

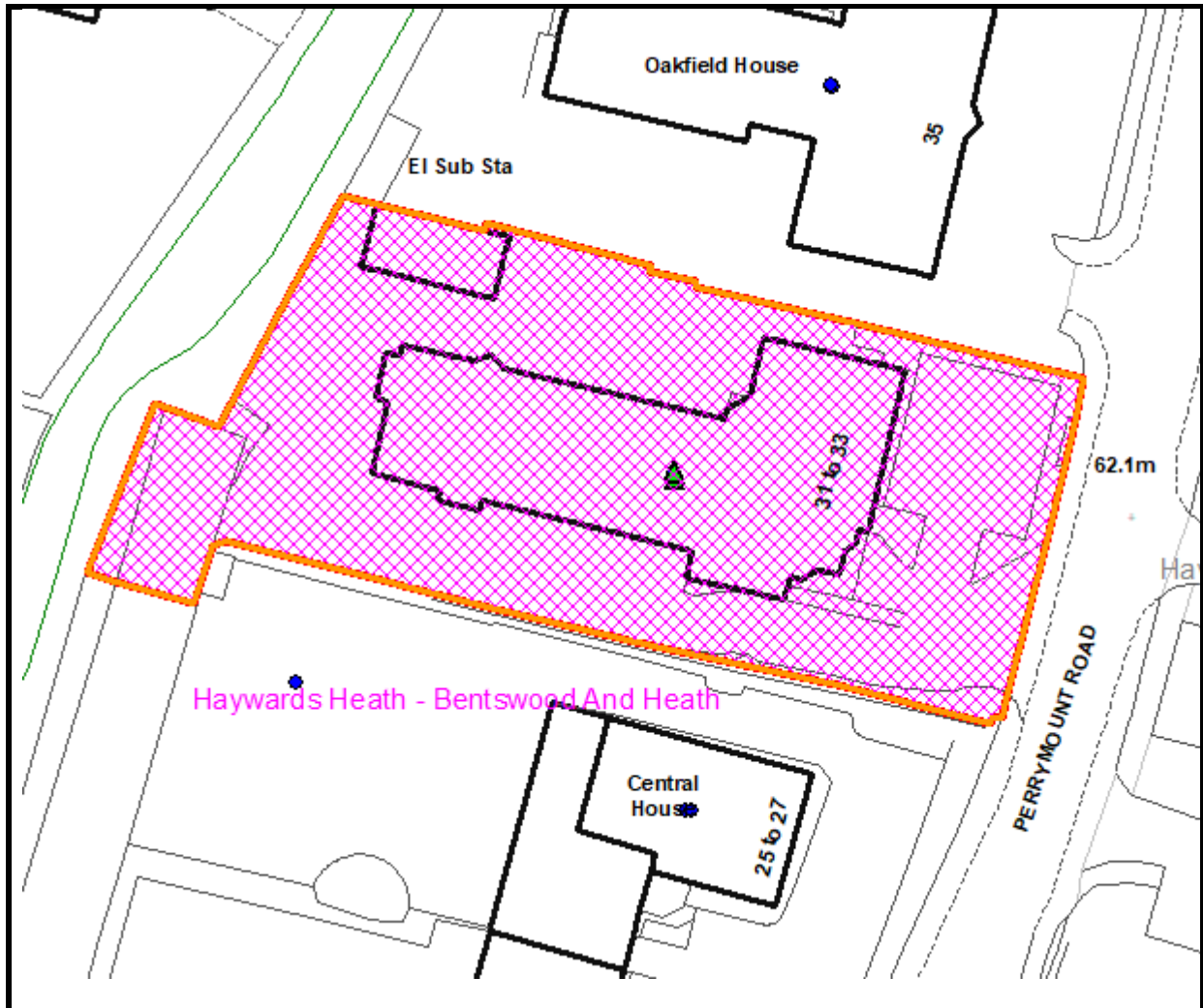
District Planning Committee



Recommended for Permission

14th December 2023

DM/22/2303



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Site:	Lloyds Bank 31 - 33 Perrymount Road Haywards Heath West Sussex RH16 3SP
Proposal:	Proposed 9 storey extension to the western elevation of 31-33 Perrymount Road, together with a 2 storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities (further to the approved change of use of the existing building for 38 units under prior approval consent, therefore delivering an uplift of 60 dwellings on the site).

Applicant:	Perrymount Holdings Ltd
Category:	Smallscale Major Dwellings
Target Date:	31st January 2024
Parish:	Haywards Heath
Ward Members:	Cllr Anthony Platts / Cllr Alison Rees /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFDK13KT0FX00>

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 a 9 storey extension to the western elevation, together with a 2 storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities (further to the approved change of use of the existing building for 38 units under prior approval consent, therefore delivering an uplift of 60 dwellings on the site) at Lloyds Bank, 31 - 33 Perrymount Road, Haywards Heath.

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

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

2.4 It is acknowledged that the site is allocated as an existing employment site within policy SA34 of the Site Allocations Development Plan Document (SADPD). However, the Development Plan (DP6, DP26 and H8) and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of previously developed and under-utilised land. Whilst the loss of the commercial use of the site is regrettable, in light of the recent prior approval for the building to residential, it is considered that the principle of extensions to the building for residential within this location is appropriate and is supported by the Governments requirement to maximise development on sites and promote development on previously developed and under-utilised land. As such, in terms of

principle, the redevelopment on the site would result in the delivery of an additional 60 dwellings above what has already been approved, within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

- 2.5 The site falls within an area of coarse grain development as defined in the Mid Sussex Design Guide Supplementary Planning Document (SPD), where there is support for increasing density in town centre locations which can be achieved through taller development. The proposal seeks to optimise the use of the site, which is supported in principles DG31 and DG32 of the Design Guide SPD as well as policy DP26 of the District Plan. The design of the extensions are considered to be of good quality and meet the design principles of the Design Guide. Due to the design, siting and proposed materials, it is considered that the proposal would not detract from the character of the area or street scene. 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.
- 2.6 Although the development would only result in the provision of 45 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of the level of parking or highway safety.
- 2.7 In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. The proposal would result in suitable amenity to future occupiers.
- 2.8 The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. The Council would also receive a new homes bonus. The proposal would also support the local economy through an increase in residents living within the town centre.
- 2.9 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 £663,041 is however to be secured 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 to determine whether a further sum can be viably provided towards the cost of off-site affordable housing provision through an Advanced Stage Viability Review.
- 2.10 There will be a neutral impact in respect of highway safety, drainage and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.11 The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP39, DP41 and DP42 of the District Plan, policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, policies E8, E9, H8, T1, T2 and T3 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and paragraphs 8, 105, 110, 119, 124, 130 and 152 of the NPPF.

- 2.12 Officers consider that in the context of the adopted District Plan, Site Allocations DPD and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.
- 2.13 Overall, the planning balance is considered to fall significantly in favour of approving the planning application.
- 2.14 It is therefore recommended that planning permission be granted for this development subject to the conditions set out in Appendix A and to the completion of a satisfactory s106 Legal Agreement.

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, the necessary affordable housing contribution and the viability review mechanism as well as travel plan.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 14th March 2024 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 application fails to comply 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' in respect of the infrastructure and affordable housing contributions required to serve the development.'

4.0 Summary of Representations

- 4.1 1 letter of comments concerning the following:

- Support the conversion of the building to dwellings is concerned on the height of the proposed building;
- Distant views of the Downs from Paddockhall Road has been obliterated by the large and overly high development of apartments built further down to Waitrose;
- Original development for 30 flats now increased to 90 by building to back of carpark. Query whether additional floors on top of the existing building and that the proposed building is not in excess of its current height.

5.0 Summary of Consultees (full comments in Appendix B)

- 5.1 **West Sussex Highways:** No objection subject to conditions

- 5.2 **West Sussex County Council Infrastructure:** Financial contributions towards infrastructure requested as follows:

Primary Education - £10,762

Secondary Education - £11,582
Libraries - £14,725
TAD - £40,724

- 5.3 **West Sussex County Council Lead Local Flood Authority:** Advice
- 5.4 **West Sussex County Council Waste and Minerals Safeguarding:** No comment.
- 5.5 **West Sussex Fire and Rescue Service:** Comments on evidence for suitable access.
- 5.6 **MSDC Urban Designer:** No objection subject to conditions
- 5.7 **MSDC Housing Officer:** No objection subject to affordable housing contribution of £663,051 being secured along with an advanced stage viability review mechanism within S106.
- 5.8 **MSDC Drainage Officer:** No objection subject to conditions
- 5.9 **MSDC Leisure Officer:** Financial contributions towards infrastructure requested as follows:
- Play equipment - £7,220
Kickabout - £6,065
Formal Sport - £8,269
Community Buildings - £25,834
- 5.10 **MSDC Contaminated Land Officer:** No objection subject to conditions
- 5.11 **MSDC Environmental Protection:** No objection subject to conditions
- 5.12 **MSDC Street Name and Numbering:** Informative
- 5.13 **NHS Sussex:** No objection subject to securing £63,329 for health services contributions
- 5.14 **Southern Water:** No objections, comments.
- 5.15 **Sussex Police:** No objection to the proposals. Comments.
- 5.16 **Health and Safety Executive:** No objection. Comments.
- 5.17 **Environment Agency:** No objection subject to conditions.
- 5.18 **Network Rail:** No objection. Comments.
- 5.19 **GoviaThamesLink Railway:** GTR objects to this planning application due to no safe or LTN 1/20 compliant walking route to the station.
- 6.0 Haywards Heath Town Council Observations**
- 6.1 In principle the Town Council SUPPORTS the application, however the Council would require in order to make this a sustainable development the following;

- It is felt that the number of parking spaces is woefully short and will exacerbate parking issues in the vicinity of the site. It is required that application requires at least 68 spaces with further provision for electric charging points as there are only 8 at the present time.
- Lack of affordable is also a concern as it is contrary to DP31 of the District Plan and the housing policies of the Haywards Heath Neighbourhood Plan, which would normally be an objection. This should be reviewed during viability appraisal at the end of the process against the rental values achieved. The Town Council contends that rental flats need more communal space therefore the viability as written needs reviewing.
- An environmental issue of concern, which must be considered is the cooling of the building. Where the application mentions air source heating pumps there is lacking information on how the building would be cooled in the summer months.
- The Planning Committee - didn't accept that there was any need for more communal space for the rental building over and above that needed for open market units, therefore we did not accept that as the basis for the viability argument proposed by the surveyor report used to refute the need for affordable housing.

