both vertically and horizontally – the development can be broken down visually into individual elements." The aim has been to break down the mass of the building.

10.7 With regards to material, brick will be predominantly used and this will include brick detailing in various locations. Aluminium glazing frames are proposed and cloured featured panels are proposed on the top floor to give this highest storey more of a lightweight appearance. The vast majority of units have an external balcony.

10.8 There is an external car park to the rear (south west) of the building. The internal car park mentioned above will include three car stackers (allowing double height parking) and the resultant total of car parking spaces comes to 41.

10.9 The landscape strategy includes planting on the south western and south eastern side of the building with some more limited planting around the front of the building on Harlands Road. A roof garden is also proposed

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 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan.
- 11.3 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

- 11.4 The District Plan was adopted in 2018. Relevant policies specific to this application include:

DP4 – Housing
DP6 – Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 – Securing Infrastructure
DP21 – Transport
DP25 – Community Facilities and Local Services
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise and Light Pollution
DP30 – Housing Mix
DP31 – Affordable Housing
DP37 - Trees, Woodland, Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

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

SA10 - Housing
SA38 – Air Quality

The Haywards Heath Neighbourhood Plan

- 11.6 The Haywards Heath Neighbourhood Plan is made so forms part of the Development Plan. Relevant policies include:

Policy E7 – Drainage
Policy E8 – Sustainability
Policy E9 – Local Character

Policy E13 – Amenity Space
Policy T1 – Pedestrian and Cycle Connections
Policy T2 – Contributions to Cycle Routes
Policy T3 – Loss of Off Street Car Parking
Policy H6 – Harlands Road Car Park Site Allocation
Policy H8 – Infill Development

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.7 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 ran 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 review process.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.8 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)

- 11.9 The NPPF is a material consideration. Paragraphs 8 and 11 are considered to be particularly relevant to this application as are Chapters 5 and 9.

National Planning Policy Guidance (NPPG)

National Design Guide

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

MSDC Development Viability SPD (2018)

West Sussex County Council Guidance on Parking at Developments (May 2019)

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:
- Principle of Development
 - Design and Visual Impact
 - Highways, Access and Parking
 - Residential Amenity and Pollution
 - Trees

- Ashdown Forest
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Sustainability
- Housing Mix
- Biodiversity
- Other Issues

Principle of Development

- 12.2 Policy DP4 of the District Plan refers to Housing supply and sets out what the objectively assessed need (OAN) for the District is and how that is intended to be met:

“The District’s OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.

The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units. The Council will review the District Plan, starting in 2021, with submission to the Secretary of State in 2023.”

- 12.3 The commitment to a Site Allocations DPD is therefore a requirement of Policy DP4. The Site Allocations DPD was then prepared, consulted upon, independently examined and subsequently adopted by the Council as part of the Development Plan in June 2022.
- 12.4 Policy SA10 of the Site Allocations DPD refers to the DP4 housing requirements and updates the spatial distribution of housing requirement in order to meet the identified housing target for the District within the Plan period. It states that additional dwellings (for example windfalls) will be delivered through Neighbourhood Plans or through the Development Management Process.
- 12.5 The site falls within the built-up area of Haywards Heath as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan. Policy DP6 of the District Plan states that:
- “Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.”*
- 12.6 As noted at para 11.1, planning legislation requires that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the application site is also specifically allocated for housing development within the Neighbourhood Plan by virtue of Policy H6. It is therefore development plan policy, subject to meeting various criteria, that this site be developed for housing. Policy H6 states:

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

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

- 12.7 The number of units proposed (64) is in excess of the allocation number which states “*approximately 40*”. However, this is not in itself a reason to refuse the proposal, particularly given the site is located within the built up area where the principle of new development is acceptable. The additional proposed units beyond the allocation number would only be a reason to refuse the application if the extra number of units was found to cause planning harm and conflict with the development plan on any of the other planning issues that form part of the overall assessment.
- 12.8 Furthermore it is important that residential development makes the most efficient use of the land, particularly on a brownfield, centrally located site like this one. On this issue, Policy DP26 of the District Plan states in part that development should “*optimise the potential of the site to accommodate development.*” Para 5.1 of the ‘*Planning for Increased Density*’ Chapter of the Mid Sussex Design Guide makes clear that: “*Increasing the intensity of development in the most accessible locations will help to deliver much needed homes and employment space in the most sustainable places reducing both the need to travel and the pressure to build on the countryside.*” Similarly, para 124 of the NPPF states that “*planning decisions should support development that makes efficient use of land.*”
- 12.9 At national level, the NPPF also makes clear the importance of significantly boosting the supply of homes. Para 60 of the NPPF states that:
- “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- 12.10 It is also a material planning consideration that planning permission has been granted for residential development here (DM/17/2384) under the same District Plan and Neighbourhood Plan Development Plan policies that are applicable to the current scheme. It is clear therefore that the proposal has support in principle both through development policy and material planning considerations.

Design and Visual Impact

- 12.11 In general design and visual amenity terms, Policy DP26 of the District Plan states:

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

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

12.12 At Neighbourhood Plan level, Policies E9 (Local Character), H6 (site allocation) and H8 (infill development) include relevant design criteria:

E9

- 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.*

H6

- Care will need to be taken in designing a scheme which respects the existing adjoining residential and business development and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its prominent location.*
- Build height should be similar to that which exists adjoining the site.*

H8

- *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.*

12.13 The Mid Sussex Design Guide also contains a number of relevant principles with the following being particularly relevant to the application:

- Principle DG13 (Provide positive frontage to streets)
- Principle DG33 (Tall buildings)
- Principle DG38 (Design buildings with architectural integrity and a sense of place)
- Principle DG39 (Deliver appropriately scaled buildings)
- Principle DG41 (Addressing sloping sites)

12.14 The detailed design and visual impacts of the proposal have been subject to comments from the Urban Designer. The Mid Sussex Design Review Panel (DRP) also commented on the scheme when it was first submitted with the applicant subsequently submitting amended plans to address both the DRP comments and the initial comments made by the Urban Designer.

12.15 The Urban Designer has assessed these amended submissions and confirmed that they have adequately addressed their comments and the DRP comments.

12.16 In height terms, what is effectively an additional storey above what has been consented, adds approximately between 3 and 4 metres in overall height across most parts of the building.

12.17 Policy DG33 (Potential for tall buildings (over 6 storeys)) of the Mid Sussex Design Guide states in part that:

“High density development can normally be delivered through well designed compact development without the need for tall buildings. In exceptional circumstances there may be potential for tall buildings (above six storeys) in the town centres, where it can be demonstrated that they play a role in improving legibility, for instance marking the location of the railway station or a civic space and contribute to the overall town centre regeneration. Any tall building will need to be:

- *A height and scale, mass and volume that is proportionate to its role, and its position in the local context; and*
- *An outstanding and elegant design that makes a positive contribution to the skyline when viewed from any direction.”*

As noted at para 10.5, because of the design of the building and the change in levels, part of the development will be seven storeys in height. Such a height is considered acceptable in this location. This is partly because it is only a part of the building, when seen from the rear, that is seven storeys in height. It is also because

the building improves the legibility of this prominent corner plot whilst meeting the above criteria highlighted within DG33.

