

MID SUSSEX DISTRICT COUNCIL

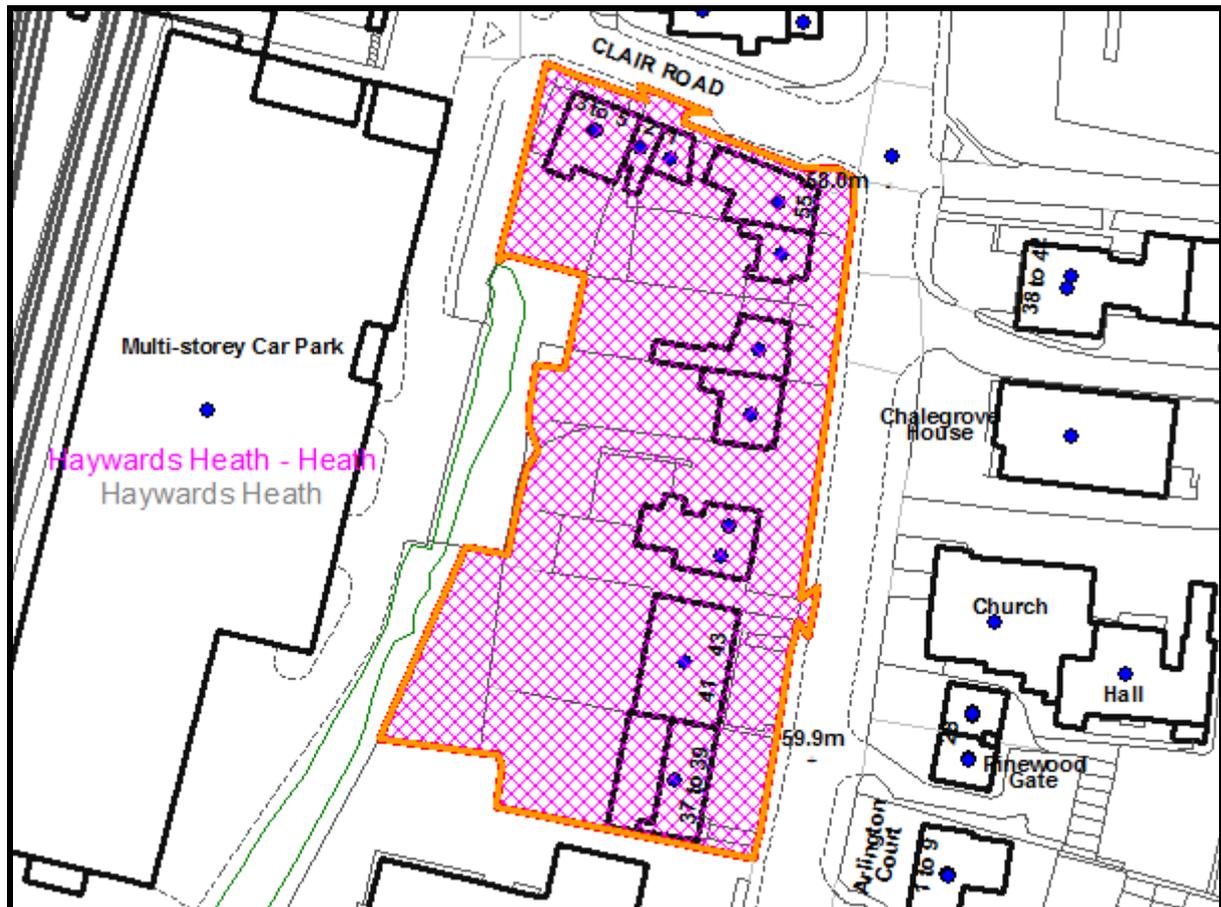
District Wide Committee

26 MAR 2019

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/18/4837



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**LAND AT 37 - 55 PERRYMOUNT ROAD HAYWARDS HEATH WEST SUSSEX RH16 3BN**