7.0 Introduction

- 7.1 This application seeks full planning permission for a 9 storey extension to the western elevation, together with a 2 storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities (further to the approved change of use of the existing building for 38 units under prior approval consent, therefore delivering an uplift of 60 dwellings on the site).

8.0 Relevant Planning History

- 8.1 A prior approval for the conversion of the office building to 38 residential units under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was granted under reference DM/21/2679. Works for this has commenced and is nearing completion.
- 8.2 A prior approval for the erection of 2 storey roof extension to provide 30 flats under Part 20 Class AA (New Dwellinghouses on detached buildings in commercial or mixed use) of Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was granted under DM/22/0245. Works are nearing completion on this. However, due to the timings on the commencement of the works in relation to the prior approval for the conversion of offices to residential, it is considered that the works are not in accordance with the requirements of the legislation and therefore this upward extension and 30 flats have been included in the consideration of this application.
- 8.3 Of interest, whilst not on this application site, planning permission has recently been granted to the site to the south at land to the rear of Central House for a six storey building comprising of 28 flats with landscaping, parking and refuse under permission reference DM/22/2880. There is also an application currently under consideration for this same neighbouring site for the erection of an 8 storey building

comprising of 38 flats, associated landscaping, parking and refuse stores under reference DM/23/2259.

9.0 Site and Surroundings

- 9.1 The application site is located on the western side of Perrymount Road. On the site is a former office building which has been subject to a prior approval for the conversion of the offices to residential. Works are being undertaken in respect of this. The building was previously four storeys in height; however, a two storey roof extension has been carried out on the building so that it is now some six storeys in height.
- 9.2 Vehicular and pedestrian access is from Perrymount Road, with a small parking area enclosed with a dwarf wall and low-level hedging with further parking to the rear of the site around the building and undercroft.
- 9.3 The land slopes quite sharply downwards towards the west. There is a floor difference in levels between the front and rear of the site.
- 9.4 To the south of the site is Central House which has been converted to residential accommodation. Within the rear parking area of this site, permission has been granted for a six storey residential building. The other half of Central House is a commercial building. Further south beyond are three modern office buildings which reach to The Broadway. To the north are a series of modern and converted office buildings, reaching to Clair Road. Similarly, there are residential maisonettes which face the application site on the east side of Perrymount Road, from a raised setting.
- 9.5 To the rear is tree and vegetation screening beyond onto railway land where there is a sharp drop between Perrymount Road and the station car park.
- 9.6 The site is identified within the coarse grain urban area of Haywards Heath as set out in the Mid Sussex Design Guide.
- 9.7 The site is identified as being with the built up area of Haywards Heath and within a commercial area as set out in the District and Haywards Heath Neighbourhood Plan.

10.0 Application Details

- 10.1 The application seeks full planning permission for the construction of a 9 storey extension to the western elevation of the building and a two storey rooftop extension with a rooftop amenity deck containing 60 residential apartments. This will consist of the following mix of units:
- 52 x 1 bed flats; and
 - 8 x 2 bed flats.
- 10.2 Due to the conversion of the former office building on the site which granted prior approval for 38 flats, there would be a total of 98 flats on the site of the following mix (taken from the submitted floor plans):
- 69 x 1-bed flats; and
 - 29 x 2 bed flats.

- 10.3 The applicant considers that there is a fall-back position in relation to 68 flats on the site due to the previous prior approvals and that the application is only considering an uplift of 30 dwellings. However, following legal advice, the Council consider that the 30 flats approved under the prior approval upward extension is required to be considered as part of this planning application as the upward extension does not benefit from permitted development as the original building is not in mixed use, nor was it in a mixed use when the building works for the upward extension commenced. It is therefore considered that Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no longer applies and therefore the upward extension cannot be considered as permitted development.
- 10.4 The proposal is to form an extension to the side and rear of the building forming 9 storeys in height (taken from the rear due to the ground levels of the site). Consideration is given to the two storey roof extension which has already been constructed. The rooftop of the extension to the main building would form an amenity deck for residents. This would be accessed from the seventh floor of the new extension and from a stairwell from the existing building. There would then be small elements extending above the roof to facilitate the lift overrun.
- 10.5 The rear extension is to measure some 31 metres in length, a maximum of some 13.5 metres in depth, with a height of some 28 metres (not including the lift overrun). The extension is to be some 9 storeys in height (1 floor higher than the permitted development rooftop extension). This floor is to be set back to reduce the massing and appearance and would be contained to the rear extension only and not the existing building.
- 10.6 The Planning Statement sets out that the *'existing building is largely retained as is in terms of its materials, although bronze metal cladding is added to the frontage to add visual interest. The upwards extension and western, rear elevation utilise matching brick and bronze metal cladding. Where new windows are proposed, these would be bronze PPC Aluminium framed windows, with matching bronze finished louvres proposed for the western extension. A feature panel is added to the extension to add visual interest.'*
- 10.7 Within the proposed extension a residents gym, bin storage and plant areas are proposed on the lower ground floor area. The flats would be accessed from the extension separate to the existing building.
- 10.8 Each flat within the extension are to benefit from private balconies accessed from the open plan living areas.
- 10.9 On the roof of the main building to the front are to be an array of PV panels.
- 10.10 As part of this application, changes are also sought to the existing building which has prior approval for the conversion of the offices to 38 flats where works have been implemented for the conversion. These changes are:
- The change of one unit on the upper ground floor from a flat to a residents' lounge (meaning that 37 rather than 38 dwellings are now sought within the existing building). The plans show that this would provide a co-working area with a communal toilet and two private office areas;
 - The insertion of a new windows in the northern elevation where the toilet block currently is to regularise fenestration;

- The deletion of windows on the western elevation on all floors of the building, at the junction with the new extension and the insertion of a new window to serve Bedroom 1 on the upper ground floor and floors 1 and 2; and
- Incorporation of smoke shafts, in accordance with the fire strategy.

10.11 The existing vehicular access is retained, together with the ramped access to the undercroft car parking area. The proposal would provide 45 parking spaces for the whole of the site with 2 spaces to be disabled and 9 electric vehicle spaces. The development would also provide covered cycle storage with a capacity of up to 50 bicycles including 2 for non-standard users.

10.12 Refuse and recycling is located within the lower ground floor area to the rear of the site with a bin collection area to the front of the site. The submitted Transport Statement sets out that:

'Bin stores serving the residential properties are to be located at the rear of the site. As it will not be possible for the MSDC collection vehicle to enter the site and collect rubbish in accordance with the required conditions (e.g. the vehicle will not be able to undertake a 3-point manoeuvre to exit the site in forward gear), an area has been identified at the front of the site to enable the bin stores to be transferred to the collection area by the Site Management Team on the day of the collection.'

The collection day storage area is located on the eastern boundary of the site, adjacent to the highway. The bins will be presented on the day of the collection and connecting paths have been formed to enable the bins to be taken to the refuse vehicle for transferral. The bins will then be returned by the operatives to the collection area, where the bins will then be transferred by the Site Management Team back to the bin store on the day of collection.'

10.13 The submitted Design and Access Statement sets out that to the front of the existing building there would be native planting, trees and seating areas introduced. These landscaping features would help to minimise the hard standing and soften the building's perimeter while providing additional opportunity for external amenity.

10.14 The application has been accompanied by a number of supporting statements for consideration consisting of:

- Air Quality Assessment;
- Arboricultural Impact Assessment and Method Statement;
- Existing Tree Schedule;
- Tree Retention and Protection Plan;
- Daylight and Sunlight Report;
- Design and Access Statement;
- Energy Statement;
- Fire Statement;
- Sustainable Drainage Strategy;
- Noise Impact Assessment;
- Ground Investigation Report;
- Planning Statement;
- Transport Statement;
- Travel Plan;
- Financial Viability Assessment;
- Statement of Community Involvement; and
- Planning Obligation form.

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
DP20 – Securing Infrastructure
DP21 – Transport
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
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
SA34 – Existing Employment Sites
SA38 – Air Quality

The Haywards Heath Neighbourhood Plan

- 11.6 The Neighbourhood Plan for Haywards Heath was 'made' in December 2016. It forms part of the development plan with full weight.

Relevant policies include:

E6 - Green Infrastructure
E7 - Sustainable Drainage Systems

E8 - Sustainable Development
E9 - Design and Character
E11 - Visual impact
T1 - Connectivity
T2 - Cycle Routes
T3 - Car parking
H8 - Windfall sites

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.

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Haywards Heath Town Centre Masterplan

West Sussex County Council Guidance on Parking at New Development, September 2020

National Planning Policy Framework (NPPF)

- 11.9 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

- 11.10 Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

11.11 Paragraph 38 of the NPPF states;

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

11.12 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (NPPG)

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

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;
- Sustainability;
- Flood Risk and Drainage;
- Trees;
- Infrastructure;
- Affordable Housing;
- Housing Mix;
- Dwelling Space Standards;
- Ashdown Forest;
- Other Issues; and
- Planning Balance and Conclusion.

Principle of Development

- 12.2 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.'*
- 12.3 Policy SA34 of the Councils adopted Site Allocations DPD (SADPD) relates to the protection, intensification and redevelopment of existing employment sites which supplements Policy DP1 of the District Plan by protecting certain existing employment sites. The site is identified within Appendix A of the SADPD as an existing employment site. However, it is acknowledged that whilst the site is within the commercial area of Haywards Heath, the building is no longer in commercial use due to the prior approval for the conversion of the building which has been implemented.
- 12.4 Para's 119 and 120 of the NPPF seek to promote an effective use of land in meeting the need for homes and other uses, promoting development on previously developed or 'brownfield' land and also on under-utilised land.
- 12.5 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.'*
- 12.6 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.'*
- 12.7 The proposal is to provide residential development to the rear and side of the building in the form of an extension to the existing building which would incorporate an area of the existing hardstanding which was previously used as car parking for the former office. The building has been subject to a permitted development prior approval consent for the change of use from offices to residential, which is being implemented. Whilst the loss of the commercial use of the site is regrettable, in light of the recent approval for the building to be used for residential purposes, it is considered that the principle of the development of the site within this location is appropriate and is supported by the District Plan policy (DP26) and Governments requirement to maximise housing developments within sustainable locations.

12.8 Policy H8 of the 'made' Haywards Heath Neighbourhood Plan relates to windfall sites and states:

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

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

Policy H8 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

12.9 The proposal is therefore considered to comply with policy DP6 of the District Plan and policy H8 of the Haywards Heath Neighbourhood Plan.