- 12.18 Officers consider that the height, bulk, mass and design of this building are all appropriate in this location. Overall it is felt that the applicant has designed a good scheme that fits in with the surroundings whilst also maximises making an efficient use of the land as required by the Development Plan and the NPPF.
- 12.19 The Urban Designer concludes their comments by confirming that:
- “The scheme sufficiently addresses the principles set out in the Council’s Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application.”
- 12.20 In order to secure the quality of the design, the Urban Designer has requested further details on a number of matters which include:
- *Hard and soft landscaping details including boundary treatments and street furniture (seating and lighting) arrangements*
 - *Facing materials*
 - *Section drawings showing solar panels within roof*
 - *Detailed drawings showing entrance sections*
 - *Detailed drawings showing typical features (windows, doors, terrace etc)*
 - *Details of the louvres*
 - *Detailed drawings showing rainwater downpipes and drainage solutions for roofspace, balconies and terraces.*
- 12.21 The scheme therefore receives support from the Urban Designer and the requested conditions are set out in Appendix A.
- 12.22 Under this design subsection, it is also relevant to draw Members attention to the Sussex Police comments that are set out in full in Appendix B. Sussex Police make a number of recommendations for the applicant to give consideration to and address where possible. Such matters include details on access control, door security, mail delivery, internal circulation control, cctv and the vehicular entrance to the building. These matters generally fall beyond the scope of the planning application but an informative will be used to ensure the Sussex Police comments are drawn to the attention of the applicant for them to give due consideration to.
- 12.23 As such it is considered that the application complies with Policy DP26 of the District Plan, Policies E9, H6 and H8 of the Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

Highways, Access and Parking

- 12.24 Policy DP21 in the District Plan states that:
- “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 At Neighbourhood Plan level, Policies T1 (Pedestrian and Cycle Connections) and T2 (Contributions to Cycle Routes) include relevant transport related criteria:

T1

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

T2

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

- 12.26 The Neighbourhood Plan also refers to parking and the loss of off street car parking at both Policy T3 and within H6:

T3

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

H6

“The developer will be required to demonstrate that the loss of the private car park will have no adverse effect on street car parking in the locality.”

- 12.27 West Sussex County Council as the highways authority have been consulted on the merits of the application and their comments are set out in full within Appendix B.

- 12.28 With regards to the loss of the existing car park, the most important material planning consideration to take into account is that planning permission has already been granted for residential development here (DM/17/2384), with the resultant loss of the existing car park being accepted. On this issue, the previous report remains relevant and this stated:

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

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

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

It is acknowledged that the District Plan policy is broader in scope than the more detailed Neighbourhood Plan policy and that the existing car park, being a private enterprise, could be closed unilaterally at any time. Nonetheless, the applicants' Transport Statement sets out the results of a survey carried out to demonstrate that the closure of the site car park will not have a materially adverse effect on street parking in the locality. It shows there is capacity in the Harlands Road car park during a typical weekday (of 14 spaces at its worst) and on a Saturday (80 spaces). These results were transposed to the Haywards Heath Station car park, which was viewed as exhibiting typical characteristics of a commuter car park and would be most likely to absorb the capacity lost from the application site. Its capacity was 75 spaces at its worst on a typical weekday and 764 spaces on a Saturday. If the

Harlands Road car parking was reassigned exactly to the Station car park, then there would be sufficient capacity at weekends, but not for a one hour period during a typical weekday (1 car). In reality, though, this displacement would not occur as there are comprehensive on-street parking restrictions in the locality and (shorter-stay) town centre car parks are located some significant distance away (850m) so would not affect the vitality and viability of the town centre, so would accord with Policy T3 of the Neighbourhood Plan.

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

- It is likely that the majority of users of this car park are either commuters or local workers, using it on a long-stay basis.*
- There are no capacity issues on Saturdays and there are no on-street restrictions on Sundays, so the main capacity concerns relate to weekdays.*
- The loss of the Harlands Road car park does have the potential to displace vehicles and the remaining on- and off-street provision may not have the capacity to accommodate these vehicles requiring long-stay parking.*

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

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

- 12.29 Planning officers consider that there are no reasonable reasons to come to a different conclusion now on the loss of the car park. The loss of the car park is therefore considered acceptable in principle with the application complying with the relevant parts of T3 and H6. It should also be made clear that West Sussex Highways do not raise any objection to the loss of the car park stating that:

“The situation remains that there are alternative public car parks as well there being comprehensive enforceable parking controls on roads in the immediate vicinity.”

- 12.30 Regarding the access, WSCC Highways has confirmed that the proposed access arrangements are acceptable with this providing vehicular and non-vehicular access into the existing network ensuring compliance with Policy T1. WSCC Highways has commented on the access:

“the vehicular access arrangements onto Harlands Road remain as per the permitted scheme. The access arrangements were the subject of a Stage 1 Road Safety Audit, which raised no problems with the proposed design. Pedestrian

access is also taken from Harlands Road. The access arrangements remain acceptable.”

12.31 Given the existing car park use, it is acknowledged by WSCC Highways that the proposed use would potentially result in fewer vehicle movements and as such the proposal would not be expected to result in any notable highway capacity impacts.

12.32 The site occupies a sustainable location on the edge of the town centre and is in close proximity to the railway station and a wide range of services all of which are within a short walking distance.

12.33 As noted previously within this report, the level of parking proposed is 41 spaces to serve the 64 units with this having been reduced since the scheme was originally submitted to accommodate more external landscaping. No objections are raised by WSCC Highways to this level of parking:

“The overall car parking provision has though been reduced to 41 spaces (from 60). The principle of the car parking reduction has been discussed with WSCC Highways. Given the town centre location that provides a realistic opportunity to travel by modes other than the private car, as well as the presence of comprehensive waiting restrictions on the adjacent highway network (controlling where any overspill car parking could take place), the reduced car parking provision is considered acceptable.”

12.34 There is therefore no highway safety reason to resist this level of car parking and planning officers are content with the level of provision in this highly sustainable location, particularly as it results in additional landscaping being provided within the scheme. There will also be 64 cycle spaces to help promote sustainable travel with a condition being used to secure this.

12.35 A Travel Plan Statement has also been included in the submissions and this is supported by WSCC Highways. Whilst it has been stated by WSCC Highways that the trip reduction target within it could be increased (from 5% to 15%) if necessary post implementation, it is acknowledged that the impact of this site is in any case minimal so there would be limited need to achieve higher levels of trip reduction. The Travel Plan statement can be secured through the legal agreement and a condition.

12.36 West Sussex highways has concluded their comments by confirming that:

“In summary, it’s not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. No highway objection would be raised.”

12.37 There are therefore no technical objections to the access or parking arrangements from the local highways authority. Conditions are recommended, and are included in Appendix A, to secure the following matters:

- the vehicular and non-vehicular accesses
- car parking
- cycle parking
- construction management plan
- travel plan

12.38 Regarding compliance with Policy T2 of the Neighbourhood Plan the TAD contribution, outlined in more detail in the 'Infrastructure' sub-section, will be towards:

"improvements to Commercial Square to improve safety and convenience for pedestrians and cyclists, and promote wellbeing and accessibility in accordance with the Haywards Heath Town Centre Transport Plan."

