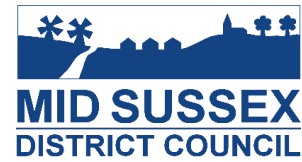


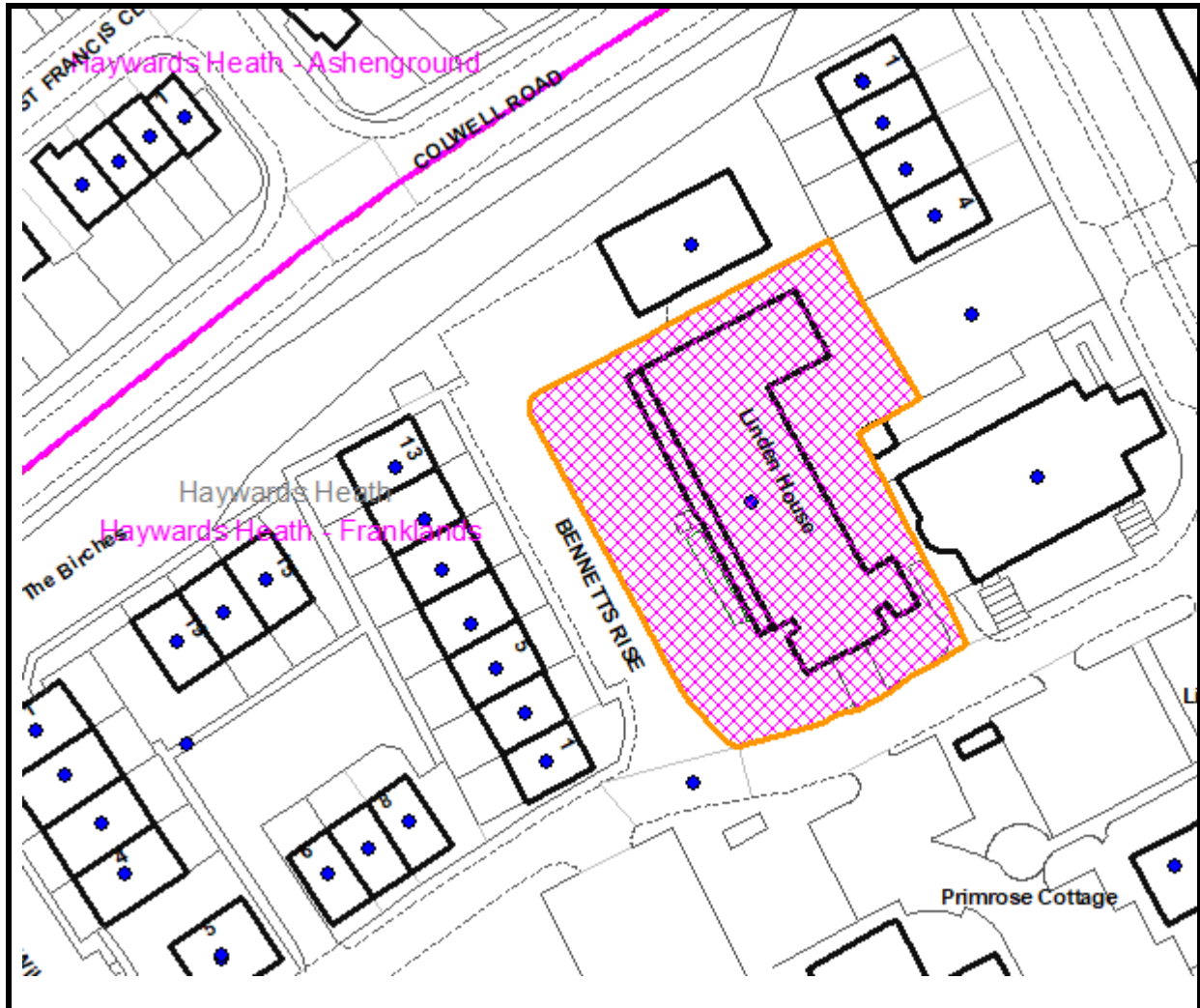
Planning Committee



Recommended for Permission

14th March 2024

DM/23/0890



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Site:	Linden House Southdowns Park Haywards Heath West Sussex RH16 4SL
Proposal:	Demolition of the existing vacant building and erection of new part three and part four storey building containing 17 flats (C3). (Revisions to landscaping and Travel Plan Statement 25.01.2024)
Applicant:	Clive Newitt
Category:	Smallscale Major Dwellings
Target Date:	15th March 2024

Parish:	Haywards Heath
Ward Members:	Cllr Rod Clarke / Cllr Paul Kenny /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSC9PJKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

2.1 This application seeks full planning permission for the demolition of the existing vacant building and erection of a new part three and part four storey building containing 17 flats at Linden House, Southdowns Park Haywards Heath.

2.2 The application follows the grant of outline planning permission for a building containing 14 flats on this site in June 2021 (DM/18/0421).

2.3 The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Haywards Heath where the principle of development accords with Policies DP4 and DP6 of the Mid Sussex District Plan.

2.4 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.

2.5 The NPPF (December 2023) paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing. Paragraph 226 states that, for decision making, a minimum four years' worth of housing is required for authorities with an emerging local plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need. This is applicable for Mid Sussex District Council. The Council's published land supply position, supported during an appeal in Albourne determined in October 2023 (reference DM/22/2416), is that it can demonstrate 5.04 years supply. The tilted balance is therefore not engaged in this respect.

2.6 Weighing in favour of the scheme is that the development will provide 17 additional residential units on a brownfield site, in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight.

- 2.7 The proposal is considered to be of an appropriate design size and scale that is in-keeping with the wider locality, while also being an improvement over the existing building and that of the existing extant permission.
- 2.8 The proposal would also be providing a commuted sum towards affordable housing that would be secured through the section 106 legal agreement.
- 2.9 There will be a neutral impact in respect of drainage, contaminated land, space standards, sustainable construction, biodiversity and impact on the Ashdown Forest.
- 2.10 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.
- 2.11 Weighing against the proposal is the scheme would provide 8 fewer car parking spaces than the WSCC standards. The Local Highway Authority, however, does not object to the scheme. It is considered that the level of car parking would be appropriate and not result in a highway safety hazard or other harm which would justify a refusal of planning permission. The existing extant permission granted consent for 14 car parking spaces for 14 residential units, providing 1 space per flat.
- 2.12 There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 2.13 The proposal would not provide a back to back distance of 21 metres from 4 The Elms, however, it will have the bin and bike store between which will provide a level of screening to the garden and the existing extant permission only achieved a back to back distance of approximately 20.5 metres. The relationship from the existing building was approximately 20 metres at first floor and above and some 13 metres at ground floor.
- 2.14 No details have been provided to confirm that there is adequate water supply to serve the development. However, it is considered that this would not be a robust reason to refuse the application as there is a building existing on site and a planning permission for similar development.
- 2.15 A key consideration in this case is the impact on designated heritage assets. The proposed development is within the setting of the Grade II Listed Building, The Chapel, and the main converted hospital building (Grade II).
- 2.16 In accordance with the Conservation Officers comments, which are supported, the development would lead to less than substantial harm to the setting of the identified heritage assets. This has been identified at the low to mid range scale in relation to The Chapel and at the lower end of the scale in relation to the converted hospital building. This means there is some conflict with Policy DP34 of the District Plan. In such cases, para 208 of the NPPF is clear on how the local planning authority needs to assess the application:

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

- 2.17 In this case, there would be clear social and economic benefits from the development of 17 dwellings within the built up area boundaries of Haywards Heath, on a brownfield site, which is considered to be sustainably located. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents.
- 2.18 Planning officers conclude therefore that the public benefits from this proposal will outweigh the less than substantial harm to the setting of the heritage assets.
- 2.19 For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1 and H8 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions set out in Appendix A subject to the completion of the S106 agreement to secure infrastructure contributions and affordable housing commuted sum.