12.10 There are no objections therefore to the principle of the development of this site as proposed.

Design and Impact on character of the area

12.11 Policy DP26 of the District Plan deals with design matters and states:

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

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

- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.”*

12.12 Policy H8 of the Neighbourhood Plan requires amongst other criteria the scale, height and form fit unobtrusively with the existing building and the character of the street scene.

12.13 Policy E9 of the Neighbourhood Plan requires proposals to protect and reinforce the local character within the locality of the site. This will include amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

12.14 Para 130 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

12.15 On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

12.16 The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

- 12.17 Within the Mid Sussex Design Guide there is support for site optimisation within principles DG31 and DG32. This follows the requirements of policy DP26 of the District Plan to:

'optimise the potential of the site to accommodate development.'

- 12.18 Principle DG31 seeks to focus development in sustainable locations where there are opportunities to promote a greater concentration of development in town centre locations identified as being in coarse grain areas.

- 12.19 Design Principle DG32 relates to managing increased density in town centres. This is set out in full below:

'Development density should be appropriate to the location and respond to and/or enhance the character of the existing settlement.'

The District's towns are largely composed of low-rise development, typically of two and three storey buildings and have the greatest potential to deliver increased density. The opportunities exist for more intensive development within the part of the town centres identified as coarse grained in Figures 5B, 5C and 5D because of their inconsistent built form or fragmented street layout (refer to sections 2.5 and 2.6). Increased height and massing within the town centre intensification areas must be carefully managed as part of a coherent and comprehensive vision which establishes a more urban form composed of street blocks and spaces with typical building heights of four to six storeys (four to five in East Grinstead). Development that exceeds this height risks being unduly prominent and/or out of scale with the surrounding streets and buildings.

Any development that promotes a scale, height and massing that is greater than the existing context must also demonstrate that it does not:

- Cause significant harm to the amenity of adjacent properties (refer to chapter 8),*
- Adversely impact on views of the wider townscape and landscape,*
- Adversely impact on the quality of the streets and spaces, and / or*
- Generate parking that dominates or adversely impacts on the public realm.'*

- 12.20 The application site is situated within the coarse grain urban area identified for site optimisation. As such the site is identified as being a suitable for intensification of development of a higher density.

- 12.21 The above principle suggests typical building heights of four to six storeys. It is however, acknowledged that the proposal is to exceed the six storey height set out in the Design Guide. Design Principle DG33 relates to the potential for tall buildings (over 6 storeys) and states:

'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.*

Tall buildings should also:

- *Enhance the character and distinctiveness of an area without adversely affecting established valued townscapes and views including Conservation Areas and Listed Buildings and their settings;*
- *Present a positive relationship with the street and deliver a high-quality public realm; and*
- *Be designed to avoid creating any adverse impact on the microclimate and amenity of the proposal site and the surrounding area.*

The relationship of a tall building with the public realm is important and tall buildings should be promoted as part of a comprehensive proposal that can address the challenges of servicing and provision of a mix of uses to provide activity at the ground floor level.'

- 12.22 The Design Guide promotes high density development within sustainable locations and so the principle is considered acceptable.
- 12.23 Principle DG38 requires building to have architectural integrity and sense of place. In addition, DG39 requires appropriately scaled buildings with vertical proportioned bays to avoid large buildings and extended frontages appearing monolithic. It suggests that upper floors should be set back with a different façade treatment to help screen the full height of the building from the street level.
- 12.24 The site is situated within an area characterised by large commercial buildings and residential development. The surrounding buildings are at varying levels due to the sloping nature of the land.
- 12.25 The Council's Urban Design Officer has considered the amended scheme and has raised no objections. Their full comments are set out in Appendix B. However, in part they consider that:

'This is a substantial extension proposed at the rear of the building. While it exceeds the 6-storey guideline in DG32 of the Council's Design Guide (within the town centre area where intensification is acceptable), I consider it acceptable in overall scale/massing terms because it is not unduly prominent for the following reasons:

- *It is contained to the rear of the existing deep-planned building which already has prior approval to extend to 8 storeys. The proposed extension is only one storey more and will be mostly obscured from the Perrymount Road street frontage behind the rest of the building (and neighbouring buildings).*
- *Because it backs on to the railway it should not be easily visible from the west side except for between the gaps in the building frontages along Boltro Road, and from adjacent to the western entrance to the railway station (as featured on p72 of the DAS) where the top of the building will be visible behind the multi storey park.'*

In addition, they consider that:

'The proposed roof top amenity deck is also well set-back from the building front and behind the lift housing.'

- 12.26 Your Planning Officers agree with the above comments and consider that such a height is considered acceptable in this location due to the design of the building and the change in levels of the site. In addition, only part of the building at the rear would be nine storeys. Whilst it is acknowledged that this element would be visible in part from the front of the site, the top floor is set back from the frontage and staggered which would reduce its prominence in the street scene.
- 12.27 In relation to the proposed elevations, the Urban Designer considers that the
- 'elevations of the rear extension are generally well articulated with recessed balconies that, along with the staggered building line, helps break up the main west façade and provide a sense of structural depth. The metal clad set-back top floor also appropriately models the roofline.'*
- 12.28 Your Planning Officers consider that the extension would form a sensitively designed extension with the top floor set in from the extension to reduce its impact. In light of the development further to the north of the site, it is considered that the height, bulk, mass and design of this extension are appropriate in this location and in the context of the area.
- 12.29 The site falls within an area of coarse grain development as defined in the Mid Sussex Design Guide where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan.
- 12.30 The proposal seeks to do this through creating a building which maximises the use of the existing brownfield site and removing an area of hardstanding. Due to the rearward position of the extension, the relationship with the nearby tall buildings, and the proposed design, the prominence of the building would be minimised. In addition the proposal provides articulation which reduces the buildings apparent scale with the top floor set back in the building to minimise its prominence. As such it is considered that the proposal would sit comfortably within the site and its surrounding context.
- 12.31 Due to the positioning of the building there will be glimpses of this from Perrymount Road and wider views from Boltro Road. However, the building is set back in a rearward position with tall buildings further to the north. Due to the materials, and relationship with the existing and neighbouring buildings it is considered that the proposal would not adversely affect the character of the area.
- 12.32 It is considered that the application is acceptable in design terms, subject to conditions relating to the finer details of the design as set out in Appendix A.
- 12.33 In light of the above it is considered that the application would comply with policy DP26 of the District Plan, policies H8 and E9 of the Neighbourhood Plan, the Mid Sussex Design Guide, and the provisions of the NPPF.

Highways, Access and Parking

12.34 Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians, and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.35 Policy T1 of the Neighbourhood Plan states:

'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.'

12.36 Policy T2 of the Neighbourhood Plan requires:

'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.'

12.37 Policy T3 requires sufficient on site car parking and states:

'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.'

12.38 Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location,*
- b) safe and suitable access to the site can be achieved for all users, and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

12.39 In addition, para 111 states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

12.40 The site is within a sustainable location and lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north and there are bus stops close to the site.

- 12.41 The site is accessed onto Perrymount Road via a single point of access that is shared with the existing building with parking underneath the existing building and to the northern side of the building.
- 12.42 Plans show that the proposal would have 45 parking spaces for the whole of the site 2 spaces are to be disabled and 9 electric vehicle spaces. The development would also provide covered cycle storage with a capacity of up to 50 bicycles.
- 12.43 It is acknowledged that the proposal falls below the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 3. As such there is a requirement for some 100 car parking spaces for the whole of the site. Whilst the proposal falls below the WSCC Parking Standards for new developments, it is recognised that the site is in a highly sustainable location close to the mainline railway station, bus stops and the town centre. Due to the sustainable location of the site, it is considered that reduction in parking can be supported. The Government are supportive of such a stance in para 105 of the NPPF where it states that:
- ‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.’*
- 12.44 In terms of cycle parking, West Sussex County Council Guidance on Parking at New Developments (September 2020) sets a minimum level of cycle provision of 0.5 space for each 1 and 2 bed flat (if there is to be communal storage). The proposal is to provide 50 cycle parking spaces in communal storage to the lower ground floor of the building in the undercroft car parking. The level of cycle parking is therefore considered to exceed the requirement for cycle parking for the whole of the site.
- 12.45 A Transport Statement accompanies the application. This considers that the proposed development is forecast to generate fewer traffic movements than the historic use of the site. Therefore, it will not give rise to an unacceptable or severe impact on the operation of the highway network.
- 12.46 A Travel Plan has also been submitted as part of the application. This sets out a number of measures to encourage sustainable modes of transport for residents. Measures include the promotion of walking and cycling, the promotion of public transport and the West Sussex car sharing scheme, a residents welcome pack and a travel voucher worth £150 to the initial occupants of each flat to be used towards a season ticket for the bus or rail service, contribution towards a bike or equipment, bikeability training and 12 months free membership to any local car club.
- 12.47 The Highways Authority has considered the proposal and raise no objection. They acknowledge that the *‘site effectively has permission for 68 of the 98 dwellings proposed within the current proposal. For the purposes of the current application, the proposal would result in a further 30 residential dwellings. The vehicle trip generation associated with these additional units is negligible and would have no consequences for the surrounding highway network.’* They consider that *‘the proposals are not expected to result in any severe or unacceptable highway impacts.’*

- 12.48 In relation to the Travel Plan, the Highways Authority consider this may have some overall benefits in reducing car dependency. They note that this should be secured through a condition and a travel monitoring fee should be within the S106 legal agreement.
- 12.49 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. There will also be 50 cycle spaces to help promote sustainable travel with a condition being used to secure this.
- 12.50 Regarding compliance with Policy T2 of the Neighbourhood Plan the TAD contribution, outlined in more detail in the '*Infrastructure*' sub-section, will be towards South Road pedestrian improvement scheme and/or Commercial Square junction improvement.
- 12.51 It is acknowledged that GoviaThames Link have objected to the application as they consider that there is no safe walking route to the station. There is a pedestrian footway outside the site along Perrymount Road which leads to the station and the town centre. GoviaThames Link considers that as this is not continuous as it is interrupted by entrances that this is not acceptable. Whilst these concerns are acknowledged, the pedestrian footway runs alongside the road and is used as the walking route by pedestrians within Haywards Heath accessing the station, town and other buildings. It is therefore considered that there existing footway and situation would be acceptable to occupiers of the development.
- 12.52 In light of the above it is considered that from a highway safety perspective the application complies with policy DP21 of the District Plan, policies T1, T2 and T3 of the Neighbourhood Plan and para 110 of the NPPF.