12.39 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policy DP21 of the District Plan, Policies T1, T2, T3 and H6 of the Neighbourhood Plan and the NPPF.

Residential Amenity and Pollution

12.40 As noted elsewhere in this report, a number of concerns have been raised by local residents about the impacts on their amenity.

12.41 District Plan Policy DP26 is applicable and this states, where relevant, that:

'All applicants will be required to demonstrate that development.....does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'

12.42 In the Neighbourhood Plan however, Policy E9 refers to "unacceptable levels of light, noise, air or water Pollution" and Policy H8 refers to "the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded".

12.43 In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per Policy DP26. 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. The 'significant harm' test of the District Plan adopted in 2018 is therefore the correct test to apply in this case rather than the Neighbourhood Plan test from 2016.

12.44 The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm. It is accepted that a number of existing neighbours will clearly be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute significant harm.

12.45 In addition, Policy DP29 applies in respect of noise and light pollution. This states that development will only be permitted where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and*
- *quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise*

- *attenuation measures;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;”*

12.46 The previous air pollution element of DP29 has been superseded by Policy SA38 from the site allocations DPD. This policy states in part that:

“The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.”

12.47 In respect of future amenity, Policy DP27 of the District Plan states:

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

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

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

12.48 Policy E13 of the Neighbourhood Plan also refers to future amenity and states that:

“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.”

12.49 Chapter 8 of the Mid Sussex Design Guide is also relevant with Principles DG45, DG46, DG47 and DG48 all seeking to protect neighbouring and future amenity.

12.50 The neighbouring properties most likely to be affected by the proposals are those at Pinfold House to the south and Harlands House to the north-west.

12.51 The proposed development would be sited a minimum distance of 22m from the rear elevation of Pinfold House and 22m from the side elevation of Harlands House. In both cases, it is not considered that the building would result in a significantly adverse loss of privacy to the amenities of these neighbouring occupiers. 21 metres is the widely accepted minimum separation distance in a back to back distance between properties to ensure that unacceptable harm through overlooking does not occur. The distances proposed by this development are therefore in excess of the

21 m figure. This is the same conclusion that was reached under the assessment of the previous application. It should also be noted that there are no side facing windows in the FOG that borders the site that look directly towards the site or new building.

- 12.52 In terms of potential loss of light to these and other adjoining properties, a daylight and sunlight assessment has been carried out by the applicants, based on Building Research Establishment (BRE) Guidelines, and such an assessment was also carried out under the previous application where the impact was considered acceptable. The BRE advice is not mandatory but a guide to help inform site layout and design.
- 12.53 The assessment for the current application considers both the existing situation (i.e. the surface level car park) and the extant approval against the revised proposals. This assessment is available to view in full on the planning file.
- 12.54 The conclusion of the previous approved application found that a small number of properties in Pinfold House would experience a change above the target set out in the Guidelines. However, the assessment noted that these would be of no greater than minor significance and would thus be acceptable and the application was subsequently found to not result in significant harm to neighbouring residential amenity in respect of loss of light.
- 12.55 In assessing the marginal change between the extant approval and the revised scheme the GIA report concludes that the scheme results to no change, or a negligible change in terms of impacts when compared to the consented baseline. It is therefore reasonable to conclude that the current proposal will, like the consented scheme, not cause significant harm in respect of loss of daylight or sunlight.
- 12.56 Given both the size of the new building and the fact there is no built form on site at present, it is acknowledged that this proposed building will have some degree of impact on the amenities of these neighbouring occupiers. However, based on the available evidence carried out on behalf of the applicant, planning officers do not consider that this will be so overbearing or result in such a significant loss of light, that neighbouring residential amenity will be significantly harmed.
- 12.57 The Council's Environmental Protection Officer has also been consulted to help inform the assessment in respect of the impact on neighbouring amenity and their comments are set out in full within Appendix B.
- 12.58 It is acknowledged by planning officers that there would be some degree of disruption during construction work but this would not merit a refusal of the application as they would be temporary in nature and are necessary to facilitate the development. The Environmental Protection Officer has suggested a Construction Management Plan condition that will be aimed at minimising construction impacts by securing details on matters such as site set up, contractor parking and other mitigation measures. Both a working hours and a construction delivery times condition will also be used.
- 12.59 In addition, given that this development proposes the provision of 64 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. This will ensure compliance with Policy SA38 of the Site Allocations DPD.

- 12.60 In respect of future amenity, all of the proposed dwellings have access to outdoor amenity space, either private balconies for the vast majority or through the communal terrace, and the applicant has confirmed that all of the dwellings meet or exceed the minimum nationally described space standards referenced by Policy DP27.
- 12.61 The applicant has submitted a Sound Assessment which is available to view in full on the planning file. The Environmental Protection Officer has commented that *“the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.”* Appropriate conditions are subsequently recommended and set out in Appendix A.
- 12.62 The applicant has also submitted an internal daylight and sunlight report to assess the light reaching the proposed building which concludes:
- “In summary, all habitable rooms see very good levels of daylight and sunlight and as such the proposed design will provide new accommodation with excellent daylight and sunlight amenity.”*
- 12.63 To summarise, neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the site, but significant harm as per DP26 of the District Plan is a high bar and planning officers do not consider that threshold has been reached.
- 12.64 The proposal therefore complies with the Development Plan in respect of the effects on neighbouring residential amenity issues as significant harm cannot be demonstrated.

Trees

- 12.65 Policy DP37 of the District Plan states:

“The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

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

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

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme, and*
- *prevents damage to root systems and takes account of expected future growth, and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management, and*

- *has appropriate protection measures throughout the development process, and*
 - *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change, and*
 - *does not sever ecological corridors created by these assets.”*
- 12.66 At Neighbourhood Plan level Policy E9 requires that development “*sensitively incorporates natural features such as trees, hedges and ponds within the site*”.
- 12.67 To inform the assessment of the impact of the development, the views of the Council’s Tree Officer have been sought and their comments are set out in full within Appendix B. It is worth noting that no objections were raised to the tree impact or landscape proposals under the previous planning permission. (DM/17/2384). The current proposal shows that 14 Category C trees need to be removed along with 3 modest Category C tree/hedge groups.
- 12.68 As is evident from their original comments, the Tree Officer expressed some concerns about the development and requested further details be provided. The applicant has sought to address the concerns raised by the tree officer and has provided further landscaped areas within the development – hence the reduction in the level of car parking since the original submission.
- 12.69 Whilst the tree officer still has some concerns with the amended details, planning officers are content that such matters can be reasonably secured via condition. Further details have been requested on the following matters:
- Full details of hard and soft landscaping , including boundary treatments
 - Planting schedule with planting and maintenance details, including details of planting pits and soil volumes
 - AIA with tree protection plan and method statement, including full details of incursions within RPAs
- 12.70 An appropriate condition is therefore set out in Appendix A that will address all the matters that the tree officer still wishes to have detail on. The details will need to demonstrate appropriate planting species that are compatible with the planting pits.
- 12.71 With such conditions in place the application accords with Policy DP37 of the District Plan, Policy E9 of the Neighbourhood Plan and the NPPF.