Recommendation B

- 3.2 It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement securing the infrastructure payments and affordable housing provision by the 14th June 2024, then permission be refused at the discretion of the Assistant Director for Planning and Economy, for the following reason:
- 3.3 *'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development and the required affordable housing contribution.'*

4.0 Summary of Representations

- 4.1 28 third party letters of representation have been received in relation to this application, which have objected to the proposal for the following reasons:
- Insufficient parking/on street parking is very limited
 - Highway safety/traffic
 - Travel plan unrealistic
 - No capacity within Southdowns Park or Lockhart for parking
 - Setting of Listed building
 - Noise and disturbance
 - Local amenities already stretched (Doctors and hospitals)

- Water demand
- Not in keeping
- Was once a beautiful building allowed to fall into disrepair/ existing building has much character should be retained
- No garden
- Pay towards upkeep of access road
- 17 flats is too many
- Overbearing impact on Listed Chapel
- Shape and form domineering
- No visitor parking
- Ecological information lacking
- Impact on wildlife/protected species
- sewage capacity

4.2 One third party letter has been received in support:

- Design is well considered, reinterprets traditional features in a contemporary way
- Good design will have positive impact on Southdowns Park

5.0 Summary of Consultees

5.1 WSCC Highway Authority:

No Objection

5.2 MSDC Conservation Officer:

My other comments however remain pertinent, and I continue to consider that the proposal will result in a degree of less than substantial harm, through impact on setting, to the adjacent listed buildings. I would place this harm at the low-mid level of that scale, albeit somewhat lower than was previously the case given the amendment to the parking layout.

5.3 Ecology Consultant:

Recommend approval subject to conditions.

5.4 WSCC Fire and Rescue:

Any areas not within the 45 metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.

5.5 WSCC County Planning Officer:

- Requires infrastructure contributions towards primary, secondary, libraries and TAD
- 5.6 **MSDC Drainage Officer:**
No objection subject to conditions
- 5.7 **MSDC Urban Designer:**
Object to this planning application
- 5.8 **MSDC Community Facilities Project Officer:**
Requires contributions towards childrens playing space, formal sports and community buildings.
- 5.9 **Southern Water:**
Requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant of developer.
- 5.10 **WSCC Lead Local Flood Authority:**
Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.
- 5.11 **Sussex Police:**
Recommendations to reduce the opportunity for crime and fear of crime.
- 5.12 **WSCC Mineral and Waste:**
No comment
- 5.13 **MSDC Housing Officer:**
In this instance however we would be prepared to accept a commuted sum of £362,000 calculated in accordance with the West Sussex Commuted Sum Review letter dated 11th March 2011
- 5.14 **MSDC Environmental Protection Officer:**
Recommended conditions on construction hours, deliveries and burning of materials
- 5.15 **MSDC Contaminated Land Officer:**
To ensure that any unidentified contamination is identified during groundworks, a discovery strategy should also be incorporated into the plan.
- 5.16 **MSDC Street Naming and Numbering Officer:**
Informative 29 required

6.0 Town/Parish Council Observations

6.1 The Town Council supports the redevelopment of Linden House, as it did when it supported a previous application the site, which has now expired. The site is currently an eye sore so any new development will enhance the area. The Town Council is also very pleased with the design of the building and deems it be exemplar and one of the best the Town Council has seen for many years. It is also excellent that all of the units are for affordable housing, which are desperately needed in the Town. Due to the location of the site and the constraints of the whole of Southdowns Park the following would be required if the application is approved,

1) Mitigation from dust and noise to neighbouring properties in Bennett Rise and the Busy Bees Nursery.

2) A detailed traffic management plan for the site is required to demonstrate parking for works vehicle and deliveries during development. Southdowns Park is a narrow network of roads with controlled parking. There are also issues with access due to an ancient gatepost potentially fettering the access to the site.

3) Due the nature of the road ownership on Southdowns Park a dilapidation report must be undertaken before and then after the development to ensure that residents do not have to pick up the cost of any damage to the road network resulting from the development of Linden House.

7.0 Introduction

7.1 This application seeks full planning permission for the demolition of the existing vacant building and erection of a new part three and part four storey building containing 17 flats at Linden House, Southdowns Park Haywards Heath.

8.0 Relevant Planning History

8.1 The wider Southdowns Park has been subject to a number of planning application, this site in particular was resolved to grant consent at committee for:

11/00518/FUL: Conversion of existing building to provide 13 no. new units. Change of use from C2 (Hospital) to C3 (Residential). Provision of 30% affordable housing subject to further discussion with Mid Sussex District Council Enabling Manager.

However, the legal agreement was never completed and the application was not proceeded with.

8.2 Outline permission was granted under application DM/18/0421 for: Demolish existing vacant building and erect 14 unit apartment block. This consent was granted on the 02.06.2021. Access is the only matter reserved for future approval and thus the details of the appearance of the building, landscaping, layout and scale were approved as part of this application.

9.0 Site and Surroundings

9.1 Linden House is an imposing 3-storey building that is located on the northern side of the internal spine road, serving the Southdowns Park development, between Bennetts Rise and The Chapel. The building was previously used in association

with the hospital but has remained vacant for a number of years and occupies an elevated position on a grassed plateau. The building, in the main, is attractive and has a distinct character that differs from other buildings within the vicinity.

- 9.2 Immediately to the north of the building is a site office that was originally erected to serving the development of Southdowns Park, beyond which lies a tree belt leading onto Colwell Road.
- 9.3 To the east of the Linden House is The Chapel, a grade II Listed Building, which is occupied by a day nursery that has its outdoor space to the rear. To the north east are four properties known as The Elms, which were converted under planning permission 09/02267/FUL.
- 9.4 To the west of the Linden House is Bennetts Rise, which is a row of 7 terrace, two storey residential dwellings, with associated parking.
- 9.5 To the south lies the internal spine road for the Southdowns Park development, with parking areas and the main listed building beyond.
- 9.6 The application site is designated as being within the built up area boundaries of Haywards Heath and is within the setting of the Grade II Listed Buildings The Chapel and Southdowns Park.

10.0 Application Details

- 10.1 Full planning permission is sought for the demolition of the existing vacant building and erection of a new part three and part four storey building containing 17 flats at Linden House, Southdowns Park Haywards Heath.
- 10.2 The existing building to be demolished measures some 36.5 metres in width, by a maximum of 19 metres in depth with an eaves height of 9 metres and an overall height of 14 metres. The existing building is three storeys in height, it is a distinctive building with a number of attractive features. However, it has remained vacant for a number of years and is a deteriorating condition.
- 10.3 The proposed replacement building would form 17 flats over four floors and would measure some 37 metres in width, by 17.6 metres in depth, with an eaves height of 11.3 metres and an overall height of 15.15 metres. The proposal would form 4 x 1 bedroom flats, 11x two bedroom flats and 2 x 3 bedroom flats. With the ground floor flats each benefitting from a garden, with balconies provided to the first, second and third floor flats.
- 10.4 The proposal has been designed to respond to the architectural approach visible within the wider Southdowns Park, with projecting gables perpendicular to the main roof, with yellow base bricks and a red brick soldier course. While at the same time providing a more contemporary details such as the standing seam roof.
- 10.5 The proposal would be accessed via the existing distributor road through Southdowns Park, with 14 car parking spaces being provided to the western (front) of the proposal and a detached bin and bicycle store measuring some 15.8 metres in width, by 45 metres in depth, with an eaves height of 2.7 metres and an overall

height of 4.5 metres located to the north east of the site, with 20 cycle spaces provided within the bike store.