Residential Amenity

- 12.53 Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.
- 12.54 The test, as set out under policy H8 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.
- 12.55 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.
- 12.56 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.'*

- 12.57 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.
- 12.58 The extension is to be attached to the existing building of 31 – 33 Perrymount Road which is currently being converted from offices to residential. At present the flats are not occupied in this building. The extension is to the rear of the building and the main outlook would be to the west of the building facing towards the railway line and station carpark, which is at a lower level than the site. The extension would have limited windows on the southern side elevation of one fully glazed window to the lower ground floor corridor area, with one to the upper ground floor and the other to the first floor both being a secondary bedroom windows, which would be partially obscured. On the northern side elevation would be a side glazed window on all floors which would be secondary windows serving the kitchen/living areas as well as an open area to the balconies. On the top floor would also be a bedroom window on the northern elevation, which would face into the balcony area of this flat.
- 12.59 On the eastern elevation of the extension there are to be a number of windows to all floors. There would be oblique views between these proposed flats and the flats which are to be within the existing building. Due to the positioning of these windows in the extension and these serving a bedroom or a secondary window to the kitchen / living area, it is considered that there would be no significant harm through overlooking or a loss of privacy between future occupiers to the flats of both the extension and main building on this site.
- 12.60 To the north of the site is 35 Perrymount Road which is a commercial building. The extension is to be set further rearwards than this neighbour and some 4 metres from the boundary with this site. The neighbouring building is set off the boundary by some 14 metres with an area of hardstanding for parking. Due to the relationship and the use of the neighbouring building, it is considered that the proposal will not result in significant detriment to the neighbouring site, nor harm to the amenities of future occupiers of the flats within the application site.
- 12.61 To the south of the site is Central House and a large area of hardstanding. On this hardstanding there is a permission for the construction of a 6 storey building recently approved under DM/22/2880. Works have not commenced on this. However, there would be a side to side relationship between the extension sought under this application and proposed building with a distance of some 5.6 metres between the two buildings. The building to the rear of Central House would have secondary windows on the northern side elevation serving the kitchen and also windows serving bathrooms to all levels as well as a side entrance door to one of the ground floor flats. It is considered that this proposed side to side relationship, if permitted, is considered acceptable as the windows on the neighbouring approved building are to be secondary windows to serve the living areas, as well as for bathrooms. As such it is considered that there would not be significant detriment to the amenities of future occupiers through overlooking or a loss of privacy.
- 12.62 To the south on the hardstanding at Central House there is an application currently under consideration for an 8 storey building under application reference DM/23/2259. The submitted plans shows that there would be a side to side relationship between the extension sought under this application and proposed building with a distance of some 5.6 metres between the buildings. The building to the rear of Central House would have secondary windows on the northern side elevation serving the kitchen and also windows serving bathrooms to all levels, as well as a side entrance door to one of the ground floor flats. It is considered that this

proposed side to side relationship, if permitted, would be acceptable as the windows on this proposed flatted development and that on the application site are to be secondary windows. As such it is considered that there would not be significant detriment to the amenities of future occupiers through overlooking or a loss of privacy.

- 12.63 Due to the relationship and scale of the building / extension on the site, Daylight and Sunlight Reports have been submitted with the application in relation to neighbouring properties and occupiers within the development.
- 12.64 In respect of neighbouring properties the Daylight and Sunlight Report considers the impact to occupiers at 35 Perrymount Road to the north, the impact on the future occupiers to the existing building once converted to which the extension is attached to and also the properties to the east on the opposite side of Perrymount Road. It acknowledges that 35 Perrymount Road and Robins Nest are commercial buildings and therefore are not required to be assessed in terms of daylight and sunlight. In respect of the impact to windows to the existing building on the application site, which is being converted to residential, it acknowledges that there would be an impact to vertical sky component (amount of measurable skylight) to a number of windows to these consented flats. However, the report acknowledges that this level is below the target by 0.1 and the windows would still receive a reasonably good level of daylight. In addition, it advises that a number of windows would serve bedrooms, which are considered to be less important within the Building Research establishment (BRE) guidance.
- 12.65 In respect of the impact on daylight and sunlight within the proposed development of the western extension on the site, the report concludes that:
- 'the proposed development design achieves a very high level of compliance with the BRE recommendations. In our professional opinion, the proposed design will provide the development's future occupiers with adequate levels of natural light.'*
- 12.66 Your Planning Officers have no reason to disagree with these reports and therefore consider that the proposal would result in a suitable level of amenity to future occupiers within the site in terms of daylight and sunlight.
- 12.67 Policy DP29 of the District Plan relates to noise, air and light pollution which is considered pertinent due to the proximity with the railway line. In relation to noise pollution, this policy states in part:
- 'Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.'*
- 12.68 In addition, Policy SA38 of the SADPD relates to air quality. This in part states:
- 'Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.'*
- Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.*

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.'

- 12.69 To the rear of the site is the car park for the Haywards Heath train station with the mainline London to Brighton railway line beyond. This is set at a significantly lower level than the site.
- 12.70 A Noise impact Assessment accompanies the application in relation to the whole of the site and also the extension to the existing building. It recommends a number of measures to be incorporated within the development of both the extension and the existing building to provide mitigation measures to assist with noise attenuation to meet guideline noise levels. Such measures include moderate performance acoustic glazing, high sound insulation for walls and roof, acoustic louvres and acoustic rated ventilators.
- 12.71 The Councils Environmental Protection Officer has considered the proposal and the accompanying reports and raises no objection subject to a condition which is set out in Appendix A in relation to details of a scheme of acoustic protection.
- 12.72 In light of the above it is considered that the application complies with policies DP26 and DP29 of the District Plan, SA38 of the Site Allocations DPD, policy E13 of the Neighbourhood Plan and the requirements of the NPPF.

Sustainability

- 12.73 Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.74 Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.
- 12.75 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.'*

12.76 Paragraph 152 of the NPPF states:

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

12.77 Paragraph 154 states that new development should be planned for in ways that *'can help to reduce greenhouse gas emissions, such as through its location, orientation and design.'*

12.78 Paragraph 157 states:

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

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

12.79 An Energy Statement accompanies the planning application. This document relates to the new side / rear extension to the building. It submits that improvements will be made through the use of improved building fabric over Part L building regulation requirements, and the use of air source heat pumps for both space heating and domestic hot water. The report submits that the reduction in water use would be achieved through all sanitary ware being high efficiency.

12.80 In addition, the submitted Planning Statement has a section on energy performance and sustainability. This states that the extension *'provides a 33% improvement in carbon performance over the baseline situation for the new, western extension. The heating strategy utilises electric radiant heating with hold water cylinder with a built in heat pump (this avoids needing housing on the roof).'*

12.81 The Planning Statement also states that the proposal would improve the energy efficiency of the existing building and the upward extension through incorporating solar PV panels on part of the roof to provide space heating for the common parts of the existing building and upwards extension. This would deliver a reduction in carbon to these elements of the building.

12.82 In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. The development is situated in a highly sustainable location within a category 1 settlement close to the town centre as well as a bus stop and the railway station.

- 12.83 It is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan as well as policy E8 of the Neighbourhood Plan. The proposal is considered to be acceptable in sustainability terms.

Flood Risk and Drainage

- 12.84 Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.
- 12.85 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.'*
- 12.86 The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk.
- 12.87 It is proposed that the development will either utilise infiltration or discharge surface water drainage to the main surface water sewer on Perrymount Road at 2l/s. Connection to the public sewer would require a pumped drainage solution. In terms of foul water drainage, this will discharge into the existing foul water drainage on site which ultimately discharges to the public foul sewer.
- 12.88 The Council's Drainage Officer has been consulted and advise that pumped surface water drainage systems are not considered sustainable and should be avoided. The use of infiltration drainage should be fully investigated at detailed design stage. Notwithstanding this, they raise no objection to the proposal subject to a condition.
- 12.89 The proposal is thereby considered to comply with policy DP41 of the District Plan and policy E7 of the Neighbourhood Plan.

Trees

- 12.90 Policy DP37 of the Mid Sussex District Plan states that 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.'*
- 12.91 Policy E9 of the Neighbourhood Plan requires that development *"sensitively incorporates natural features such as trees, hedges and ponds within the site"*.
- 12.92 There are trees on the northern, southern and western boundaries of the site. These are not subject to a Tree Preservation Order. It is acknowledged that the trees on the boundaries of the site are already impacted by the existing building and hardstanding and access to the southern side of the building and on the neighbouring land.
- 12.93 An Arboricultural Impact Assessment and Method Statement accompanies the application. This sets out that *'Proposals are for the retention and protection of the majority of the trees on site, including all 7 category B trees, 2 category C trees, 3 category C tree groups, 1 category C shrub group and 3 category U trees. However, to facilitate proposals it would be necessary to remove 1 category U tree group (TG11) due to its poor condition, and conduct manual excavation works*

within several of the tree's RPA's which are scheduled for retention. This scheme design has been chosen as it comprises the greatest reduction in arboricultural impacts.'

- 12.94 This Impact and Method Statement sets out a method statement on the protection and retention of the existing trees during the course of the construction and any tree surgery works which would be required.
- 12.95 In addition, an existing tree schedule and a tree retention and protection plan has been submitted with the application. This shows that the existing trees on the southern and western boundaries are to be retained. However, tree group 11 (mixed native trees) on the western boundary are to be removed as one tree is dead and the other trees are covered in ivy, cladding and competing with trees. The trees on the southern boundary are all to be retained. Trees 7 (mixed native trees) and 8 (Norway Spruce) are to be close to the proposed extension. A small part of the root protection area (RPA) to T8 is to be impacted on the edge of the extension.
- 12.96 On the northern boundary, the submitted tree protection and retention plans show that there would be a tree protection zone around T1 (Yew), T2 (Yew) and T13 (Norway Spruce) to facilitate the manual excavation of concrete for soft landscaping to the front of the building. In addition, there would also be a tree protection zone to the west of the site around T9 (Sycamore) and T10 (Hazel) to facilitate the manual excavation of concrete for the provision of a grass lawn in the proposed children's play area.
- 12.97 A condition could be placed on an approval to ensure that works are carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement and Tree Retention and Protection Plans.
- 12.98 With such conditions in place the application accords with policy DP37 of the District Plan, policy E9 of the Neighbourhood Plan and the provisions of the NPPF.