Ashdown Forest

- 12.72 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).
- 12.73 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest

SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

- 12.74 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.75 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.
- 12.76 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, 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.
- 12.77 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.78 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.
- 12.79 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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

- 12.80 The Habitats Regulations 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.
- 12.81 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.82 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. The application complies with Policy DP17 of the District Plan.

Infrastructure

- 12.83 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 DP31 of the District Plan (see affordable housing sub section).

Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

12.84 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

12.85 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.

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.”*

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

12.87 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified 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.

12.88 In this case, the following contributions are sought:

West Sussex County Council Contributions

Library provision: £16,504 (Additional facilities at Haywards Heath Library)

Education Primary: £21,524 (Additional facilities at Harlands Primary)

Education Secondary: £23,165 (Additional facilities at Warden Park Secondary Academy)

TAD: £32,934 (improvements to Commercial Square to improve safety and convenience for pedestrians and cyclists, and promote wellbeing and accessibility in accordance with the Haywards Heath Town Centre Transport Plan)

Mid Sussex District Council Contributions

Children's play space: £14,440 (Improved facilities at Dolphin Leisure and/or Haywards Heath Recreation Ground)

Kickabout: £12,130 (Improvements to kickabout provision for older children at Dolphin Leisure and/or Haywards Heath Recreation Ground and/or Victoria Park)

Formal sport: £37,658 (Improved facilities Haywards Heath Recreation Ground and/or Victoria Park)

Community buildings: £29,954 (Improvements to community buildings in Perrymount Road - Wesley Hall and / or Girl Guides Hall and / or Clair Hall)
Local community infrastructure: £32,848 (Public realm improvements to South Road and/or cycle rack provision within Haywards Heath)

NHS Sussex

£69,580 which will be used most likely towards supporting Dolphins / Newtons or potentially another site or central hub

- 12.89 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. A section 106 legal agreement would need to be completed to secure these contributions and as such the application accords with Policy DP20 of the District Plan and the Development Infrastructure and Contributions SPD.

Affordable housing

- 12.90 Policy DP31 in the District Plan requires developments on sites such as this to provide 30 % affordable housing on site. The policy states in part that proposals:

“that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach.”

- 12.91 The National Planning Policy Guidance (PPG) states that:

‘Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’

- 12.92 The applicants have provided viability information with their application that seeks to demonstrate that the scheme is not viable to provide any affordable housing on site. This information has been independently assessed by consultants appointed by the District Council. This has indicated that the development could not support any on site affordable housing but that an off-site affordable housing contribution can be provided.

- 12.93 On this issue the Housing Enabling Team Leader has commented that:

“However as a result of the Viability Assessment undertaken it has been agreed that the sum of £155,458 will be paid as a contribution towards off site affordable housing provision. This sum will be payable in full prior to Commencement of the Development. A Viability Review will also be required in accordance with the Development Viability SPD on the sale or letting of 75% of the units, when accurate information about build costs and sales values will be able to be provided. This review will enable an assessment to be carried out as to whether or not additional value has been generated since the current viability assessment was undertaken, as a result of a change in the Gross Development Value or the Build Costs or a combination of the two. Such additional value will enable a further contribution to be paid towards the provision of off-site affordable housing, in order to achieve greater policy compliance.

The Council's standard review mechanism will be included in the section 106 agreement."

- 12.94 The requirement and mechanism for this review will be included in the section 106 legal agreement. It should also be noted that a similar conclusion was drawn on the previous application. Application DM/17/2384 was found to not be viable if providing a policy compliant level of affordable homes, although the application secured the provision of three first homes on the site.
- 12.95 The viability review for the current application will be secured through the legal agreement. As such the application accords with Policy DP31 of the District Plan as well as the Council's SPD's on Affordable Housing SPD and Development Viability.

Housing Mix

- 12.96 Policy DP30 (Housing Mix) states in part that housing development will:
- "provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;"*
- 12.97 The mix proposed here for the 64 residential units is
- 48 x 1 bed
 - 16 x 2 bed
- 12.98 The proposed mix is focused on smaller units and is considered adequate to comply with Policy DP30 of the District Plan.

Flood Risk and Drainage

- 12.99 Policy DP41 of the District Plan states in part:
- "Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*
- Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates. Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*
- SuDS should be sensitively designed and located to promote improved biodiversity and enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses, and if these cannot be met,*
- 3. Discharge to surface water only sewers.”*

12.100 At Neighbourhood Plan level Policy E7 states that:

“New development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.”

12.101 Similarly, at site allocation level, Policy H6 requires:

“Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development”

12.102 The Council's Drainage Officer has been consulted on the merits of this application and assessed the supporting submissions. As with the previous application, the drainage officer has no significant concerns on the flood risk and has confirmed that foul and surface water details can be secured via planning condition.

12.103 There is a MSDC maintained culvert running through the north-west end of the site. This will require a 2.5m maintenance buffer from the outer edge of the culvert that is clear from any construction (excluding road surface or similar) and a condition can secure this. It is possible to divert this culvert if required, and the developer will need to carry out such work to Sewers for Adoption standards, and it would need to be shown that there would be no detriment to the hydraulic performance of the culvert. In addition, easement arrangements to access and maintain the culvert in perpetuity will need to be agreed in consultation with the MSDC Property and Legal Teams and an Ordinary Watercourse Consent application would be needed. These diversion matters fall outside of the scope of planning controls.

12.104 With the relevant conditions in place as recommended by the Council's Drainage Officer, it can be concluded that the application therefore accords with Policy DP41 of the District Plan and Policies E7 and H6 of the Neighbourhood Plan.

Sustainability

12.105 Policy DP39 (Sustainable Design and Construction) states that:

- *'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.'*

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

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

12.107 The applicant has provided Sustainability Assessment with the application. This document and submitted plans identify the following matters:

- The strategy is driven by the Fabric First and Energy Demand Reduction approach.
- The proposed performance of the building U- values will be beyond the Part L2A 2013 building regulations.
- The building will have high-efficiency artificial LED lighting with automatic control strategy for internal spaces to maximise the energy saving.
- All sanitary wares will be high-efficiency, low water flows to reduce the water demand and hot water system energy consumption.
- The mechanical ventilation will be with high efficient fans to reduce the ventilation system energy consumption and will be provided with a high-efficiency heat recovery system that recovers the heat during the winter and allow for free cooling during summer.
- The building will have a centralised, high-efficiency, gas condensing boiler plant for heating and domestic hot water.
- Photovoltaic panels on the roof.

12.108 The proposal will also have to meet Building Regulations and this will include energy reduction measures and the provision of electric vehicle charging points. It is therefore reasonable to use a condition that will ensure the development proceeds in accordance with the details outlined in the Sustainability Assessment although details will be sought on the photovoltaic array. With this condition in place, the application complies with Policy DP39 of the District Plan and Policy E8 of the Neighbourhood Plan.