11.0 Legal Framework and List of Policies

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

11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states: *'In dealing with such an application the authority shall have regard to:*

a) The provisions of the development plan, so far as material to application,

b) And local finance considerations, so far as material to the application, and

c) Any other material considerations.'

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

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

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

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

Mid Sussex District Plan

- 11.8 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

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

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP31: Affordable Housing

Policy DP34: Listed Building

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

Policy DP42: Water Infrastructure and the water Environment

Site Allocations DPD

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

None relevant

Neighbourhood Plan

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

Relevant policies:

Policy E6: Green Infrastructure

Policy E7: Sustainable Drainage Systems

Policy E8: Sustainable Design

Policy E9: Local Character

Policy E13: Amenity Space

Policy T1: Pedestrian and Cycle Connections

Policy T3: Parking Provision

Policy H8: Housing Development within the Built up Area Boundary

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Policy and legislation

National Planning Policy Framework (NPPF) (December 2023)

National Planning Policy Guidance

Technical Housing Standards: Nationally Described Space Standards (Mar 2015)

Other Guidance

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (Jul 2018)

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.12 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks. At this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections and therefore only minimal weight can be given to the Plan. As such, this planning application has been assessed against the policies of the adopted District Plan.

- DPS1: Climate Change
- DPS2: Sustainable Design and Construction

- DPS4: Flood Risk and Sustainable Drainage
- DPS6: Health and Wellbeing
- DPN1: Biodiversity, Geodiversity and Nature Recovery
- DPN2: Biodiversity Net Gain
- DNP3: Green and Blue Infrastructure
- DNP6: Pollution
- DPN7: Noise Impacts
- DNP8: Light Impacts and Dark Skies
- DNP9: Air Quality
- DPN10: Land Stability and Contaminated Land
- DPC6: Ashdown Forest SPA and SAC
- DPB1: Character and Design
- DPB2: Listed Building and Other Heritage Assets
- DPT1: Placemaking and Connectivity
- DPT3: Active and Sustainable Travel
- DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
- DPH1: Housing
- DPH3: Sustainable Development – Inside the BUA
- DPH7: Housing Mix
- DPH8: Affordable Housing
- DPH9: First Homes
- DPH11: Dwelling Space Standards
- DPH12: Accessibility
- DPI1: Infrastructure Provision
- DPI2: Planning Obligations
- DPI4 Communications Infrastructure

12.0 Assessment

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

- The principle of development;
- The design and visual impact;
- Impact on the setting of the Listed Building;
- The impact on neighbouring amenity;
- Transport matters;
- Drainage;
- Land contamination;
- Sustainability;
- Space standards;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Water infrastructure;

Principle of development

12.2 The NPPF (December 2023) paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing. Paragraph 226 states that, for decision making, a minimum four years' worth of housing is required for authorities with an emerging local plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need. This is applicable for Mid Sussex District Council. The Council's published land supply position, supported during an appeal in Albourne determined in October 2023 (reference DM/22/2416), is that it can demonstrate 5.04 years supply. The tilted balance is therefore not engaged in this respect.

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

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

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

12.6 Policy DP6 states (in part):

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

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

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

12.8 Importantly, the NPPF supports the use of brownfield land with Para 123 setting out:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'

12.9 This approach is confirmed by the Written Ministerial Statement made on the 6th December 2022 which supports brownfield first and seeks to prioritise the use of brownfield land.

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

Design and visual impact

12.11 Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*

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

12.12 A similar ethos is found within the Neighbourhood Plan, with Policy E9 setting out:

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

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

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

12.13 While Policy H8 of the Neighbourhood Plan states:

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

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

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

12.15 While it is accepted that the existing building is very distinctive with a number of attractive features, due to being left vacant for a number of years, it has significantly deteriorated. Permission has previously been granted for the demolition of the existing building and replacement with a new 14 bed flatted development, which is a material planning consideration (DM/18/0421).

12.16 It is noted that the Council Urban Designer has expressed some concern with the proposal with the main concerns relating to:

- Not convinced on height, limiting the scheme to three storeys would be more appropriate.
- Scheme being sunken down into the landscape, resulting in loss of light and privacy to the flats and private gardens.
- Frontage too dominated by parking.
- Elevational treatment on ground level not sympathetic to the adjoining listed chapel and detrimental effect on the street scene.

Full comments are available within Appendix B.

12.17 The comments about the parking are noted, however, the parking as proposed is almost identical to the existing extant permission which was considered acceptable.

12.18 It is the officers view that the proposal would not appear substantially larger than the existing building it is to replace, the proposal is a similar height and depth, being set down into the ground as opposed to being on a raised plateau. In addition the 4th floor is to be contained within the roof slope.

12.19 The existing extant permission has already granted consent for a replacement block which is four storey in nature. The previously approved scheme was designed to reflect the more modern built block of Kendall Hights and Lockhart Court. It was accepted that the design of the previous approval did not reflect the architectural finesse of the existing building, but was considered acceptable as it was matching

in with the new block already approved within the wider Southdowns Park development.

- 12.20 The current proposal is of a similar height and size to both the existing building and the existing extant permission is therefore considered to be of an appropriate size and scale. The existing building although containing a number of features of architectural interest has been left to deteriorate and is now considered to detract from the character of the locality. Therefore its demolition and replacement would be considered as an improvement to the locality and this view is supported by the Town Council.
- 12.21 The design of the current proposal is seeking to utilise a number of existing features such as the yellow base brick, with red soldier brick detailing and would be providing a more contemporary re-interpretation. Overall, the use of the brick detailing, together with detailing to the gable ends is considered to add interest to the building, with the use of the projecting bays would also help to break up the apparent massing of the building and is considered to be a significant improvement in terms of design over the existing extant permission.
- 12.22 As such the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the street scene and would comply with Policy DP26 of the Mid Sussex District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on the setting of the Listed Building

- 12.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 12.24 Case law has stated that:
- 'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*
- 12.25 The Courts further stated on this point: *'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one*

hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

12.26 Policy DP34 of the Mid Sussex District Plan in part states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;

o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;

o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;

o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;

o Special regard is given to protecting the setting of a listed building;

o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'

12.27 Paragraphs 203-208 of the NPPF are relevant, as follows:

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

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

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

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

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

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

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

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not-for-profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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

- 12.28 The Conservation Officer has been consulted on the merits of this application, a copy of the full comments are set out within the appendix B. It is considered that the proposal would result in less than substantial harm to the setting of the Listed Buildings.
- 12.29 This identified 'less than substantial harm' would need to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990. This is clear from recent case law on the subject.
- 12.30 In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 208 of the NPPF is applicable. This states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 12.31 In this case the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report.

The impact on neighbouring amenity

- 12.32 In assessing the potential impact of the proposed works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26.
- Policy DP26 requires that: *'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.'*
- 12.33 A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.
- 12.34 Policy H8 of the Neighbourhood Plan has a different test, however. It requires residential amenities to be safeguarded. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.
- 12.35 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 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.
- 12.36 Within the built up area boundary a degree of overlooking is considered acceptable. Typically it is considered that a back to back distance of 21 metres is acceptable. The proposal would be set approximately 18 metres from 4 The Elms. However, it will have the bin and bike store between which will provide a level of screening to the garden. In addition the existing building did not provide a back to back distance of 21 metres with a back to back distance of approximately 20 metres at first floor and above and only some 13 metres at ground floor, while the extant permission only achieved a back to back distance of approximately 20.5 metres as such it is considered acceptable in this instance.
- 12.37 The proposal would be set over 21 metres from Bennetts Rise to the west and the proposal wouldn't provide a distance of 21 metres from The Chapel, however this is a commercial premises used as a nursery and the proposal would provide a better degree of separation than the existing building, consequently, the resulting relationships are not considered to cause a significant detrimental impact upon neighbouring amenities in terms of overlooking and a loss of privacy.
- 12.38 Owing to the separation distances, which would provide improved separation to The Chapel and the surrounding residential dwellings when compared to the existing building and the existing extant permission it can also be reasonably concluded that the proposal would not have a significant detrimental impact in terms of reduction in sunlight and daylight.
- 12.39 DP29 also considers the effects of noise and seeks to protect residents from unacceptable levels of noise pollution and in part states:
- '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.'*

In appropriate circumstances, the applicant will be required to provide:

- o an assessment of the impact of noise generated by a proposed development; or*
- o an assessment of the effect of noise by an existing noise source upon a proposed development;'*

- 12.40 Concerns have been raised in regard to noise and disturbance and dust crossing the site boundary, the Council's Environmental Protection Officers have been consulted on this application and have raised no objection to the proposal subject to conditions on hours of construction, Deliveries and a Demolition and Construction Environmental Management Plan. These conditions will seeks to address these concerns and subject to these conditions it is not considered that the proposal would have a significant detrimental impact on neighbouring residential amenities in regards to the above mentioned policy.