Infrastructure

- 12.99 Policy DP20 of the District Plan relates to infrastructure. It states:

'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'

12.100 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

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

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

and

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

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

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

12.103 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

12.104 The application requires a number of financial contributions as set out below:

West Sussex County Council Contributions

Education Primary: £10,76 to be spent towards additional facilities at Warden Park Primary Academy.

Education Secondary: £11,582 to be spent towards additional facilities at Oathall Community College.

Library provision: £14,725 to be spent towards additional facilities at Haywards Heath Library.

TAD: £40,724 to be spent on South Road pedestrian improvement scheme and/or Commercial Square junction improvement.

Mid Sussex District Council Contributions

Children's play space: £7,220 to be spent towards improvements to play equipment at Clair Park.

Kickabout: £6,065 to be spent towards kickabout provision at Clair Park and /or Victoria Park.

Formal sport: £8, 269 to be spent towards formal sport facilities in Clair Park and / or Victoria Park.

Community buildings: £25,834 to be spent towards improvements to Wesley Hall and other community rooms at Haywards Heath Methodist Church and / or St Richards Halle and / or new or improved facilities at Clair Hall.

Local community infrastructure: £29, 304 to be spent towards the provision of cycle routes and / or of allotments and / or additional cemetery facilities and / or country park open space in Hurstwood Lane.

NHS Sussex

£63, 329 which will be used towards supporting Dolphins / Newtons or potentially another site or central hub.

- 12.105 It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.
- 12.106 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.
- 12.107 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

- 12.108 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.”

12.109 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.’

12.110 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.

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

‘Following an assessment by an independent valuer of the Viability Appraisal submitted by the applicant, it has been agreed that the scheme can only currently support a commuted sum of £663,051. This sum will be secured by the section 106 agreement and will be required to be paid prior to commencement of the rear extension works. An Advanced Stage Viability Review will also be required in line with the Development Viability SPD, on the sale/ letting of 75% of the units, at which time accurate information on actual costs and values will be able to be provided. This review will be based on the Council’s standard Advanced Stage Review Formula, which will also be included in the s106 agreement, and will determine whether or not a further sum of up to £390,949 can viably be provided towards the cost of off-site affordable housing provision.’

12.112 The requirement and mechanism for this review will be included in the section 106 legal agreement.

12.113 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

12.114 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;”

12.115 The mix for the whole of the site (including the conversion of the original building from office to residential) is to be:

- 69 no. 1 bed
- 29 no. 2 bed

12.116 Under consideration as part of this application for the 60 flats is to be:

- 52 no.1 bed
- 8 no. 2 bed.

12.117 The proposed mix is focused on smaller units and is considered adequate to comply with policy DP30 of the District Plan.

Dwelling Space Standards

12.118 The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

12.119 In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement for 20percent of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

12.120 A schedule of accommodation for all the flats within the building has been submitted with the application. This sets out that the flats are to meet and, in some cases, exceed the National Dwelling Space Standards.

12.121 In terms of accessibility the flats within the extension to the rear of the building there would be a 1:10 ramp from the front of the site to take into account the levels. Within the building there would be a lift to allow residents to access all levels. There would also be two disabled car parking bays available.

12.122 The submitted Planning Statement submits that *'The new dwellings within the western extension have been designed to compliant with M4(2) of the building regulations and to meet Nationally Described Standards.'*

12.123 The Health and Safety Executive (HSE) have commented on the application and have provided comments. They have advised that they are content with the application.

12.124 The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the flats proposed and thereby comply with policies DP27 and DP28 of the District Plan.

Ashdown Forest

12.125 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).

12.126 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.

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

Recreational disturbance

- 12.128 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.
- 12.129 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.
- 12.130 The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

- 12.131 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.
- 12.132 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

- 12.133 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.
- 12.134 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.135 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.

Contaminated Land

- 12.136 A Desk Study and Ground Appraisal Report has been submitted with the application. It identifies that the potential risk to human health of future site residents is typically considered to be low and the risk to construction workers moderate to low. The latter is driven by the requirement to decommission the tank (empty, clean and backfill with inert material).

- 12.137 The Council's Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

Water Supply

- 12.138 Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to serve the proposed development. The applicants have provided confirmation, via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with policy DP42.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.
- 13.2 National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply.
- 13.3 It is acknowledged that the site is allocated as an existing employment site within policy SA34 of the Site Allocations Development Plan Document (SADPD). However, the Development Plan (DP6, DP26 and H8) and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of previously developed and under-utilised land. Whilst the loss of the commercial use of the site is regrettable, in light of the recent prior approvals for the building to residential, it is considered that the principle of an extension to the building for residential within this location is appropriate and is supported by the Government's requirement to maximise development on sites and promote development on previously developed and under-utilised land. As such, in terms of principle, the redevelopment on the site would result in the delivery of 60 dwellings within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.
- 13.4 The site falls within an area of coarse grain development where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as policy DP26 of the District Plan. The design of the extensions are considered to be of good quality and meet the design principles of the Design Guide. Due to the design, siting and proposed materials it is considered that the proposal would not detract from the character of the area or street scene. 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.
- 13.5 Although the development would only result in the provision of 45 car parking spaces, the site is within a highly sustainable location close to bus stops, the train

station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety.

- 13.6 In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. The proposal would result in suitable amenity to future occupiers.
- 13.7 The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. The Council would also receive a new homes bonus. The proposal would also support the local economy through an increase in residents living within the town centre.
- 13.8 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 £663,041 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 to determine whether a further sum can be viably provided towards the cost of off-site affordable housing provision through an Advanced Stage Viability Review.
- 13.9 There will be a neutral impact in respect of highway safety, drainage and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 13.10 The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP39, DP41 and DP42 of the District Plan, policies SA10 and SA38 of the Mid Sussex Site Allocations DPD, policies E8, E9, H8, T1, T2 and T3 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and paragraphs 8, 105, 110, 119, 124, 130 and 152 of the NPPF.
- 13.11 Officers consider that in the context of the adopted District Plan, Site Allocations DPD and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.
- 13.12 Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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. **Approved plans**

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.

3. **Pre-commencement conditions**

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 hoardings,
- 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),
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in

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

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

6. No development shall be carried out until detailed section and elevation (vignette) drawings at 1:20 scale showing the following in context have been submitted to and approved in writing by the Local Planning Authority:

- balustrade serving the flats and rooftop;
- solar panels in relation to the roof parapet; and
- juxtaposition of the brick and metal facing panels.

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.

7. Prior to the commencement of the development hereby permitted, details of a scheme of appropriate acoustic protection, based on the Noise impact Assessment by Temple Group Ltd, ref: T7220, dated 26th May 2022, shall be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00), and maximum internal noise levels in living rooms will be 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed, which maintaining the required noise levels. All works which form part of the approved scheme, shall be completed before any part of the development is occupied.

Reason: To safeguard the amenity of residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

8. 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.

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

A site investigation scheme, based on to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to accord with para 174 of the NPPF.

10. **Construction Phase**

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

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

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

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

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

12. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm groundwater resources and to accord with para 174 of the National Planning Policy Framework (NPPF).

13. Works shall be carried out in accordance with the details set out in the Arboricultural Impact Assessment And Method Statement (Rev. 00 dated June 2022) and the Tree Retention and Protection Plans (drwg's LLD2662-ARB-DWG-002 Rev 02 and LLD2662-ARB-DWG-003 Rec 02) received 21st July 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

14. 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.

15. **Pre-occupation conditions**

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 Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

16. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved proposed GA lower and upper ground floor plans (drwg PL-11 Rev D, received 24th August 2022). 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.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

18. No part of the development shall be first occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including details of boundary treatments. 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

19. 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.

20. 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.

21. The development shall be constructed in accordance with the applicant's Energy Statement (mes building solutions July 2022 issue no. 1.3). No part of the development shall be first occupied unless or until an independent final report has

been prepared and submitted to the Local Planning Authority to demonstrate that the development has complied with the measures set out in the Energy Statement.

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.

22. **Post-occupation monitoring and management conditions**

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 Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

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

Accordingly, you are requested that:

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

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

2. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
5. 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>. If you carry out works prior to pre-development condition being discharged, then a lawful start will not have been made and you will be liable to enforcement action.
6. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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	PL-01		21.07.2022
Existing Block Plan	PL-02	A	21.07.2022
Topographical Survey	PL-03		21.07.2022
Existing Elevations	PL-04	A	21.07.2022
Existing Elevations	PL-05	A	21.07.2022
Existing Floor Plans	PL-06	A	21.07.2022
Existing Floor Plans	PL-07		21.07.2022
Existing Floor Plans	PL-08		21.07.2022
Proposed Block Plan	PL-10	C	21.07.2022
Proposed Floor Plans	PL-11	E	21.07.2022
Proposed Floor Plans	PL-12	B	21.07.2022
Proposed Floor and Elevations Plan	PL-13	B	21.07.2022
Proposed Floor Plans	PL-14	B	21.07.2022
Proposed Roof Plan	PL-15	B	21.07.2022
Proposed Elevations	PL-20	D	21.07.2022
Proposed Elevations	PL-21	C	21.07.2022
Proposed Elevations	PL-22	B	21.07.2022
Proposed Sections	PL-30	A	21.07.2022
Street Scene	PL-31	A	21.07.2022
Air Quality Assessment			21.07.2022
Design and Access Statement			21.07.2022
Noise Impact Assessment/Sound			21.07.2022
Planning Statement			21.07.2022
Drainage Details			21.07.2022
Transport Assessment/Travel Plan			21.07.2022

APPENDIX B – CONSULTATIONS

West Sussex Highways

The following documents have been reviewed in the preparation of these comments,

- 31-33 Perrymount Road Transport Statement, reference DS/LJ/ITB17649-002A R, dated 24th June 2022
- 31-33 Perrymount Road Travel Plan Statement, reference DS/BB/ITB17004-002, dated 24th June 2022
- Proposed GA Lower and Upper Ground Floor Plans, drawing number PL-11 Revision E

The site is recognised as having a consented office use. There are also prior approvals for the conversion of the offices to 38 residential apartments and an upward extension to allow for a further 30 apartments. The site effectively has permission for 68 of the 98 dwellings proposed within the current proposal. For the purposes of the current application, the proposal would result in a further 30 residential dwellings. The vehicle trip generation associated with these additional units is negligible and would have no consequences for the surrounding highway network.

It is noted that table 5.5 in the TS erroneously refers to 104 rather than 98 dwellings. This has no particular consequences to the overall conclusions reached in the TS.