Biodiversity

12.109 Given the existing use of the site as a car park in a central town location surrounded by other development, the ecological value of the site is limited. No objections were raised on this issue under the previous permission DM/17/2384. Nevertheless, there is an opportunity to provide some biodiversity enhancements within the development.

12.110 Policy DP38 requires in part that development:

“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).”

12.111 To ensure there is no net loss of biodiversity, a condition will be used to secure enhancement measures to ensure compliance with Policy DP38 of the District Plan.

Other Issues

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

12.113 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions to deal with the risks associated with contamination of the site. This ensures compliance with the NPPF.

12.114 No objections have been raised by the West Sussex Water and Access Officer who has confirmed that:

“...I am satisfied the B5 section 13 requirements for this application has been met, all parts of all apartments are within the required distance from a dry riser outlet, not further action is required for the supply of water for firefighting and access for the Fire Service vehicles.”

12.115 A condition will be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28 of the District Plan.

12.116 The site already benefits from a planning permission for residential development that could be implemented as a commencement appears to have been made on application DM/17/2384. As such additional information on water supply, as per DP42 of the District Plan, is not a requirement of the current application.

13.0 Planning Balance and Conclusion

13.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

13.2 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.

13.3 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.

- 13.4 It is considered that the principle of development is acceptable. The site is located within the built up area of Haywards Heath and occupies a sustainable location close to the town centre, the railway station and various local services. The site is also allocated for residential development in the Haywards Heath Neighbourhood Plan by virtue of Policy H6. Planning permission has also previously been granted for a development of 40 residential units here. Whilst the proposed application seeks permission for more units (64 in total) than what the site is allocated for (approximately 40), planning policy at both local and national level encourages the efficient use of previously developed sites within sustainable locations. This should only result in a refusal of the application if the extra number of units was found to cause planning harm and conflict with the development plan on any of the other planning issues that form part of the overall assessment.
- 13.5 The detailed design and overall impact on visual amenity are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as sympathetic to its surroundings as possible. The proposal does not have an adverse impact on any existing trees that have high amenity value and a suitable landscaping scheme can be secured via condition.
- 13.6 Although the proposal will change the appearance of the site when viewed from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 13.7 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. The loss of the existing parking facility would not result in any highway safety issues resulting from overflow parking demands and this matter has been accepted in principle through the previous residential consent on this site DM/17/2384. Therefore no highway objection is raised.
- 13.8 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate whilst a condition will secure biodiversity enhancements.
- 13.9 The scheme does not propose any onsite affordable housing as the applicants have demonstrated that the scheme would not be viable to provide any affordable housing units. A commuted sum of £155,458 is however secured to be used for off-site affordable housing. As such, the applicants have complied with the requirements of Policy DP31 in relation to this matter. A review mechanism will be included within the section 106 legal agreement. This will determine at a later stage whether the development is capable of providing additional affordable housing deemed unviable at planning application stage through the Submission Viability Appraisal.
- 13.10 The application therefore complies with policies DP4, DP6, DP17, DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, Policies E7, E8, E9, E13, T1, T2, T3, H6 and H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application is therefore recommended for approval based on the dual recommendation in Section 3.

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 be carried out above slab/ground floor level until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration, roofs and louvers of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

3. No development shall be carried out above slab/ground floor level until the following detailed design issues have been submitted to and approved in writing by the local planning authority:

- 1:20 scale section showing the solar panels within the roof slope.
- 1:50 scale plans, elevation, and sections of entrance zones to the building
- 1:20 sections and front elevations of the typical features (shown in context) including windows, doors, private terrace and balcony detail and glazing/blind windows panels and surrounding (marked on latest drawings as '4').
- Details of the louvres.
- Detailed plans and elevations showing location of rainwater downpipes and drainage solutions to roof space, balconies, and terraces.

The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

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

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 residential unit shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the

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

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

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

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

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

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

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

7. Prior to the commencement of any development, 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 boundary treatments, street furniture 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.

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

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

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

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

a) A site investigation scheme, based on the desktop study by Wood Group UK Limited, dated 27th November 2020, Ref 43459-WOOD-XX-XX-RP-OC-0001_A_P01.2 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

10. No development shall be carried out above slab/ground floor level until there has been submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms.

Reason: In the interests of future occupiers amenity and to comply with Policy DP26 of the District Plan.

11. Prior to the commencement of any development above ground/slab level details, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the District Plan and Policy SA38 of the Site Allocations DPD.

12. No development shall take place unless and until biodiversity enhancement measures to be incorporated into the development that demonstrate that there will be no net loss of biodiversity have been submitted to and agreed in writing by the local planning authority. The agreed biodiversity enhancement measures shall be provided on site in accordance with the agreed details prior to first occupation.

Reason: To enhance biodiversity and to accord with Policy DP38 of the District Plan.

13. No part of any concrete foundations and no construction activities shall be within 2.5 metres of the outside edge of the MSDC maintained culvert.

Reason: In the interests of protecting the natural environment and to comply with Policies DP41 of the Mid Sussex District Plan and Policy E7 of the Haywards Heath Neighbourhood Plan.

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

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

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

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

16. 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 accord with the NPPF.

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

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

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

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

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

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

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

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

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

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

22. The development shall be constructed in accordance with the applicant's Sustainability Assessment (Ramboll February 2022). No part of the development shall be first occupied unless or until the details of the PV arrays (siting and design)

have been submitted to and approved in writing by the local planning authority with the development proceeding only in accordance with these approved details.

Reason: In the interests of sustainability and to accord with Policy DP39 of the District Plan. and Policy E8 of the Haywards Heath Neighbourhood Plan.

23. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 31dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 45dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria has not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

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

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

Reason: 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 accord with the NPPF.

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

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

26. Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan statement. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan.

27. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Wood Group UK Limited (ref: 43470-WOOD-ZZ-XX-RP-ON-0001_S3_P02), dated the 11th March 2022. Specifically glazing and trickle vents will need to meet the or exceed the specification laid out Tables 6.1, 6.2 and 6.3 of said report, with the exact criteria to be achieved being dependant on the floor level and façade.

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

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
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 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.

Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

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

4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. If the culvert is to be diverted, and as MSDC is responsible for the maintenance of this culvert, there would need to be an Agreement between the Land Owner, Developer and MSDC as to who will be responsible for diverting the culvert and confirmation that MSDC will continue to maintain going forward. This would usually be in the form of an easement.

The Estates Team would therefore expect to receive separate notification of the proposed works from the Developer so that negotiations can be opened and an Agreement reached.