Transport matters

- 12.41 Policy DP21 in the District Plan states:

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

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

- o 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);*
- o 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;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- o 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;*

o 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;

o 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;

o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;

o The scheme protects the safety of road users and pedestrians; and

o 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.'

12.42 The reference to severe impacts reflects paragraph 115 in the NPPF which 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.*'

12.43 The Local Highway Authority (LHA) has raised no objection to the scheme based on the impact of vehicular movements on the capacity of the highway network. The site would utilise the existing vehicular access of Southdowns Park which was considered to provide suitable visibility, with the proposed trip generation also not considered a significant material intensification of movements. The proposal would not have a severe impact on the capacity of the road network and therefore there is no conflict with this element of policy DP21.

Car parking

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

12.45 DP21 in part requires proposal to take into account of whether:

'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;'

12.46 The scheme is proposing 14 car parking spaces. The WSCC Car Parking Demand Calculator indicated that a development of this size would require 22 car parking

spaces. As such the scheme is 8 spaces short and would conflict with the above mentioned part of policy T3 of the Neighbourhood Plan. However, DP21 requires the accessibility of the development and access/opportunities for public transport to be factored into this assessment as to whether car parking provision is adequate. It is also relevant that the current extant permission also provided a lower parking provision than required, with 1 parking space provided per flat, resulting in 14 spaces provided for 14 flats.

- 12.47 The application has been submitted with a supporting travel plan statement, which has identified that there is some on street parking capacity on Colwell Road, while at the same time identifying that the site is within a sustainable location, with access to a wide range of services and amenities within walking and cycling distance, together with access to a number of public transport options.
- 12.48 The LHA has raised no objection to the application based on the level of car parking, noting that the site is in a sustainable location. Within the wider area there is also comprehensive parking restrictions in place on nearby roads to stop any parking in places that may result in a detriment to highway safety.
- 12.49 It is also the case that prospective occupiers of the proposed flats would be aware of the level of car parking that would be provided and it is reasonable to assume that if it is important to prospective occupiers, they would not wish to occupy one of these flats.

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

Drainage

- 12.51 Policy DP41 in the DP seeks to ensure that developments are satisfactorily drained and do not increase the risk of flooding off site. Policy E7 in the Neighbourhood Plan has similar aims. The application is supported by a Flood Risk Assessment and Drainage Strategy report which concludes that the site and development is at low risk of flooding. The Councils Drainage Officer considered that the proposal meets the national and local policy and guidance and as such they have raised no objections to the proposal subject to a foul and surface water drainage and means of disposal condition and a condition on a surface water drainage verification report.
- 12.52 The applicants have agreed to the requested conditions and as such it is considered that the proposal would comply with policy DP41 in the DP and policy E7 in the Neighbourhood Plan. It is therefore considered that the site can be adequately drainage.

Land contamination

- 12.53 The site has potentially contaminated land sources, historically being part of a hospital and owing to the fact that the Initial Contamination Risk Assessment carried out in relation to DM/18/0421 specified additional testing was necessary. The NPPF advises that *'Where a site is affected by contamination or land stability*

issues, responsibility for securing a safe development rests with the developer and/or landowner.'

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

Sustainability

- 12.55 Policy DP39 of the District Plan states:

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

o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;

o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;

o Use renewable sources of energy;

o Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;

o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;

o Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'

- 12.56 Policy E8 of the Neighbourhood Plan has similar aims.

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

- All apartments are dual aspect to maximise daylight and sunlight
- Comply with Part L of Building regulations
- Fabric standards exceeding Building Regulations limiting U values for thermal elements
- Internal light above requirements of Building Regulations Part L minimum standards
- Fully independent time and temperature zone controls
- Waste management plan

- Sustainably sourced materials
- Waste use limited to 105 litres/person/day
- Low flow rate taps
- Dual flush toilets
- Low water use appliances
- Either Air Source Heat pumps or gas boilers with PV panels to meet Part L of Building Regulations.

12.58 It is considered the applicants have had regard to policy DP39 in the DP and policy E8 in the Neighbourhood Plan the details of which can be controlled by condition.

Space standards

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

Biodiversity

12.60 Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

o Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

o Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and

o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and

o Promotes the restoration, management and expansion of priority habitats in the District; and

o Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being

of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

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

- 12.61 The application has been supported by a bat survey which confirms that the building is used as a roost by a single bat, of a common species, a Natural Bat Mitigation Licence must be sought to allow for demolition. It also considers that a low impact licence would be appropriate for this site.
- 12.62 The Councils Ecology consultant has confirmed that there is sufficient ecological information available for determination. The Councils Ecological Consultant recommends a number of planning conditions to secure mitigation and enhancement measures and with such conditions in place, they advise that there are no ecological reasons to object to the proposal. Your Planning Officer has no reason to disagree with this assessment. It is considered that subject to conditions, policy DP38 of the District Plan will be met.

Habitats Regulations

- 12.63 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).
- 12.64 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.65 Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

- 12.66 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.

12.67 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

12.69 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.

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

Conclusion of the Habitats Regulations Assessment screening report

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

12.72 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

12.73 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Infrastructure contributions

12.74 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

12.75 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

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

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

and:

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

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

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

- 12.77 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. Applicants 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.

- 12.78 The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions

Education - Primary £18,500 (additional facilities at Warden Park Primary Academy)

Education – Secondary £19,910 (additional facilities at Oathall Community College)

Libraries - £5,587 (additional facilities at Haywards Heath Library)

TAD - £34,544 (South Road pedestrian improvement scheme)

District Council Contributions

Equipped play- £12,303 (Barry Drive and or Sandy Vale)

Kickabout facilities- £10,334 (Victoria Park and or Barry Drive and or Sandy Vale)

Formal sport - £14,090 (Tim Farmer Recreation Ground and / or Victoria park and / or Hanbury Stadium.)

Community Buildings - £16,358 (Ashenground Community Centre and / or The Woodside)

Local Community Infrastructure - £11,013 (TBC)

Affordable housing

12.79 Policy DP31 of the District Plan makes clear that:

'The Council will seek:

The provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;

For residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;

On sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;

A mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and

Free serviced land for the affordable housing.

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

- 12.80 This gives rise to a minimum onsite affordable housing requirement of 30% in accordance with District Plan Policy DP31 which equates to 6 units, since the number of affordable dwellings is rounded up to the next whole number as stated in the Affordable Housing SPD.
- 12.81 The Housing Officer has, however, confirmed in this instance they would be prepared to accept a commuted sum of £362,000 calculated in accordance with the West Sussex Commuted Sum Review letter dated 11th March 2011.
- 12.82 This affordable housing commuted sum will be secured through the legal agreement. As such the application accords with Policy DP31 of the District Plan.