No changes are proposed to the existing vehicle access. This has been in use for some time in association with the more intensive office use. There would be no issues for this being used in association with the residential proposals.

Parking provision is recognised as being significantly below that within the WSCC Parking Guidance document. Based on the most accessible (zone 5) location for 98 dwellings, the WSCC guidance would recommend a provision of 75 spaces. The TS details that 50 parking spaces would be provided. The proposed general arrangement upper and lower ground floor plan however indicates 45 spaces of which 2 are disabled and 9 electric vehicle. It would be beneficial to confirm exactly how many car parking spaces are actually intended.

Regardless of whether 45 or 50 spaces are provided, there is still a shortfall. From a WSCC Highways perspective, the main interest in any shortfall in parking is whether this has the potential to result in unsafe or obstructive overflow on-street parking. Given the town centre location and the existing comprehensive enforceable controls, it's apparent that there are limited opportunities for uncontrolled parking to take place. The shortfall is duly acknowledged but in principle is considered unlikely to result in highway safety concerns. As recognised within the TS, the site is located in a highly accessible location. Future residents consequently have a realistic opportunity to travel without being reliant on the use of the private car. The implementation of the submitted travel plan statement (which is acceptable) may also have some overall benefits in terms of reducing overall car dependency.

The applicant should note charge an auditing fee of £1,500 for travel plan statements. This should be secured via legal agreement.

In addition to these comments on behalf of West Sussex County Council (WSCC) as Highway Authority a separate consultation response shall be sent from WSCC detailing all of the S106 contributions that the authority is seeking as a result of this planning application. This may include a S106 financial contribution towards transport infrastructure to mitigate

any severe or unacceptable impacts of this development as required by paragraph 111 of the NPPF. This consultation shall set out the Total Access Demand (TAD) which is the methodology that has been adopted to calculate the necessary transport contribution. Further details of this methodology can be found here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#services-requiring-contributions> .

Whilst the car parking numbers should be confirmed, the proposals are not expected to result in any severe or unacceptable highway impacts.

The following conditions would be recommended.

Car parking space

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

Reason: To provide car-parking space for the use

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 Statement

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 Agreement

Travel Plan Monitoring Fee - £1,500, payable upon first occupation.

West Sussex County Council Infrastructure

Summary of Contributions

Education			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	82.8		
	Primary	Secondary	6th Form
Child Product	0.0760	0.0760	0.0000
Total Places Required	0.5320	0.3800	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£14,725		
Population Adjustment	82.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	60		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	82.8		
Net Parking Spaces	-30		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£10,762
Education - Secondary	£11,582
Education - 6th Form	No contribution
Libraries	£14,725
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£40,724
Total Contribution	£77,794

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

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County

Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

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

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

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

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

The calculations have been derived on the basis of an increase in 60 net dwellings.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

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

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

The contributions generated by this proposal shall be spent on South Road pedestrian improvement scheme and/or Commercial Square junction improvement.

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

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

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

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

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

All contributions will be index linked from the date of this consultation response to the date the contributions become due.

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are

required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

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

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

b) Cost multiplier- Education Services

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

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

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

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

3. TAD- Total Access Demand

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

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

a) Infrastructure Contribution

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

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

b) Sustainable Transport Contribution

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

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 773$$

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

West Sussex County Council Lead Local Flood Authority

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

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

Flood Risk Summary

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

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled groundwater flood hazard classification - Low risk

Comments:

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

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Watercourses nearby? No

Comments:

Current Ordnance Survey mapping shows no watercourses running close to/across the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any surface water flooding within the site? No

Comments:

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving, swales, attenuation basins with a restricted outfall to the watercourse) would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application will be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

The disposal of surface water via infiltration/soakaway should be shown to have been investigated through an appropriate assessment in consultation with the District Drainage Engineer.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

West Sussex County Council Waste and Minerals Safeguarding

The application site in question **does not** meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a **no comment** to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link: <http://www2.westsussex.gov.uk/ssr/mwsfgrdngrsntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

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

West Sussex Fire and Rescue Service

Having viewed the plans submitted for planning application no. DM/22/2303 for the Proposed 9 storey extension to the western elevation of 31-33 Perrymount Road, together with a 2 storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores

and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities. Evidence is required to show suitable access for a fire appliance to within 18 metres of all dry riser inlets and in line of sight from the rear of the fire appliance and the dry riser inlet.

MSDC Urban Designer

Massing

This is a substantial extension proposed at the rear of the building. While it exceeds the 6-storey guideline in DG32 of the Council's Design Guide (within the town centre area where intensification is acceptable), I consider it acceptable in overall scale/massing terms because it is not unduly prominent for the following reasons:

- It is contained to the rear of the existing deep-planned building which already has prior approval to extend to 8 storeys. The proposed extension is only one storey more and will be mostly obscured from the Perrymount Road street frontage behind the rest of the building (and neighbouring buildings).
- Because it backs on to the railway it should not be easily visible from the west side except for between the gaps in the building frontages along Boltro Road, and from adjacent to the western entrance to the railway station (as featured on p72 of the DAS) where the top of the building will be visible behind the multi storey park.

Furthermore, outline approval has previously been granted for a similar sized residential building on the adjacent site at 25-27 Perrymount Road.

The proposed roof top amenity deck is also well set-back from the building front and behind the lift housing.

Layout

The lift and stair-core serving the rear extension is largely self-contained from the existing building and results in a front entrance that is unfortunately divorced from the street frontage; it also necessitates an inauspicious approach along the southern side of the existing building adjacent to the vehicle access to the undercroft parking.

The extended projections both north and south of the existing building will reduce the amount of natural light reaching the flats in the existing building. Even without the extension, limited sunlight will be received by the proposed flats on the northern side of the existing building because they are single aspect with a northerly orientation; it will especially be a problem on the lower floors. This issue will be exacerbated by the proposed rear extension as it will further overshadow the northern flank and removes the west facing windows for the flats on the NW corner of the existing building. Their compliance with the recently updated BRE regulations will therefore need to be double-checked.

Because they are predominantly west facing and provide balconies, the flats in the proposed rear extension nevertheless appear to provide a decent level of residential amenity.

However, because they are so close to the mainline railway, noise pollution may be an issue.

Proposed Elevations

The elevations of the rear extension are generally well articulated with recessed balconies that, along with the staggered building line, helps break up the main west façade and provide a sense of structural depth. The metal clad set-back top floor also appropriately models the roofline.

The feature panel with its different coloured chevron shaped stripes adjacent to the upper balconies on the south west corner is an oddity that is inconsistent with rest of the façade, and I would like this to be omitted. On the other hand, there is scope to extend the single-toned metal cladding (that features on the upper part of the northern flank) on other parts of both flank returns (providing this is done consistently).

Sustainability

I support the inclusion of solar PV's on the roof top. However, a section drawing is needed to demonstrate they will be discreetly accommodated and not easily visible from the surrounds.

Overall Assessment

For the above reasons this scheme sufficiently accords with the District Plan policy DP26 and the principles set out in the Council's Design Guide SPD (I nevertheless feel that the impact upon the daylight/sunlight on the flats in the existing building will need to be checked).

To secure the quality of the design I recommend conditions are included requiring the following drawings/information to be submitted and approved:

- Detailed hard and soft landscaping including boundary treatment
- Details of the facing materials and their application on the facades.
- Detailed section and elevation (vignette) drawings at 1:20 scale showing the following in context: (i) balustrading serving the flats and roof-top; (ii) solar panels in relation to the roof parapet; (iii) juxtaposition of the brick and metal facing panels.

MSDC Housing

The applicant is proposing a 'build to rent' development of 98 flats, involving a net increase of 60 units over the PD approval, which gives rise to a minimum onsite affordable housing requirement of 30% in accordance with District Plan Policy DP31. This equates to 18 affordable housing units and the units required comprise 10 x 1B/2P flats at a minimum of 50m² and 8 x 2B/4P flats at a minimum of 70m². In this instance we are prepared to accept a commuted sum totalling £1,054,000 towards the provision of off site affordable housing units, rather than on site affordable housing. This commuted sum is calculated in accordance with the West Sussex Commuted Sum Review letter dated 11th March 2011 as follows - 10 x 1 Bed flats @ £55,000 per flat plus 8 x 2 Bed flats @ £63,000 per flat = £1,054,000. Following an assessment by an independent valuer of the Viability Appraisal submitted by the applicant, it has been agreed that the scheme can only currently support a commuted sum of £663,051. This sum will be secured by the section 106 agreement and will be required to be paid prior to commencement of the rear extension works. An Advanced Stage Viability Review will also be required in line with the Development Viability SPD, on the sale/ letting of 75% of the units, at which time accurate information on actual costs and values will be able to be provided. This review will be based on the Council's standard Advanced Stage Review Formula, which will also be included in the s106 agreement, and will determine whether or not a further sum of up to £390,949 can viably be provided towards the cost of off-site affordable housing provision.

MSDC Drainage

Recommendation – No objection subject to conditions

FLOOD RISK

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

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

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. However, both a foul and a surface water sewer are located on Perrymount Road adjacent to the site.

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

SURFACE WATER DRAINAGE

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

It is proposed that the development will either utilise infiltration or discharge surface water drainage to the main surface water sewer on Perrymount Road at 2l/s. Connection to the public sewer would require a pumped drainage solution.

The flood risk and drainage team advise the applicant that pumped surface water drainage systems are not considered sustainable and should be avoided. Use of infiltration drainage should be fully investigated at detailed design stage.

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

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage into the existing foul water drainage on site which ultimately discharges to the public foul sewer. This is considered acceptable in principle.

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

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

MSDC Leisure

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

CHILDRENS PLAYING SPACE

Clair Park, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £7,220 is required to make improvements to play equipment. A further contribution of £6,065 is required toward kickabout provision at Clair Park and /or Victoria Park. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £8,269 is required toward formal sport facilities in Clair Park and / or Victoria Park, Haywards Heath.

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 £25,834 is required to make improvements to the Wesley Hall and other community rooms at Haywards Heath Methodist Church and / or St Richards Hall and / or new or improved facilities at Clair Hall.

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

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

MSDC Contaminated Land

I have read the Desk Study and Ground Appraisal report by Yellow Sub Geo, Ref: P22415_R1, dated May 2022.

I am broadly happy with the report and its content. I would note that while no exceedance of contaminants were found, the limit of detection used for benzene was higher than the GAC.

Given no contaminants were found to exceed the GAC, the conceptual site model has been updated to show that the site presents a low risk. However, the underground storage fuel tanks, backup generators and connecting pipework need to be removed, professionally cleaned and backfilled with an inert substance as part of the re-development.