6. You are advised to give due consideration to the Sussex Police comments and incorporate their recommendations into the detailed design of the development.
7. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	A-02-100	P2	07.03.2023
Proposed Floor Plans	A-03-201	P3	07.03.2023
Existing Site Plan	A-02-101	P2	07.03.2023
Proposed Floor Plans	A-03-202	P3	07.03.2023
Proposed Floor Plans	A-03-203	P3	07.03.2023
Proposed Floor Plans	A-03-204	P3	07.03.2023
Proposed Floor Plans	A-03-205	P3	07.03.2023
Proposed Floor Plans	A-03-206	P3	07.03.2023
Proposed Floor Plans	A-03-207	P3	07.03.2023
Proposed Floor Plans	A-03-208	P3	07.03.2023
Proposed Sections	A-04-301	P4	10.05.2023
Existing Sections	A-04-400	P2	22.02.2022
Proposed Elevations	A-05-501	P4	10.05.2023
Proposed Elevations	A-05-502	P4	10.05.2023

Proposed Elevations	A-05-503	P4	23.05.2023
Proposed Elevations	A-05-504	P4	10.05.2023
Landscaping Details	210424-LP-1002	P4	07.03.2023
Landscaping Details	210424-LP-1001	P4	07.03.2023
Landscaping Details	210424-LP-1003	P4	07.03.2023
Landscaping Details	210424-LP-1004	P4	07.03.2023
Landscaping Details	210424-LP-1008	P1	07.03.2023
Proposed Site Plan	A-02-102	P3	07.03.2023

APPENDIX B – CONSULTATIONS

MSDC Urban Designer

The scheme sufficiently addresses the principles set out in the Council’s Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- Detailed landscape drawings: hard and soft landscaping details including boundary treatments and street furniture (seating and lighting) arrangements.
- Details and samples of the facing materials.
- 1:20 scale section showing the solar panels within the roof slope.
- 1:50 scale plans, elevation, and sections of entrance zones to the building
- 1:20 sections and front elevations of the typical features (shown in context) including windows, doors, private terrace and balcony detail and glazing/blind windows panels and surrounding (marked on latest drawings as ‘4’).
- Details and samples of the of the louvres.
- Detailed plans and elevations showing location of rainwater downpipes and drainage solutions to roof space, balconies, and terraces.

MSDC Tree Officer

I note that my concerns have not been addressed, therefore my previous comments of 12/5/22 stand.

I note that limited additional landscaping has been provided, as well as details of planting pits. However, the soil volume capacity will depend on the species planted and I have already advised that Pyrus ‘Chanticleer’ and Magnolia are not suitable landscaping plants, neither in accordance with DP37, nor appropriate to the development.

If permission is granted, please attach conditions requiring the following:

- Full details of hard and soft landscaping, including boundary treatments
- Planting schedule with planting and maintenance details, including details of planting pits and soil volumes
- AIA with tree protection plan and method statement, including full details of incursions within RPAs

Original 12/5/22 comments:

In general terms, the building appears cramped and pushed to the very edge of the perimeter of the site.

There is little room for trees to develop and inadequate space to demonstrate that these trees would have an optimum chance of survival and achieving their life span. This applies to trees planted within the building structure also. I am concerned about maintenance, particularly watering to enable them to successfully establish in what looks to be limited soil volume.

Technical details are required to demonstrate adequate soil volume to accommodate trees, and soil volumes should be specified as well as details of planting pits, including requirements for other services which may impact on this.

I am also concerned about impacts on retained trees.

I note that 14 trees are to be removed and 3 groups. These have been classed as 'category c' trees, I believe because young or semi mature. All are natives.

I am unclear as to exact numbers of replacement trees and I request that this be clarified.

Policy DP37 favours native trees to be planted and , whilst I note some Sorbus aria and Acer campestre, there are also small magnolias proposed as well as olives There will be little opportunity to provide softening of the large building, particularly as the type of balcony planting proposed depends on constant maintenance, mainly watering, from owners. There is no guarantee that this will happen, therefore it is important to secure an adequate landscaping scheme that does not depend on owners' vigilance/knowledge.

Prunus hillieri 'Spire' is unsuitable as it is usually a grafted plant, prone to disease and not usually a long term prospect, although I realise that it has been selected for its slim form to accommodate the large building.

I would require more native tree planting and a refection of what may be lost in terms of numbers but , if permission is granted, this may not be possible with such a large building.

I am also concerned about mature, retained trees. For younger trees, is there room to develop with additional proposed under planting? And for the mature planes, there is significant compromisation of their RPAs.

I cannot support the application in its current form.

MSDC Housing

'The applicant has submitted a planning application for a building containing 64 residential apartments (48 x 1-bed and 16 x 2-bed) on the above site. This gives rise to a minimum onsite affordable housing requirement of 30% (20 units) in accordance with District Plan Policy DP31. The Applicant also submitted a Viability Appraisal stating that it was not viable to provide any affordable housing. However as a result of the Viability Assessment undertaken it has been agreed that the sum of £155,458 will be paid as a contribution towards off site affordable housing provision. This sum will be payable in full prior to Commencement of the Development. A Viability Review will also be required in accordance with the Development Viability SPD on the sale or letting of 75% of the units, when accurate information about build costs and sales values will be able to be provided. This review will enable an assessment to be carried out as to whether or not additional value has been generated since the current viability assessment was undertaken, as a result of a change in the Gross Development Value or the Build Costs or a combination of the two. Such additional value will enable a further contribution to be paid towards the provision of off-site

affordable housing, in order to achieve greater policy compliance. The Council's standard review mechanism will be included in the section 106 agreement.

MSDC Drainage

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk. This being the at the north-west boundary where there is a possible risk of 1:100 to 1:1000 probability.

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 shows public sewers are in proximity of the redline boundary of the site, and this may impact the development within the site. This sewer is located along the north-east boundary and is identified as a 150mm diameter foul water sewer.

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. Advise in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

Infiltration drainage such as permeable paving or soakaways is unlikely to 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 submitted Outline Drainage Strategy informs:

- Should infiltration testing find the ground conditions unable to support infiltration, the development will seek to utilise the existing Mid Sussex District Council maintained culvert that runs through the site.
- Surface water is intended to be attenuated in a 200m³ tank, which will discharge via flow control to the existing MSDC maintained culvert at a rate of 3.5 l s⁻¹.

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

FOUL WATER DRAINAGE

The submitted Outline Drainage Strategy informs:

- The proposed development will utilise existing public foul sewer arrangements.

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

MSDC MAINTAINED CULVERT

There is a MSDC maintained culvert running through the north-west end of the site. This will require a 2.5m maintenance buffer from the outer edge of the culvert that is clear from any

construction (excluding road surface or similar). This is to ensure safe working access in the event of maintenance and replacement.

It is possible to divert the culvert as the Outline Drainage Strategy informs. However, this would need to be undertaken to Sewers for Adoption standards, and it would need to be shown that there would be no detriment to the hydraulic performance of the culvert. Any diversion work would need to be checked and inspected by a third-party engineer with the appropriate knowledge skills and experience; and there may have to be a temporary legal agreement between MSDC and the developer for the work. In addition, there will need to be a post construction CCTV survey of the culvert and its new connections with the existing parts of the system.

Any easement arrangements to access and maintain the culvert in perpetuity will need to be agreed in consultation with the MSDC Property and Legal Teams.

We would also require an Ordinary Watercourse Consent application to be made for the connection to, and diversion of, the culvert.

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.

WORKS WITHIN 2.5M OF CULVERT WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 2.5 metres of the outside edge of the MSDC maintained culvert.