Housing mix

- 12.83 Policy DP31 in the DP seeks to provide a mix of dwelling types and sizes from new development that reflects current and future local housing needs. The proposal is seeking to provide 4 no. 1 bedroom apartments, 11 no. 2 bedroom apartments and 2 no. 3 bedroom apartments. The scheme will deliver smaller market housing units that are required in Haywards Heath and the District more generally. On this basis, there is no conflict with policy DP31 and the proposal will provide a good mix of housing to reflect the current and future local housing needs.

Water infrastructure

- 12.84 Policy DP42 in the DP states in part 'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate,
- o that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and
 - o that there is adequate water supply to serve the development'
- 12.85 No details have been provided to confirm that there is adequate water supply to serve the development. However, it is considered that there is not a robust reason to refuse the application as there is a building on the site currently and permission for a replacement block of flats, both of which need a water supply.

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 The NPPF (December 2023) paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing. Paragraph 226 states that, for decision making, a minimum four years' worth of housing is required for authorities with an emerging local plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need. This is applicable for Mid Sussex District Council. The Council's publish land supply position, supported during an appeal in Albourne determined in October 2023 (reference DM/22/2416), is that it can demonstrate 5.04 years supply. The tilted balance is therefore not engaged in this respect.
- 13.3 Weighing in favour of the scheme is that the development will provide 17 additional residential units, on a brownfield site, in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight.
- 13.4 The proposal is considered to be of an appropriate design size and scale that is in-keeping with the wider locality, while also being an improvement over the existing building and that of the existing extant permission.
- 13.5 The proposal would also be providing a commuted sum towards affordable housing that would be secured through the section 106 legal agreement.
- 13.6 There will be a neutral impact in respect of drainage, contaminated land, space standards, sustainable construction, biodiversity and impact on the Ashdown Forest.
- 13.7 The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.

- 13.8 Weighing against the proposal is the scheme would provide 8 fewer car parking spaces than the WSCC standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.
- 13.9 There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.
- 13.10 The proposal would not provide a back to back distance of 21 metres from 4 the Elms, however, it will have the bin and bike store between which will provide a level of screening to the garden and would not be too dissimilar to the existing relationship as such it is considered acceptable in this instance. The existing extant permission only achieved a back to back distance of approximately 20.5 metres, while the relationship from the existing building at first floor was approximately 20 metres at first floor and above and some 13 metres at ground floor.
- 13.11 No details have been provided to confirm that there is adequate water supply to serve the development. However, it is not considered that this would be sufficient to refuse the application.
- 13.12 A key consideration in this case is the impact on heritage assets. The proposed development is within the setting of the Grade II Listed Building, The Chapel and the main converted hospital building (Grade II).
- 13.13 In accordance with the Conservation Officers comments the development would lead to less than substantial harm to the setting of the identified heritage assets. This has been identified at the low to mid range scale in relation to the chapel and at the lower end of the scale in relation to the hospital building. This means there is some conflict with Policy DP34 of the District Plan. In such cases, para 208 of the NPPF is clear on how the local planning authority needs to assess the application:
- '208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 13.14 In this case, there would be clear social and economic benefits from the development of 17 dwellings within the built up area boundaries of Haywards Heath, on a brownfield site, which is considered to be sustainably located. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents, together with a commuted sum towards affordable housing.
- 13.15 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified harm to the heritage asset.
- 13.16 For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1 and H8 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP26 and DP35 of the Mid Sussex District Plan and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan.

3. 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 District Plan (2014 - 2031).

4. No building or unit is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and

evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with the NPPF requirements and Policy DP41 of the District Plan (2014 - 2031).

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Details Drawing Number 21-PO27-45 (Platform 3 Design, March 2023), Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023), Bat Survey Report (Batscan Ltd., August 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with DP38 of the District Plan (2014 - 2031).

6. The development hereby permitted shall not commence unless and until the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to accord with DP38 of the District Plan (2014 - 2031).

7. No development above slab level shall be carried out until A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Constraints and

Opportunities Report (Arbtech Consulting Ltd., November 2022), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with DP38 of the District Plan (2014 - 2031).

8. Prior to occupation A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with DP38 of the District Plan (2014 - 2031).

9. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan (2014 - 2031).

10. 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 LPA.

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

11. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details of all temporary contractor buildings, plant and stacks of materials,

provision for the temporary parking of contractor vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with DP21 of the Mid Sussex District Plan.

12. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for the implementation of this consent shall not take place outside of the following times:
- o Monday to Friday: 08:00 - 18:00 Hours
 - o Saturday: 09:00 - 13:00 Hours
 - o Sundays and Bank/Public Holidays: no work permitted

Reason: to protect the amenity of local residents and to accord with DP26 of the Mid Sussex District Plan (2014 - 2031).

13. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall not take place outside of the following times:
- o Monday to Friday: 08:00 - 18:00 hrs
 - o Saturday: 09:00 - 13:00 hrs
 - o Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with DP26 of the Mid Sussex District Plan (2014 - 2031).

14. No burning materials: No burning of demolition/construction waste materials shall take place on-site.

Reason: to protect the amenity of local residents from smoke, ash, odour and fume and to accord with DP26 of the Mid Sussex District Plan (2014 - 2031).

15. Demolition and Construction Environmental Management Plan: Prior to the commencement of the development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan shall include amongst other matters details of:
- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
 - dust management plan in accordance with best practice for example as detailed in the IAQM Guidance on the assessment of dust from demolition and construction.
 - artificial illumination

- complaints procedure and site contact details in case of complaints from nearby residents.
- The method of access and routing of vehicles during construction.
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.
- The demolition and construction works shall thereafter be carried out at all times in accordance with the approved demolition and Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during demolition and/or construction and to accord with Policy DP26 of the Mid Sussex District Plan.

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site and unless otherwise agreed in writing by the Local Planning Authority,
 - b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the Local Planning Authority,
 - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

17. 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 Local Planning Authority 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 Policy DP41 of the Mid Sussex District Plan.

18. 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 Local Planning Authority.

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 Policy DP41 of the Mid Sussex District Plan.

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

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

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

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

21. No development shall take place above slab level unless and until the applicant has submitted a Sustainability Statement that sets out clearly what sustainable measures will be incorporated into the development aimed at minimising the amount of energy that the buildings will use and the water consumption of occupiers.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

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

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

INFORMATIVES

1. All inside parts of all Flats are required to be within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.
2. Southern Water requires a formal application for a connection to the public foul and surface water 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
3. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

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. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 and Block Plan	21-P027-01	D	30.03.2023
Site Plan	21-P027-02	E	30.03.2023
Planning Layout	21-P027-03		30.03.2023
Existing Floor Plans	21-P027-10		30.03.2023
Existing Elevations	21-P027-20		30.03.2023
Street Scene	21-P027-21		30.03.2023
Landscaping	21-P027-30	H	25.01.2024
Proposed Floor Plans	21-P027-40	E	30.03.2023
Proposed Floor Plans	21-P027-41	E	30.03.2023
Proposed Elevations	21-P027-50	E	30.03.2023
Proposed Elevations	21-P027-51	E	30.03.2023
Street Scene	21-P027-52	E	30.03.2023
Proposed Floor and Elevations Plan	21-P027-55	E	30.03.2023
Proposed Sections	21-P027-60	E	30.03.2023
Illustration	21-P027-70	E	03.04.2023
Illustration	21-P027-71	D	03.04.2023
Illustration	21-P027-72	E	30.03.2023
Illustration	21-P027-73	E	30.03.2023

APPENDIX B – CONSULTATIONS

WSSC Highway Authority:

08.02.2024

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been reconsulted on this proposal following submission of a revised Landscape Plan which demonstrates 14 nos. car parking spaces as opposed to 13 nos. demonstrated within the superseded plan.

A Travel Plan Statement has also been submitted which details the objectives, measures, and monitoring plan to manage the Travel Plan. WSSC would raise no objection to the new information submitted.