**DETAILED PLANNING APPLICATION FOR REDEVELOPMENT OF THE SITE TO PROVIDE 145 NEW RESIDENTIAL UNITS (INCLUDING 30% AFFORDABLE UNITS), WITH COMMERCIAL FLOORSPACE (A2 USE CLASS), TOGETHER WITH ASSOCIATED CAR PARKING**

**MR J BALL**

POLICY: Brownfield Land / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 1st March 2019

WARD MEMBERS: Cllr Sandra Ellis / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

This application seeks full planning permission for the redevelopment of the site to provide 145 new residential units (including 30% Affordable units), with Commercial floorspace (A2 use class), together with associated car parking.

Outline planning permission was granted on 28 September 2018 under reference DM/17/3413 for a very similar development on the site. Only the means of access was approved on this outline application.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP). The National Planning Policy Framework (NPPF) is an important material planning consideration.

The site lies within the built up area of Haywards Heath in a highly sustainable location. Outline planning permission has been granted for a redevelopment of the site to provide up to 145 dwellings and some 1,200sqm of commercial floor space. In light of all these points it is considered that the principle of the development complies with policies DP1 and DP6 of the DP and policy B2 in the HHNP.

It is considered that the design of the proposed development is of the high quality that is sought by policy DP26 in the DP and policies E8 and E9 in the HHNP. The development will have a transformative impact on this part of Haywards Heath. It is considered that this is the type of location where a high density scheme can be delivered and this would accord with the aims of the NPPF to make efficient use of land in sustainable sites such as this.

It is considered that satisfactory access can be provided to the site. Whilst the level of car parking provision is well below the District Councils minimum indicative standards, policy DP21 of the DP allows for flexibility to be applied and states that account should be taken of the availability and opportunities for public transport. The site is adjacent to the railway station, has good access to bus links and the town centre and its associated shops and employment opportunities are within easy walking distance. There are parking controls on the surrounding roads so it is not considered that there should be any highway safety issue arising from on street parking from the development because parking is not permitted on the surrounding roads where it is unsafe to do so. The NPPF is also clear in permitting flexibility in car parking standards in areas such as this.

It is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. These matters are therefore neutral in the planning balance.

There will be an impact from the proposal on the residential properties on the opposite side of Clair Road to the north of the site. The development will be of a significantly greater scale than the buildings that used to be on the site. Policy DP26 in the DP seeks to prevent significant harm to residential amenities from new developments. In this case whilst the view from the south facing windows of the flats in Clevelands will change substantially, it is not felt that this would be so over bearing or would result in a loss of light that would result in significant harm.

The proposal would provide economic benefits from the provision of construction jobs, new high quality commercial floor space and an increased population likely to spend in the community. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of 145 dwellings on this highly sustainable site will make an important contribution to the district's housing supply. The built environment of this part of Haywards Heath will be improved. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

The proposal is therefore considered to comply with the requirements of Policies DP1, DP6, DP17, DP20, DP21, DP27, DP28, DP29, DP31, DP38, DP39 and DP41 of the DP and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

### **Recommendation**

Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 28th June 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with polices DP20 and DP31 of the District Plan.

### **SUMMARY OF REPRESENTATIONS**

3 letters received:

- there seem to be no references to grey water harvesting or soakaways
- it's a shame there is no ambition to achieve sustainable energy targets
- insufficient parking for a building this size
- there is a risk the commercial units will stand empty unless there is parking for them
- staff parking should also be provided
- Residents parking should be gated or it will be used by commuters
- storage for the flats appears inadequate and could lead to balconies being used for storage which would be unsightly
- only one lift per building appears inadequate
- object to the height of the buildings which will be overly dominant on surrounding buildings and should be reduced to six stories

Haywards Heath Society: No objection

### **SUMMARY OF CONSULTEES**

#### **County Planning Officer**

Requests infrastructure contributions for education, library services and Total Access Demand.