Reason: In the interests of protecting the natural environment.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 64 residential dwellings at NCP Ltd, Harlands Road Car Park, Harlands Road, Haywards Heath on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Dolphin Leisure and Haywards Heath Recreation Ground, both owned and managed by the Council, 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 £14,440 is required to make improvements to play equipment. In addition, £12,130 is required toward

new and improved kickabout provision for older children at these playgrounds and / or Victoria Park.

FORMAL SPORT

In the case of this development, a financial contribution of £37,658 is required toward formal sport facilities at Haywards Heath Recreation Ground and / or Victoria Park.

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 £29,954 is required to make improvements to community buildings in Perrymount Road - Wesley Hall and / or Girl Guides Hall and / or Clair Hall (or it's replacement)

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 Contaminated Land

As part of the application a phase 1 desktop Study has been undertaken by Wood Group UK Ltd.

The report has identified that due to the previous uses at the site, there is the potential for contaminates to be on site that could impact on future uses. This includes the potential presence of asbestos, heavy metal, total petroleum hydrocarbons (TPH), polyaromatic hydrocarbons (PAH), cyanide, and potentially ground gas (carbon dioxide and methane) from the made ground on site.

As such, the report recommends that intrusive testing be undertaken.

The intrusive investigation will be part of phased approach, whereby if contamination is found about the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, then the entire phased condition can be discharged at that stage.

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

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

a) A site investigation scheme, based on the desktop study by Wood Group UK Limited, dated 27th November 2020, Ref 43459-WOOD-XX-XX-RP-OC-0001_A_P01.2 to provide

information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

MSDC Estates

I understand from a discussion with [the Drainage Officer], and from his email below, that there is currently a culvert that MSDC maintain under this site which the developer intends to divert.

As MSDC is responsible for the maintenance of this culvert, there would need to be an Agreement between the Land Owner, Developer and MSDC as to who will be responsible for diverting the culvert and confirmation that MSDC will continue to maintain going forward. This would usually be in the form of an easement.

The Estates Team would therefore expect to receive separate notification of the proposed works from the Developer so that negotiations can be opened and an Agreement reached.

MSDC Environmental Protection

The application looks to redevelop the site in order create 64 new residential units, with associated car parking.

Environmental Noise and Vibration

Given the proximity of the site to the road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to. Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter are dealt with at the planning stage.

A sound assessment Report by Wood Group UK Limited (ref: 43470-WOOD-ZZ-XX-RP-ON-0001_S3_P02), dated the 11th March 2022 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.

As environmental noise levels vary throughout the site, the report has specified different level of sound insulation for glazing and trickle vents depending of the façade and floor level, in order to ensure habitable rooms meet BS8233 requirements.

Tables 6.1, 6.2 and 6.3 within the Wood Group UK Limited report (ref: 43470-WOOD-ZZ-XX-RP-ON-0001_S3_P02) details the levels of glazing and ventilation required in each area. These levels of protection should be conditioned for completeness.

A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233 standards.

As some of the rooms will only be able to achieve suitable internal noise levels with windows closed, suitable means of ventilation will also need to be installed within the premises to prevent and this should be conditioned. Ventilation should achieve adequate air flow, and prevent overheating, while also not creating a noise issue to residents itself.

Noise emissions from the completed development

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

For that reason Wood Group UK Limited have taken background readings and recommended the maximum rating level that the combined plant noise level from the proposed should achieve. A condition is recommended to ensure that any plant installed at site achieves the required noise levels.

Construction Noise

There are also concerns about how existing local residents will be affected during the construction of the proposed. The proposed build is in very close proximity existing residential and commercial premises.

Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour. Therefore if the application was to precede it is recommended that a Construction Environmental Management Plan be required, and that additional conditions in regards to minimising the construction passes impact be attached.

Recommendation: Approve with conditions

1. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Wood Group UK Limited (ref: 43470-WOOD-ZZ-XX-RP-ON-0001_S3_P02), dated the 11th March 2022. Specifically glazing and trickle vents will need to meet the or exceed the specification laid out Tables 6.1, 6.2 and 6.3 of said report, with the exact criteria to be achieved being dependant on the floor level and façade.

2. Prior to the commencement of the development hereby permitted, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms.

3. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 31dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

4. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 45dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria has not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

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

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

West Sussex Highways

WSCC Highways have previously issued comments on this proposal. The scheme largely remains as previously presented. The overall car parking provision has though been reduced to 41 spaces (from 60). The principle of the car parking reduction has been discussed with WSCC Highways. Given the town centre location that provides a realistic opportunity to travel by modes other than the private car, as well as the presence of comprehensive waiting restrictions on the adjacent highway network (controlling where any overspill car parking could take place), the reduced car parking provision is considered acceptable.

In summary, the scheme remains acceptable to WSCC Highways. The conditions previously recommended remain applicable. Some drawing numbers referred to within the conditions may need to be updated.

Previous comments 31/5/22

West Sussex Highways have previously issued comments on a similar residential proposal submitted under DM/17/2384. Whilst this development was granted planning permission for 40 units, it was initially proposed for 65 units. WSCC Highways reviewed both schemes and raised no objection to either. It's recognised that planning permission for the site remains extant and implementable, and as such represents a valid fallback position. The site is also allocated for residential development within the Haywards Heath Town Council Neighbourhood Plan.

For the purposes of the current proposal, the vehicular access arrangements onto Harlands Road remain as per the permitted scheme. The access arrangements were the subject of a Stage 1 Road Safety Audit, which raised no problems with the proposed design. Pedestrian access is also taken from Harlands Road. The access arrangements remain acceptable.

In light of the existing public car park use, it's acknowledged that the proposed use would potentially result in fewer vehicle movements. The proposal would consequently not be expected to result in any notable highway capacity impacts.

The site is in an edge of town centre location with there being a wide range of services in very short walking distance. This includes Haywards Heath railway station as well as bus stops on Bannister Way. Residents at the development will have access to realistic travel alternatives to the private car.

A travel plan statement is also proposed to promote the sustainable travel benefits of the site. The measures included are predominantly based on the distribution of information, which reflects the relatively low trip generation and consequential highway impact. The suggested reduction of vehicle trips (of 5%) is less than WSCC would typically recommend for a site in a location such as this; a more ambitious target of 15% would ordinarily be sought for a town centre location site. It is acknowledged that the impact of this site is in any case

minimal, so there would be limited need to achieve higher levels of trip reduction. Should it be necessary, the targets can be revised after the travel plan has been implemented.

The applicant should note that WSCC charge for the review and monitoring of travel plan statements. A charge of £1,500 should be secured as part of any s106 agreement.

60 car parking spaces are proposed. Based on the WSCC Car Parking guidance, a development of this scale and in this location would have the potential to generate demands for up to 61 spaces. The proposed level of parking is well within the 10% tolerance level permitted within the WSCC guidance.

Parking for up to 64 cycles is indicated. The location of the cycle store within the building is noted with there being no further details in terms of how cycles will be stored within this. A condition is therefore recommended to secure the cycle parking and also details of the means of cycle storage within this.

The proposal will remove the existing public car park. The principle of this has already been accepted through the extant planning permission. The situation remains that there are alternative public car parks as well there being comprehensive enforceable parking controls on roads in the immediate vicinity.