09.8.2023

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been re-consulted on the above Full planning application following revision to parking and landscaping. A new Landscape Plan has been submitted which shows a reduction in parking from 17 spaces to 13 spaces.

A parking stress survey that was commissioned shows a parking stress of 78.3% (85% or more is considered at capacity in planning terms) which indicates there is some on-street parking capacity.

The site is in a sustainable location with good public transport links and well-connected footways to Haywards Heath train station and local amenities / facilities. WSSC will therefore raise no objection with regards to the level of vehicle parking provision. However, the Local Planning Authority (LPA) may need to assess the reduced parking provision from amenity perspective.

MSDC Conservation Officer:

20/11/2023

As far as I can see, we have received a revised plan only in respect of the landscaping. This shows the previously proposed car parking to the south of the building omitted in favour of soft landscaping. Subject to detail, this addresses that aspect of the previous objections to the scheme in heritage terms. My other comments however remain pertinent, and I continue to consider that the proposal will result in a degree of less than substantial harm, through impact on setting, to the adjacent listed buildings. I would place this harm at the low-mid level of that scale, albeit somewhat lower than was previously the case given the amendment to the parking layout.

23.06.2023

The application site, Linden House, in an unlisted early 20th century former hospital building, part of the former County Asylum, later St Francis' Mental Hospital, buildings at Southdowns Park. The main hospital building, which is a short distance to the south, dates from 1859 and is Grade II listed. This building has now been converted to residential apartments.

Immediately to the east of Linden House is the former hospital Chapel of St Francis, which also dates from 1859 and is Grade II listed. This building is now in use as a nursery.

It is likely that these listed buildings would be considered to possess architectural value on the basis of their design, construction and craftsmanship, as well as historical value as good examples of buildings of their type and period, their evolving history of use, and association with a relatively prominent architect. They also possess aesthetic value, and group value with each other and with other surviving non listed former hospital buildings within the former hospital site, including Linden House.

In my opinion, the existing building at Linden House, notwithstanding that it is in a poor state of repair, makes a positive contribution to the settings of the listed hospital and chapel buildings. However, planning permission was granted in 2020 for the demolition of the existing building on the site and the construction of a 3 ½ storey building comprising 14 apartments. The principle of the demolition of Linden House has therefore been established.

Following the granting of planning permission a further pre-application scheme for demolition of the existing building and construction of a replacement block of 19 flats over 4 storeys. This scheme raised a number of concerns in relation to the impact on the settings of the adjacent heritage assets, including in particular the former Chapel.

Amendments have been made to the proposal in response to comments made in respect of the pre-application scheme, which in my opinion constitute some improvement over that proposal. However, in my opinion the current application continues to raise some concerns in respect of the impact on the adjacent heritage assets. In particular:

- Although the massing of the building has been amended, the scale of and proximity of the building to its eastern side continue to result in an uncomfortable, overbearing relationship with the adjacent Chapel. This affect is enhanced by what remains, in my opinion, an overly heavy and dominant roof storey.
- Although more interest has been added to the southern elevation, which is the most prominent in views of the Chapel from the south and from the listed former hospital buildings, this elevation remains relatively unrelieved, which will not compare well with the much more lively facades of the adjacent Chapel and the opposing hospital buildings. It continues to be treated as a secondary elevation in relation to the western and eastern sides of the building, despite being arguably the most visually prominent of the three, and the most impactful in terms of contribution to the settings of the adjacent heritage assets.
- As highlighted by the Council's Urban Designer the landscaping scheme and the disposition of the parking within the site remains problematic- I would agree that the parking which is proposed to the south side of the building, whilst reduced in relation to the pre-application scheme, is inappropriate, and will detract from the setting of the adjacent chapel. This side of the building should have soft landscaping to the entirety of the frontage.
- Although the greater impact will be on the setting of the adjacent chapel, there will also be a detrimental impact on the outlook from the principle hospital building opposite, and its wider setting.

For these reasons I consider that the proposal will result in a degree of less than substantial harm to the settings of the adjacent heritage assets, at the low-mid range of that scale in relation to the Chapel, and at the lower end in relation to the main hospital building. Paragraph 202 of the NPPF will therefore apply.

I note that although the reasoning is different, the submitted Heritage Statement also concludes that less than substantial harm will be caused to the two assets mentioned, although this harm is identified as low in both cases.

Ecology Consultant:

Recommended Approval subject to attached conditions

Summary

We have reviewed the Bat Details Drawing Number 21-PO27-45 (Platform 3 Design, March 2023), Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023), Bat Survey Report (Batscan Ltd., August 2023) and the Bat Survey Report (Batscan Ltd., September 2021) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We note from the Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023), that a Bat Mitigation Class Licence will be used to register the site before commencement of any

works and recommend that evidence of site registration for a Bat Mitigation Class Licence is secured by a condition of any consent. This is because there is a single Brown Long-eared bat day roost in the roof void and the building is used as an occasional day roost by two Common Pipistrelle bats (Bat Survey Report (Batscan Ltd., August 2023)). We support the mitigation measures detailed in the Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023) and the Bat Details Drawing Number 21-PO27-45 (Platform 3 Design, March 2023).

We are now satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

As a result, the mitigation and enhancement measures identified in the Bat Details Drawing Number 21-PO27-45 (Platform 3 Design, March 2023), Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023) and Bat Survey Report (Batscan Ltd., August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species.

We support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

If external lighting is required, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023) and Bat Survey Report

(Batscan Ltd., August 2023)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Details Drawing Number 21-PO27-45 (Platform 3 Design, March 2023), Mitigation & Compensation/Enhancement Plan (Batscan Ltd., October 2023), Bat Survey Report (Batscan Ltd., August 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to

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

2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE FOR BATS

“Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Constraints and Opportunities Report (Arbtech Consulting Ltd., November 2022), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

If external lighting is required

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

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

WSSC Fire and Rescue:

Having viewed the plans for the planning application no. DM/23/0890 for the Demolition of the existing vacant building and erection of new part three and part four storey building containing 17 flats (C3). (Revisions to parking and landscaping 01.08.2023); evidence is required to show that all parts inside all Flats are within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.

WSSC County Planning Officer:

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	30.9		
	Primary	Secondary	6th Form
Child Product	0.1285	0.1285	0.0000
Total Places Required	0.8995	0.6425	0.0000
Library			
Locality	Haywards Heath/Cuckfield		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£5,587		
Population Adjustment	30.9		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	17		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	30.9		
Net Parking Spaces	13		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£18,500
Education - Secondary	£19,910
Education - 6th Form	No contribution
Libraries	£5,587
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£34,544
Total Contribution	£78,542

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of

delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the *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 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

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 17 net dwellings, and an additional 13 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the West 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 2024. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not**

been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

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

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

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

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

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 2023/2024, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,567 per child**
- Secondary Schools- **£30,989 per child**
- Sixth Form Schools- **£33,608 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 **£6,027** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2023/2024 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 2023/2024 is £1,575 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 (£786).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 786$$

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

MSDC Drainage Officer:

Application Number	DM/23/0890
Response Date	2023-06-27
Site Location	Linden House, Southdowns Park, Haywards Heath
Development Description	Demolition of the existing vacant building and erection of new part three and part four storey building containing 17 flats (C3).
Recommendation¹	No objection subject to conditions

FLOOD RISK

The application is supported by a Flood Risk Assessment and Drainage Strategy report, dated March 2023. This report assesses all sources of flood risk and concludes the site, and the development, is at low risk of flooding.

The Flood Risk and Drainage Team consider the requirements of national and local policy and guidance in relation to flood risk to have been met.

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. However, a foul sewer is located within Bennetts Rise, close to the south-west corner of the site.

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

SURFACE WATER DRAINAGE

INFORMATION

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the [latest climate change guidance](#) from the Environment Agency.