#### **Highway Authority**

In terms of Access and Trip Generation, no concerns are raised when compared to the previously consented development. Due to the reduction in parking spaces it is recommended that a car club vehicle is secured within the S106. No objection is raised subject to conditions and S106 requirements.

## **WSCC Lead Local Flood Authority**

Modelled surface water flood risk: Low risk  
Modelled ground water flood risk susceptibility: Low risk  
Records of any flooding of the site? No  
Request conditions regarding surface water drainage designs

## **West Sussex Fire and Rescue Service**

To be reported.

## **Horsham and Mid Sussex CCG**

Require a Section 106 developer contribution of £60,820 to go towards works at Newtons Surgery.

## **Sussex Police**

I have no major concerns with the proposals. I previously mentioned I had concerns over the reduction in parking spaces for the development and note this application proposes to reduce them further, from 88 to 74. I reiterate my concerns at the reduction in parking at the development as it has the potential to be detrimental to the surrounding area.

## **Leisure Officer**

Requests infrastructure contributions to the following items:

- play equipment £59,835
- kickabout £50,261
- formal sport £115,032
- community buildings £65,974

## **Design Review Panel**

The panel support the scheme but would recommend that conditions are included that cover landscaping and sustainability considerations.

## **Urban Designer**

Because of site constraints that limit the development's potential configuration (as they generate a street frontage arrangement), the scale of the buildings have been largely determined by the quantum approved in the outline consent (DM/17/3413) even though scale along with appearance, design and landscaping were reserved matters. The reduction in height of the southern block on Perrymount Road (from 8 to 7 storeys) has nevertheless helped the development to tie in better with the existing streetscape; the Design Review Panel (DRP) have also commented the massing is broadly acceptable because of the scheme's location next to existing large office blocks along Perrymount Road and proximity to the railway station.

The quality of elevations have been much improved since the outline consent generating a more interesting frontage with the massing more consistently handled providing greater rhythm and allowing the frontages to respond better to the slope of the road.

A further set of revisions have recently been received that respond to detailed points I raised on the application. Most of these points appear to have been addressed, but there are some inconsistencies in the drawings that need clarifying. While I raise no objections to the planning application, I recommend conditions requiring further drawings to correct inconsistencies and to clarify other elements of the design; this includes the hard and soft landscaping and the entrance arrangement of block D. To secure the quality of the design, I would like a condition included that requires 1:20 scale elevation (vignette) and section drawings that shows a typical part of one of the building's street frontage including the grouped windows and sculpted/folded aluminium panels, the glass balustrading/inset balconies, and the upper floor "vision and spandrel panel" arrangement. A condition requiring agreement of the facing materials should also be included.

### **Housing Officer**

The applicant is proposing a development of 145 residential dwellings which they intend to deliver as a Build to Rent (BTR) scheme. As such all of the open market units will be for rent in the Private Rental Sector. In accordance with the requirements of Policy DP31 of the District Plan, the applicant is also proposing to include 30% onsite affordable housing (44 units). The affordable units will take the form of Affordable Private Rent units (APR) and will be let at a minimum discount to open market rent (including service charges) of 20% OR the maximum amount of Local Housing Allowance applicable for the size of the relevant dwelling, whichever is the lower. The affordable housing is to be provided in perpetuity and secured via the S106. This removes the requirement to include a claw-back mechanism. The private rental units will be subject to a covenant enforcing their retention as private rental properties for a fixed period (to be agreed).

### **Drainage Officer**

No objection subject to conditions.

### **Contaminated Land Officer**

No objection subject to conditions.

### **Environmental Health Officer**

No objection subject to conditions.

### **Waste Contracts Officer**

I have viewed the revised plans and can confirm that the bin storage arrangements are sufficient and that the number of bins for block D should provide capacity for all residents to use on a communal basis. I have also found the swept path analysis in

the transport statement and there appears to be access for the collection vehicle to service the bins from all 3 stores.