Given there is only, very specific work to be carried out, an options appraisal is not required. The work will need to be validated, including records of decommissioning of the tanks, and any additional remediation undertaken as part of the watching brief.

Recommendation: approve with conditions:

1. 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

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

2. 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 Environmental Protection

I have read both the noise impact assessments by Temple, dated 27th April 2022 and 26th May 2022, ref: T7220.

Based on the information submitted, and follow up discussions with Temple, my understating is that the report was to show that the premises can be developed, with internal levels at least below the Significant Observed Adverse Effect Level (SOAEL) provided acoustic glazing and ventilation is provided.

On this basis, I would look to recommend approval with a condition to be attached requiring a design scheme for glazing and ventilation to be submitted prior to commencement, which should look to achieve 30dB in bedrooms at night and 35dB in habitable rooms in the day, below the Lowest Observed Adverse Effect Level (LOAEL), with vents open. Additionally, LA_{max}'s should not exceed 45dB at night with vents open. However, if that it is not achievable due to interfering with overheating requirements, or it is shown the level of protection for ventilation can be lowered on the basis of an overheating assessment, then this will need to be demonstrated within the design report.

As such, I would recommend the application be approved with the following condition:

1. Prior to the commencement of the development hereby permitted, details of a scheme of appropriate acoustic protection, based on the Noise impact Assessment by Temple Group Ltd, ref: T7220, dated 26th May 2022, shall be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00), and maximum internal noise levels in living rooms will be 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed, which maintaining the required noise levels. All works which form part of the approved scheme, shall be completed before any part of the development is occupied.

MSDC Street Name and Numbering

Informative (Info29)

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

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 **£63,329**, 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 **£63,329** 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 93 new residents (weighted) with a consequential additional GP surgery area requirement of 10.64m². This equates to a direct cost of **£63,329** 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.

Health Tariff

S106 Contribution to NHS/GP Community/ Provision		(Formula agreed by The District Valuer)				09/02/2023	
Mid Sussex Ref DM/22/2303							
Haywards Heath							
Font in red can be adjusted							
Housing Development							
House Numbers (Inc Social Housing)	House Type	New Occupanc (Persons)	Surgery Area Requirement (sqm)		Infrastructure Development cost(psm)	Capital Contribution (£)	Approx Contribution per dwelling(£)
52	1 Bed	78	9	@	£5,950	£53,001	
8	2 Beds	15	2	@	"	£10,328	
0	3 Beds	0	0	@	"	£0	
0	4 Beds	0	0	@	"	£0	
0	5 Beds	0	0	@	"		
0	Care Home						
		equivalent					
60	House Total	93	10.64	@	"	£63,329	
Ave Occupancy		1.55	Contribution Per Dwelling		£1,055	per dwelling	
					£679	per person	
Occupancy Assumptions (confirmed by WSCC JUL 2015)					Care home contributions are at up to 100% of 1 bed dwelling		
PER CENSUS 2011 - WSCC							
Infrastructure costs	£5,950.0	psm					
Average Sqm Per Patient	0.1142	sqm					
Average Occupancy Assumptions							
	1 Bed	1.5	Persons				
	2 Bed	1.9	Persons				
	3 Bed	2.5	Persons				
	4 Bed	3	Persons				
	5 Bed	3	Persons				
Explanation							
1.Build costs include basic build cost,finance,professional fees.To be amended annually.							
2.The occupancy assumptions can be amended as per the requirements of the Local Authority.							
3.The average sq metre per patient has been derived from SFA 2003/04 as below, including additional space.This can be amended to reflect the flexibility of the NHS Directions and the requirement of the CCG to provide addition clinical or service development space within a new development							
1600 patients per GP							
1500	sqm GIA	7	GP Practice	AVG Patient List	11200	0.1339	sq m per patient
836	sqm GIA	6	GP Practice	AVG Patient List	9600	0.0871	sq m per patient
718	sqm GIA	5	GP Practice	AVG Patient List	8000	0.0898	sq m per patient
646	sqm GIA	4	GP Practice	AVG Patient List	6400	0.1009	sq m per patient
487	sqm GIA	3	GP Practice	AVG Patient List	4800	0.1015	sq m per patient
374	sqm GIA	2	GP Practice	AVG Patient List	3200	0.1169	sq m per patient
271	sqm GIA	1	GP Practice	AVG Patient List	1600	0.1694	sq m per patient
				Average		0.1142	sq m per patient

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 93 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

Our investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

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

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

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

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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 Sewers for Adoption standards 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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

Sussex Police

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

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, 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.

This full planning application is to increase the existing planning permission for 38 residential units at the above location by introducing a 9-storey extension to the western elevation of 31-33 Perrymount Road, together with a 2-storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities at the location. I cannot find any consultee requests to this office from a crime prevention perspective referring to any previous applications at the above address. Therefore, I shall respond to this full application request as a large two element, residential development of 98 dwelling over 9-storeys at the above location.

The development provides a total of 98 residential dwellings, 45 car parking spaces including 2 no. disabled spaces. There is a provision of 50no. cycling parking spaces including 2no. enlarged spaces. There are two access points, one each to the two residential elements. One off Perrymount Road into the existing approved planning application for 38 residential units. The other via the under-croft parking area into the new proposed 9-storey extension, an independent separate construction to the existing 38-unit building.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for communal entrance to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, timber picket fencing or defensive planting. Clear demarcation measures are to be implemented.

The existing access to the site from Perrymount Road is to be retained in its current form to enable residents to access the on-site car parking provision. Refuse collection is to be undertaken from the carriageway, with dropped kerbs provided to enable operatives to transfer bins from the storage area to the vehicle, with the bins being moved to an on-street storage area on the day of the collection. I have concerns with this proposal and question the logistics of the suggestion for all of the residents are to take their bins on a given day to the collection point at the front of the block adjacent to Perrymount Road for collection. This arrangement will seriously impact upon the security of the development. Additionally, it has the potential for vehicle / bin collisions, bins being discarded along the route, or simply not being taken to the collection point due to the difficulties involved and therefore not being emptied, becoming full, overflowing, and causing a health issue, as well as a potential fire hazard.

I recommend that parking is allocated to specific residents and that the parking bays reflect this with horizontal and vertical signage. A parking management plan is to be implanted to deter infringement of parking allocations. Signage to be erected to inform any potential offender of the consequences of misuse.

The site is proposed to be accessed via the existing ramp access along the southern boundary, which will serve both vehicular and pedestrian access. The ramp is a two-way route leading to the lower ground car parking space. The roadway then becomes a one way system forming a loop around the car park and back to the ramp.

I recommend that the vehicular and pedestrian access that provides access to the car parking arrangements and the lower levels for security reasons is controlled. This will reduce unauthorised access to the vulnerable under-croft area, the vehicles, the entrance to the proposed 9-storey extension and 60 residential unit's main entrance and the proposed cycle stores. See automatic gates or roller shutters chapter 55.3 – 55.32.

Underground, basement, under-croft parking arrangements are to adhere to the requirements within SBD Homes 2019 Chapter 16.18. 31 – 31.8 inclusive, and chapter 55.3 – 55.37.

From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry for both residential elements is for authorised persons only.

SBD recommends that all communal developments containing more than 25 flats, apartments, bedsits, or bedrooms and this will apply to each residential elements, shall have a visitor door entry system and access control system. The technology by which the access control system operates is outlined within UL 293, however it must provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g., fob, card, mobile device, key etc.).
- Vandal resistant external door entry panel with a linked camera.
- Ability to release the primary entrance door-set from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation).
- Live audio/visual communication between the occupant and the visitor.
- Ability to recover from power failure instantaneously.
- Unrestricted egress from the building in the event of an emergency or power failure.
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days.

Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments.

If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system, or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request.

- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR). 27.25 SBD recommends the use of colour monitors to enable the occupier of the dwelling or bedroom with the identification of visitors or to assist the occupier to accurately describe the colour of clothing to the police of the perpetrators of antisocial behaviour or those otherwise misusing the system.

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 apply to any easily accessible windows as well.

I would like to draw to the applicant's attention to SBD Homes 2019 V2 chapter 31 - Door-sets providing alternative access to communal areas (other than the primary shared or communal access door-set) including emergency egress door-sets. This is to ensure all security measures and requirements are considered and the safety and security of the resident is not compromised. This would also apply to the new proposed rooftop amenity deck area.

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. This will apply to both residential elements.

With respects to mail delivery for both blocks of multiple residential dwellings. 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 recommended. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32.

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

Intrusion resistance - The security of a development can be severely compromised if lightweight framed walls do not offer sufficient resilience as recognised within Approved Document Q. Therefore, wall systems proven to meet the requirements of the following standards are preferred to withstand a criminal attack,

- LPS 1175 Issue 7.2:2014 Security Rating 1; or
- LPS 1175 Issue 8:2018 Security Rating 1/A1; or
- STS 202 Issue 7:2016 Burglary Rating 1.

This is especially appropriate for blocks of multiple dwellings. See SBD Homes 2019 V2 chapter 24

Should CCTV be a consideration I recommend that a set of Operational Requirements is created. This will enable the CCTV system to be used to its best ability ensuring that it is fit for purpose. Details on how to set up a set of O.R.'s can be found on the Home Office website; see CCTV Operational Requirements Manual 2009.

The development of an Operational Requirement Statement is extremely important; this document is unique to each system and will be used for the design and performance specification of the system. It is a statement of problems, not solutions, highlighting areas covered by the system and the times and description of activities giving cause for concern.

Further details regarding CCTV and Data Protection can be found at the Information Commissioners Office website at

<https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=default> .

CCTV guidance for police requirements

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378449/0_9-05-UK-Police-Requireme22835.pdf .

Cycle security is being provided for within the under-croft area with integral stores. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 57 for advice on integral communal bin, mobility vehicles and bicycle stores. Note should be taken that the door-sets to be fitted to these stores are to meet the same specifications as 'front door' and specifically section 2 chapters 21.1 to 21.21. This will ensure the stores are only accessible to residents. Consideration could be given to implement CCTV at the cycle stores linked to the access control system for protect the cycles further by providing a security audit trail where required.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that for both residential elements, the main communal entry points exterior lighting and main ground floor lobby lighting is switched by dusk till dawn lighting, as opposed to PIR. Secured by Design has not specified PIR activated security lighting for a number of years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment.