APPLICATION SPECIFIC COMMENT

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

The applicant states that the existing development on site manages surface water drainage via discharge into the public sewer network. It is proposed to maintain this connection to the public sewer system, with a discharge restricted to 2l/s. Consultation response from

¹ In line with guidance from the Planning Department the Flood Risk and Drainage Team, where considered appropriate, utilise conditions to address detailed drainage design and detailed design of flood mitigation measures.

Southern Water for this application appears to suggest that this would be acceptable in principle.

We would advise the applicant that use of infiltration drainage should be fully investigated as part of the detailed drainage design and wherever possible infiltration should be utilised. However, the drainage strategy submitted, alongside Southern Water's comments, shows that in principle surface water drainage could be achieved on the site. Therefore, detailed design can be conditioned for this development.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage into the public foul sewer network. This is considered acceptable in principle and subject to detailed design.

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

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

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.

SURFACE WATER DRAINAGE VERIFICATION REPORT

No building or unit is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical

survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

MSDC Urban Designer:

06.09.2023

In response to the amended Landscape Plan submitted on 01/08/2023, proposed changes don't address and don't change my previous comments.

17.05.2023

Summary and Overall Assessment

The site benefits from an existent grant of outline planning permission (DM/18//0421, for the demolition of the existing building and erection of a four-storey building containing 14 flats. Also, pre-application was sought from the LPA in October 2022 regarding a new scheme to demolish the existing building and erect a four-storey building containing 19 flats.

This proposal addresses some of the previous pre-application comments. It unified the appearance, broke down the massing and did rationalise the fenestration.

While I am not convinced of the height of the building and I believe that limiting the scheme to three storeys would be more appropriate; I can recognise height was approved previously, so I can not object to it.

The proposed 4-storey building resulted in the scheme being 'sunken down' into the landscape, resulting in the loss of light and privacy to the flats and private gardens.

Furthermore, the frontage is far too dominated by parking, and the elevation treatment on the ground floor level is not sympathetic to the adjoining listed Chapel and has a detrimental effect on the street scene and building threshold overall.

I, therefore, object to this planning application.

I have the following issues with the current scheme:

- The frontage is far too dominated by parking and hard surfacing. It is worse than the approved scheme because it involves more spaces that extend the parking to the prominent southern side as well as the west side and provides little opportunity for landscaping/tree planting of the front thresholds, which is a requirement for such a prominent and sensitive site. The scheme does not accord with DG18 (Integrate parking to support attractive streets and spaces) and DG27 (Integrate tree planting and soft landscape) of the MSDG. This might be addressed by relocating parking to the north side of the site, perhaps with angle parking spaces and a one-way access road. This will still need to be adequately landscaped, and as it's the darkest part of the site adequate lighting strategy would need to be presented.
- The proximity of parking to the ground floor flats may cause vehicle headlights and noise nuisance for flat users and a lack of privacy in private gardens.

For these reasons, the building design does not accord with principles DG48 (Design to minimise the impact of noise and light pollution)

- Furthermore, there is a risk that private gardens, being at the same or below the level of the carpark and public path, would be so overlooked that users would make their attempt to screen them, creating highly unattractive end-result. Creating private gardens at a slightly raised level would represent a better design solution for the scheme and would create a distinct boundary, hinder any potential overlooking, and enhance the amount of light entering the flats located on the northern aspect of the building.

- South-East elevation created more space and separation between the Chapel on the ground floor level, which is welcomed. However, four storeys' relatively blank facade on this side creates an unacceptable overpowering wall effect.

- Existing Linden House and Chapel steps created a repeated street rhythm to this streetscape. Steps were unsuccessfully removed and replaced with car parking, compromising the harmony of the streetscape and setting of the Chapel and building threshold.

- On the South-East elevation, the "blank" windows disrupt the window pairings. If insulation requirements prohibit deep reveals (that is normally the case), they are likely to look especially unconvincing.

- South-West elevation: "blank" windows were used to allow for storage space, with is concerning and should be avoided.

- North-east elevation: proposed 4-storey building resulted in the scheme being 'sunken down' into the landscape, which in effect resulted in the loss of light and privacy to the flats and private gardens. For these reasons, the building design does not accord with principles DG47 (Provide homes with sufficient daylight and sunlight) of the MSDG.

- Lobby/main circulation core was placed on a plan to be south-west facing. At the same time, 1-bed apartments opposite the circulation core were placed facing the north, which is concerning.

- 1- Bed single aspect north-east facing flats should be avoided as they receive insufficient light (east light being blocked by the building itself). For these reasons, the building design does not accord with principles DG47 (Provide homes with sufficient daylight and sunlight) of the MSDG.

- There should be a clear visual link between the back and front entrance on the plan.

- The design uses facing material and details such as red brick banding, round arches, and oculus features with relatively contemporary design forms. To ensure that the design responds to, enhances, and preserves any heritage assets, it is important to demonstrate that the materials used, level of detail and craftsmanship needed would be provided to prevent further compromising surrounding buildings (especially Chapel). Also, a colour palette for brick, mortar and windows would be crucial. This has not been demonstrated, and the presented drawings are not corresponding with each other: 3D images don't match the elevations and plans, and the colour of the window frames and rainwater pipes shown in 3D matches the sandstone colour of the window surrounds in the Chapel with is welcomed, but

some windows and balconies doors are shown as with PVC which wouldn't be acceptable in this setting (GD11).

MSDC Community Facilities Project Officer:

Thank you for the opportunity to comment on the plans for the development of 17 residential dwellings at Linden House, Southdowns Park, Haywards Heath. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Barry Drive and / or Sandy Vale, owned and managed by the Council, are the nearest locally equipped play area approximately 400m from the development site. These facilities will face increased demand from the new development and a contribution of £12,303 is required to make improvements to play equipment. A contribution of £10,334 is required toward the provision of kickabout facilities for older children at Sandy Vale, Barry Drive 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 £14,090 is required toward formal sport facilities at Victoria Park and / or Tim Farmer Recreation Ground and / or Hanbury Stadium.

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 £16,358 is required to make improvements to Ashenground Community Centre and / or The Woodside.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Southern Water:

Southern Water requires a formal application for a connection to the public foul and surface water 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 FRA and Drainage Strategy indicates surface water flows no greater than existing levels being connected into the public system proving betterment of the surface water flows which would be satisfactory to Southern Water.

The submitted drainage layout (Dwg: DR01 Rev P1) shows perforated pipes used for surface water drainage which is not acceptable to Southern Water.

Please note: Any overflow from soakaways to public sewerage system would not be acceptable.

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

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

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

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

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.

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

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

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

WSCC Lead Local Flood Authority:

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

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

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

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.

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

I would like to direct the applicant or their agent to the SBD website where the residential SBD

Homes 2023 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. SBD is owned by the UK Police Service and is supported by the Home Office, Building Control departments in England (Part Q Security – Dwellings). The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments.

The application is for a new build part three, part four-storey building containing 17 self-contained flats (C3). The building would be access off Bennetts' Rise. Parking is being provided to the front of the building and there is a standalone refuse cycle storage store on the north-east corner of the plot.

There is observation over the parking bays at the front of the building from a number of active rooms within the block. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be

expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. Vulnerable areas, such as exposed side and rear gardens and perimeter boundary treatments need robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Appropriate physical measures in the form of fencing treatment should be implemented to remove any easy access to the rear of the development and subsequent access to the vulnerable rear doors and windows.

With regard to the blocks of multiple dwellings. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2023 V2 chapter 29, respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. For multiple blocks of multiple dwellings serving 11 dwellings or more please see chapter 29.20. 'More frequently'.