In summary, it's not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. No highway objection would be raised.

The following conditions are recommended.

Access

No part of the development shall be first occupied until such time as the vehicular and non-vehicular accesses serving the development have been constructed in accordance with the details as shown on the drawing titled 'Site Access Arrangements' and numbered ITL2436-SK-002 Revision F.

Reason: In the interests of road safety.

Car Parking

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

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

Cycle parking

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

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

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the

entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

Travel Plan

Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan statement. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

Matters for the S106

Travel Plan Statement monitoring fee, £1,500 payable upon first occupation.

West Sussex County Council Infrastructure

Education			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	92.8		
	Primary	Secondary	6th Form
Child Product	0.1520	0.1520	0.0000
Total Places Required	1.0640	0.7600	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£16,504		
Population Adjustment	92.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	64		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	92.8		
Net Parking Spaces	-50		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£21,524		
Education - Secondary	£23,165		
Education - 6 th Form	No contribution		
Libraries	£16,504		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	secured under Condition		
TAD	£32,934		
Total Contribution	£94,126		

The contributions generated by this proposal shall be spent on additional facilities at Harlands Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Warden Park Secondary Academy.

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

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

West Sussex County Council Lead Local Flood Authority

Thank you for consulting West Sussex County Council as the Lead Local Flood Authority on the above Full Planning Application. This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards.

Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

Should you wish West Sussex County Council as Lead Local Flood Authority to comment further please do not hesitate to contact us.

West Sussex Fire and Rescue Service

Following the additional information provided by the agent for planning application DM/22/0596 for the clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping and ancillary works, I am satisfied the B5 section 13 requirements for this application has been met, all parts of all apartments are within the required distance from a dry riser outlet, not further action is required for the supply of water for firefighting and access for the Fire Service vehicles.

NHS Sussex

Overview

Current Estate is at capacity in Haywards Heath. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For Haywards Heath GP's, there are circa 65,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

Development proposal

NHS Sussex predicts that new residents will register **at Dolphins, The Vale or new/other NHS facility**. The new homes are in the catchment area of 3+ GP practices. Residents may be supported by other sites, dependent upon choice – but all are at capacity. Thus, the CCG requests a contribution to enable support of the growing new housing population – work is under way for expanding capacity at the GP practices, subject to the s106 funding.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.**

NHS Sussex requests a contribution from the applicant of **£69,580** as quantifiably in the tariff section, which will be used most likely towards supporting Dolphins / Newtons (potentially another site or central hub which will serve the catchment population of this proposed development – this will be considered after the Covid19 pandemic ‘working update’ is driven from NHSE). **Funding will not be duplicated.** NHS Sussex will consider the proportional use of these funds coupled with the other Haywards Heath and area developments so as to give best benefit to patient care.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes. The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in Haywards Heath

Primary Care services in Haywards Heath are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then

developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in Haywards Heath is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of £69,580 for the infrastructure needs of NHS GP service site(s) and with a possible use at a NHS service central site if patient registration is, by patient choice, occurring at that site / other site. With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. Funds will only be asked for on a proportionate level for the directly related services.

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand. This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been verified by the District Valuer Service (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 102 new residents (weighted) with a consequential additional GP surgery area requirement of 11.69m². This equates to a direct cost of £69,580 for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 5,000 homes in this area over the current planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for Haywards Heath.

ii. Directly related

It is indisputable that the increase in population of approximately 102 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. **Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.**

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Please note: There is a district council culverted sewer within the development site.

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.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/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.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Thank you for your correspondence of 20th March 2022, advising me of a planning application for the clearance of the site and construction of a building containing 64 residential apartments (48 1-bed, 16 2-bed) with associated access, car parking, landscaping, and ancillary works. (Financial Appraisal Supporting Statement received 5/5/22) (Amended Plans received 7th March 2023) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex. I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I have previously commented upon this application within my correspondence of PE/MID/22/04/A dated 18/03/2022. In the main the development design and layout has not changed considerably enough to warrant further crime prevention advice. Therefore, my comments within my correspondence of PE/MID/22222/04/A remain extant.

I would like to take this opportunity to inform the applicant or their agent that the present operational SBD residential document is now SBD Homes 2023, which is an amended version of SBD Homes 2019 V2 document.

I thank you for allowing me the opportunity to comment.

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

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

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

Previous comments 18/3/22

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals at this location. However, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

The development is a large block of multiple dwellings containing 64 residential dwellings over 6 storeys. It has vehicle and pedestrian access off Harland Road. There is underground / under-croft vehicle parking on the lower ground floor and a rear parking court that has good observation over it from the dwellings.

From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal door-sets serving multiple dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication (preferably colour) between the occupant and the visitor. Tradesperson buttons are not permitted under the scheme as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development. For dwelling over 25 please see SBD Homes 2019 V2 chapter 27.24.

Given the quantity of dwellings and proposed frequency of use of the main front door-set within the block, I need to raise awareness of the requirement for a more robust front door-set assembly. See SBD Homes 2019 V2 chapter 27.14.

Where there is a requirement for a door-set to be both fire and security rated, e.g. flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. (Note 21.5). This would also apply to any easily accessible windows.

With respects to mail delivery, I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access-controlled entrance hall, or externally at the front of the building within view of those using the building.
- Be of robust construction.
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm.
- Have anti-fishing properties.
- Have fire resistance where considered necessary.
- Installed in accordance with the manufacturer's specification.

Letter boxes certificated to Door & Hardware Federation Technical Specification 009 (TS 009) offer reassurance that all of the above attributes have been met. In high crime areas TS 009 provides the safest means by which mail can be delivered whilst eliminating the risks associated with letter mail delivery i.e. arson, 'fishing' for personal mail.

Compartmentalisation - Developments over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour, SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation) by restricting access to all areas and floors of the building to all residents. The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

1. Lift and stairwell access controlled separately.
2. Lift and stairwell access jointly controlled via an additional secure door-set.

Further detail can be obtained within para 27.29 SBD Home 2019 V2.

Should CCTV be a consideration within or externally of the building, I direct the applicant to SBD Homes 2019 V2 document chapter 29 & 30 for further details regarding CCTV and Data Protection.

Due to the existence of the underground parking measures, I recommend that the vehicle entrance is controlled with a vehicle roller shutter. Consideration is also to be given to installing a controlled pedestrian gate for cyclists. Details of certification requirements can be found within SBD Homes 2019 V2 Chapter 16.18 & 55.3. This measure will remove easy access to the vehicles, bin and bike stores within and any unauthorised access to the core entry doors to the building and subsequent apartments above. With respects to the security of any access points into the building core from the lower ground floor car park area, I direct the applicant to SBD Homes 2019 V2 chapter 31. Additionally, I recommend that the applicant seeks advice from Sussex Police Counter Terrorism Security Advisers regarding the underground car parking.

Where there are internal cycle stores being proposed within the lower ground floor, please see SBD Homes 2019 V2 chapter 57 for security advice, requirements and product specifications.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

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

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed / given due consideration.

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