For this development of multiple dwellings, I recommend that the main entrance lobbies are lit with dusk till dawn switched lighting with the stairwells and corridors having PIR operated lighting. The underground 2 lighting is to conform to the requirements within SBD Homes 2019 V2chapter 16.18.

Lighting is recommended throughout this development, and I recommend that it conforms 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.

Finally, given the presence of the under-croft car park within the base of the building, I recommend that the applicant seeks advice from Sussex Police Counter Terrorism Security Advisers.

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 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.

Health and Safety Executive

1. Substantive response for the local planning authority

Thank you for consulting HSE about this application.

Scope of consultation

- 1.1 It is noted that this application relates to a proposed nine storey extension to the western elevation of 31-33 Perrymount Road, together with a two-storey rooftop extension to the existing building, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities. For reference, both buildings (nine storey extension and the existing building) are classed as relevant buildings.
- 1.2 It is noted within the application documents provided (fire statement, section 6, column b) that Block 1 has a height of 26m at the point adjacent to lowest ground, and contains a lower ground floor, a ground floor, and seven upper floors.
- 1.3 The fire statement, section 2 states that: "*The **extension building** will not have any communication with **the existing building** above Lower Ground Floor level (car park) and will have separate internal means of escape routes and firefighting facilities.*" Accordingly, the extension building is served by a single stair. This stair represents the escape stair as well the firefighting stair.

2. Supplementary information for the applicant

The following points do not contribute to HSE's overall headline response and are intended only as advice for the applicant. These comments identify items that could usefully be considered now to reduce the risk of making changes to the design at a later stage, which could have planning implications.

Extension building

- 2.1 It is noted within the application documents provided that the single staircase provided in the extension building serve ancillary areas, namely the plant room, gym, and the extension bin stores. It is further noted these refuse and ancillary areas are also accessed externally. If the internal access to the ancillary areas within the extension building were no longer provided, for example, such that there is no connection with the single stair, this would prevent the risk of fire spreading, and accordingly, further protect the single escape stair situated within the extension building. The fire safety standard states that where a staircase forms part of the only escape route from a flat, it should not serve ancillary accommodation. As this ancillary accommodation can be

accessed directly from outside, resolving this issue is unlikely to affect land use planning considerations.

- 2.2 The application documents show that the single staircase within the extension building serves the covered carpark. The fire safety standards state that where a common stair forms part of the only escape route from a flat, unless it is designated as a small single-stair building, it should not also serve any covered car park. Accordingly, the single stair should not serve the covered car park. The fire safety standard states that where a staircase forms part of the only escape route from a flat, it should not serve ancillary accommodation. As this covered car park can be accessed directly from outside, resolving this issue is unlikely to affect land use planning considerations.
- 2.3 It is noted within the application documents provided that PV panel installations are proposed on the existing building roof. All power supplies, electrical wiring and control equipment should be provided with appropriate levels of protection against fire. Fire safety standards require suitable support of cabling to avoid obstruction of escape routes and firefighting access due to the failure of fixings.
- 2.4 It may be advisable to consider the risk to fire safety by the presence of the electric vehicles and cycles (EVs and ECs) in the covered car park and cycle stores because they contain lithium-ion batteries. Lithium-ion batteries may suffer thermal runaway and cell rupture, releasing large volume of toxic gases, heat and smoke before catching fire as well as afterwards. When they burn, a large amount of water is needed to flow on the batteries, however, fire keeps flaring up even after it appears to be extinguished. Furthermore, there is a danger of electrical shock for firefighters tackling a fire due to the high voltage used in EVs. Any consequent design changes may affect land use planning considerations such as layout, appearance, and car parking provision of the development.

Environment Agency

We have **no objection** to the proposed development as submitted, **subject to the inclusion of the following 5 conditions**, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk and we would object to the application.

Condition 1 – Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons for condition 1

To ensure that the proposed piling does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Condition 2 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reasons for condition 2

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF.

The previous use of the proposed development site as emergency generator including an underground storage tank (UST), presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

The application's "31 to 33 Perrymount Road: Ground Investigation report" (Yellow Sub Geo Ltd, Ref: P22415_R1, May 2022) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority. The Report has identified that hydrocarbon contamination has been confirmed on site and that the UST is being removed. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the

NPPF.

Condition 3 - Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons for condition 3

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

Condition 4 - Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reasons for condition 4

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

Condition 5 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reasons for condition 5

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.

Advice to the Applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2)

provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in '[The Environment Agency's approach to groundwater protection](#)', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including Drainage.

Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail strongly recommends that the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

GoviaThamesLink Railway

This appears to be a good well-designed planning application in a very good location.

Travel Plan Statement

This is a very high-quality Travel Plan statement

Table 3.1 Summary of Rail Services.

This was taken when the train service was limited due to Covid restrictions, therefore I suggest this is amended with a more normal timetable, e.g. passengers do not normally need to change at Brighton to travel to Littlehampton.

Also, include in the table the top destination by number of passenger journeys

Destination	Busiest Peak hour	Off Peak Frequency	Typical Journey time
London Victoria	6 per hour	4 per hour	46 minutes
London Bridge and Thameslink 2 tph Luton Airport and Bedford 2 tph Stevenage and Cambridge	4 per hour	4 per hour	48 minutes
Brighton	4 per hour	4 per hour	18 minutes
Burgess Hill	5 per hour	6 per hour	5 minutes
Gatwick Airport	10 per hour	8 per hour	15 minutes
East Croydon	8 per hour	8 per hour	30 minutes
Hove, and Worthing	1 am, 2 pm per hour	2 per hour	20 min, 35 min
Lewes and Eastbourne	2 per hour	2 per hour	18 min, 40 min
Three Bridges	6 per hour	4 per hour	11 minutes

The Travel Plan statement suggests access Haywards Heath station via the Car Park.

This is not a safe or accessible route for walking. Assuming an accessible path on a gentle slope between the western boundary of this development and the station car park were provided, people walking would be in direct conflict with people driving in a rush for their trains and taxi holding area where there is no footway.

There does not appear to be enough space to provide a safe footway.

If the developer were to examine this route and find a way to provide a safe, continuous footway that did not interfere with the safe operation of the car park, and were prepared to pay for this, then we may accept this as a route. However, we are currently unable to accept walking access through the station car park from this development.

No space for footway – not safe walking via car park.

Therefore, the walking route will be along Perrymount Road and Clair Road, but sadly this is not continuous as it is interrupted by entrances.

The footway needs to be continuous, to give physical reinforcement of the Highway Code requirement for motor vehicles to give way to walkers, improving safety.

This junction of Clair Road and car park entrance is confusing and dangerous for people walking. Those dropped kerbs lead people into the dangerous road environment with the appearance, contrary to the Highway Code, of motor vehicle priority. The alternative zebra crossing is substandard and not following the desire line required by LTN 1/20.

The path should follow this route with ramps for car to climb and cross to enter or leave the car park, making it obvious that they are crossing a walking route, and not walkers crossing a motor vehicle route to reinforce the Highway Code rule H2 that states “At a junction you should give way to pedestrians crossing or waiting to cross a road into which or from which you are turning.”

Conclusion

GTR objects to this planning application due to no safe or LTN 1/20 compliant walking route to the station. However, this is easily remedied.

If the planning authority makes a condition of granting planning permission a section 106 agreement to fund making the footway continuous between this development and the station entrance, compliant with LTN 1/20 as described above, GTR will be happy to support this development.

Additional comments:

As pointed out in the response, walking routes must be continuous. The Walking Route Audit Tool (WRAT) developed to assist Local Authorities with auditing of walking routes “targets five core design outcomes for pedestrian infrastructure” These are attractiveness, comfort, directness, safety and coherence.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908535/cycling-walking-infrastructure-technical-guidance-document.pdf

Coherence requires the walking route to be continuous.

The breaks in the footpath for motor vehicle access to side roads and properties dates from when motor vehicles had priority over people walking. This is no longer acceptable as thankfully for people safety, Hierarchy of Road Users has now been introduced putting the most vulnerable at the top of the Hierarchy e.g. people walking, with the least vulnerable at the bottom of the hierarchy e.g. motor vehicles.

To apply this Hierarchy of Road Users requires street design with continuous walking routes, where the motor vehicle route crosses the walking route, not the other way around. Highway Code rule H2 “At a junction you should give way to pedestrians crossing or waiting to cross a road into which or from which you are turning.”, and this requires the design of road junctions to be changed to make it obvious to the driver that they do not have right of way and have to wait for people walking, as here in Chichester at the junction of East Street and Baffins Lane

Or the junction of Tarrant Street and Brewery Hill in Arundel

It is obviously going to be a huge job to get all walking routes up to the required standard, for both public safety, and perception of safety so that people choose to walk because they feel safe. Therefore, all new developments should only be permitted if key walking routes are brought up to these standards.

So, to answer your question: No, it is not acceptable for there to be a break in the footpath which pedestrians use alongside Perrymount Road to allow motor vehicle access to side roads and buildings or for any street. Motor vehicles can still access side roads and building, but it makes obvious the Highway Code Rule that people walking have priority and they must give way and wait until people walking have passed before accessing the side road, car park or building. Furthermore, if there were an accident, whilst there would be a claim against the driver for not following the Highway Code and giving way to someone walking, the planning authority could also have a culpable claim for not taking the opportunity to make a condition of development a Section 106 agreement to fund changing the infrastructure priority to make obvious that people walking have right of way and people driving should give way.

Worth noting that the guidance in Gear Change states Cosmetic changes should be avoided, i.e. just putting up give way signs or painting the surface is not acceptable, the footway must be continuous and it must be obvious to drivers that they are crossing a walking environment, and not that people walking are stepping into a hostile road environment.

As a train operator we will object to any development within active travel distance of railway stations that do not have walking or cycling routes that meet the required standard.

This development is very easy and relatively inexpensive to bring the walking route up to the required standard, as it is such a short walking route with only a couple of places where infrastructure is required to make the walking route continuous, the most significant being the entrance to the station car park as indicated in the pictures in the GTR response to the development consultation.

GTR will be happy to withdraw our objection, if a condition of this development is a section 106 agreement to fund making the footway continuous between this development and the station entrance that is in place by the time the development is first occupied.

I hope this helps you understand, and that your guidance to developers in the future will advise on the need to contribute to funding continuous walking, and where distances are greater cycling routes, and that if these are not provided to railway stations, GTR will object to the development application as it is key to our first last mile objectives of encouraging modal shift away from car to active travel, to increase train use and reduce our impact on the climate emergency.