Where there is a requirement for a door-set to be fire, smoke and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets, some door-sets aiding security compartmentation and/or meet a building regulation requirement, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party certification from a single UKAS accredited certification body satisfying all the performance elements. This is in order to minimise the likelihood of a door-set being presented in varying configurations for separate fire, smoke and security tests and then later being misrepresented as one product meeting all requirements. It is recognised that there are occasions where a door-set may only be required to be fire and security rated (not smoke). Again, in such circumstances the manufacturer or fabricator supplying the finished product to site is required to present independent third-party certification from a single UKAS accredited certification body satisfying both performance elements.

With respects to mail delivery for blocks of multiple 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 permitted. Facilities should be provided that enable mail to be delivered to safe and secure areas such as described below.

For communal mail and parcel delivery facilities serving multiple flats or rooms the applicant should consider incorporating the following:

- External delivery facilities should be positioned adjacent to the entrance area.
- Internal delivery facilities should be positioned within an entrance area with access control.
- Access control to this area should have a data logging facility
- An air-lock entrance arrangement as part of the access control strategy would meet the Secured by Design criteria
- Both internal and external delivery areas should be comprehensively covered by CCTV

- Mail and parcel delivery boxes should be equipped with high security cylinders that are not subject to master key access
- Mail and parcel delivery boxes should be of robust construction, should incorporate an anti-fishing design and be fire resistant
- Individual letter boxes shall have a maximum aperture size of 260mm x 40mm

- All delivery boxes must be installed in accordance with the manufacturer's specification
- A secure system of depositing parcels, such as the smart parcel boxes used by the major internet shopping companies, should be considered where appropriate

I recommend the postal arrangements for the flats 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.

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 the dwelling exterior lighting is switched by dusk to dawn lighting as opposed to passive infrared (PIR). Secured by Design has not specified PIR activated security lighting for a number of years following advice from the Institute Lighting professionals (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 blocks of multiple dwellings, I recommend that the external entrance and the main entrance lobbies are lit with dusk till dawn switched lighting with the stairwells having PIR operated lighting.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to extremely low levels of illumination. If this is the case, it is acceptable. However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored and considered. Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020.

SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. 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. It should be avoided.

Construction sites whether exceptionally large developments or small 2-3 dwelling developments, often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs and the surrounding areas.

SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website.

Further advice on construction site security can be obtained from the Secured by Design Website:

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

It is recommended that contact is sought by the developer with the local Neighbourhood Police Team (NPT) to establish good relationship and rapport whilst the development is in the construction phase.

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

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

WSSC Mineral and Waste:

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).

MSDC Housing Officer:

"The applicant has submitted a planning application for a 3 and 4 storey building containing 17 flats on the above site. This gives rise to a minimum onsite affordable housing requirement of 30% in accordance with District Plan Policy DP31 which equates to **6 units**, since the number of affordable dwellings is rounded up to the next whole number as stated in the Affordable Housing SPD.

The affordable housing units required comprise 2 x 1B/2P flats (approx. 30%) @ a minimum of 50m² and 4 x 2B/4P flats (approx. 70%) @ a minimum of 70m², in line with the mix stated in the Affordable Housing SPD. In this instance however we would be prepared to accept a commuted sum of £362,000 calculated in accordance with the West Sussex Commuted Sum Review letter dated 11th March 2011 - 2 x 1 bed flat @ £55,000 per unit plus 4 x 2 bed flats @ £63,000 per unit = £362,000. This sum would be secured via the Section 106 agreement and would be payable prior to Commencement of the Development.

It is noted that the developer has said in his Affordable Housing Statement that the amount of affordable housing to be provided could be reduced to 3 units through the application of Vacant Building Credit. However, as explained in the Affordable Housing SPD "the intention of VBC is to bring back into use sites which would not otherwise be developed and not simply to reduce the affordable housing requirement of schemes that would come forward without VBC thereby reducing the supply of affordable housing to meet local needs".

"Indeed VBC will only be applicable to sites to bring them back into use if they would not otherwise be developed (see below). It will not apply to reduce the affordable housing requirement of schemes that would come forward anyway without VBC". "There may be some exceptional circumstances where the VBC should be applied and would, in line with the intention of the policy provide an incentive for development on previously developed sites containing vacant buildings that would not otherwise come forward for development".

As stated in the applicant's Planning and Design and Access Statement however "a new Applicant (with the capability to build out the scheme) has acquired the site and seeks to improve the redevelopment of Linden house. The new proposal increases the efficiency of development by providing three additional dwellings and enhances the design over that already approved."

The Affordable Housing SPD also states that "the District Council encourages applicants to seek pre-application advice to identify whether or not the credit will apply and if so, the likely extent of the affordable housing contribution. All schemes where the applicant argues that the VBC should be applied will be required to submit viability information for consideration prior to validation, which will be published as part of the application". This is to demonstrate why VBC is necessary in a particular case. It is noted that neither was done in this case although reference is made in the applicant's Affordable Housing Statement to the previous Viability Assessment carried out on the site and that "...a further viability assessment is not deemed at this stage"

The applicant's Planning and Design and Access Statement however also states that "it is noted that the outline planning permission at Linden House is exempt from affordable housing on the basis of viability. The s106 agreement confirming such has been signed. However the same result would not necessarily carry through to the present scheme as it proposes more dwellings of a different design.". It also states that "As can be seen, the development offers further benefits.... and the potential provision of affordable housing"

If it is felt to be unviable to provide the £362,000 Affordable Housing Contribution due, a new Viability Appraisal will be required to be submitted for assessment. This is because the viability assessment undertaken following the application by the previous applicant, was carried out over 4 years ago and was based on 14 flats only and dwellings of a different design and much larger sizes (105m² & 134m² according to the applicant's Viability Appraisal and 76m² – 192m² according to the plans). Any Viability Appraisal to be submitted should be forwarded to me as soon as possible."

MSDC Environmental Protection Officer:

22.02.2024

I would be happy to have a Construction Management Plan (CMP) condition attached.

The only reason I didn't recommend it initially is because the main issue at this site is likely to be noise, and regulating construction timing would help address this.

However, a CMP would take a more comprehensive approach, covering all impacts, and would therefore be more beneficial if there are concerns being raised about the broader impact from construction.

17.04.2023

Considering the close proximity of the neighbouring residents to the proposed application site, there is a justifiable apprehension regarding the potential impact of the construction work on neighbouring residents. This impact primarily involves the generation of excessive noise and dust during the construction process. Thus, it is necessary to impose certain conditions that aim to reduce the impact of the construction work on the residents.

To this end, the recommended work hours should be restricted to avoid early morning or late evening disruptions to the neighbouring residents.

It is crucial to consider the concerns and well-being of the neighbouring residents during the construction process. By implementing reasonable measures, the potential impact on the residents can be minimised.

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

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

3. No burning materials: No burning of demolition/construction waste materials shall take place on-site.

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

informative:

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

MSDC Contaminated Land Officer:

Based on the historical analysis of the site, our records indicate that an initial Contamination Risk Assessment was carried out by Environmental Assessment Services Limited, revised in May 2018, and submitted with application DM/18/0421. This assessment specified that additional testing was necessary at the site. As a result, it is recommended that a phased approach to contaminated land management be implemented in conjunction with the proposed development of the application site.

Furthermore, to ensure that any unidentified contamination is identified during groundworks, a discovery strategy should also be incorporated into the plan. If contamination is discovered during this process, work should be halted until a further assessment has been conducted, and appropriate remediation methods implemented if necessary. This approach will ensure that any potential health and environmental risks associated with contamination at the site are effectively managed and mitigated.

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

a) A 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

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

b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

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

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

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

2. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority 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.

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

confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

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.

MSDC Street Naming and Numbering Officer:

Informative (Info29)

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

Planning applications requiring SNN informative

DM/23/0548

DM/23/0876

DM/23/0884

DM/23/0926

DM/23/0925

DM/23/0890

DM/23/0539