## **HAYWARDS HEATH TOWN COUNCIL**

The Town Council acknowledges that the latest application for this site is a detailed application as opposed to the outline application which was granted permission on 28 September 2018 (application number DM/17/3413 refers).

Nevertheless, in considering this detailed application, the Town Council wishes to reiterate the comments and observations that were made for the earlier outline application. Members believe that the majority of these comments remain valid and they are as follows:

The Town Council notes the amended plans received by Mid Sussex District Council on 14/12/17, which show a reduction in the site area and a reduction in the proposed number of parking spaces from 103 to 88.

Members have no further comment to make at this stage other than to reiterate the comments and observations made at the meeting of the Town Council's Planning Committee held on Monday, 13 November 2017, i.e.

Whilst it is acknowledged that the plans are for indicative purposes only and that all matters are to be reserved except for access, Members welcome the revisions to the design and consider them a positive step in what it is hoped will be an ongoing evolution of the scheme. Furthermore, the proposal aims to deliver 30% affordable housing, which is key.

Some of the comments and observations that were made when this application was first considered by the Town Council on 09/10/17 are still relevant and these are reiterated as follows:

This is a significant opportunity to improve the gateway to the town, which is an important urban location on the perimeter of the station quarter and adjacent to the forthcoming Premier Inn Hotel. The Committee's view is that this is an opportunity to provide a contemporary, forward-looking design, in keeping with the future aspirations of the town. It is believed the height of the building echoes neighbouring premises in Perrymount Road. The Town Council requests that the following conditions are put on the application:

Conditions:

- The outline plan offers trees, and some details of soft landscaping. These must be included as a planning condition (not informative).
- The development will have communal bins for landfill and recycling. These are large commercial bins which are not collected by MSDC, therefore to prevent emerging Environmental Health issues developing, movement of waste or goods in/out of the site will not be permitted before 07:00 or after 22:00 daily.

- Entrance gates, the development should be gated to prevent conflict from emerging unauthorised parking issues, with trade buttons set to operate after 07:00 daily.
- Construction Management Plan, to include on-site parking (not in nearby roads) for all construction site personnel along with wheel washing by hand.
- Construction hours, works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00-18:00 hours, Saturday 09:00-13:00 hours Sundays and Bank/Public Holidays no work permitted.

Reason: This is a commercial build for profit, therefore economic interests could compromise nearby resident interests, consequently this condition is required to protect the amenity of residents. B3 MSLP applies.

- Building/Lease covenants, should be configured with provisions to allow a change of use from Commercial to Retail Classes A1, 2 and 3. This is to prevent reoccurrence of issues restricting development elsewhere in the town, and critically to comply with policy objective 7A of the extant HHNP, supporting flexible and sustainable economic development in Haywards Heath.'

Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) - public realm improvements to South Road;
- art in the community - town centre £10,000;
- support for Haywards Heath library £5,000;
- IWP - community infrastructure £35,000;
- sport £10,000;
- highways/transport £10,000.'

In addition, the Town Council requests that the following comments/observations, relating specifically to this application, are taken into consideration:

1. In order to reduce the need for single use plastics, provision must be made in each commercial unit for potable water;
  2. The preferred option for the façade of the proposed building is the lighter coloured brick;
  3. If access to the development is not going to be gated, parking facilities must be managed by a parking management company in order to safeguard resident amenity;
  4. It is extremely disappointing to note a) the further reduction in the proposed number of on-site parking spaces, and b) that the affordable units have no parking allocation whatsoever. This is in a locality where the demand for parking will inevitably outstrip supply.
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## **INTRODUCTION**

This application seeks full planning permission for the redevelopment of the site to provide 145 new residential units (including 30% Affordable units), with Commercial floorspace (A2 use class), together with associated car parking.

## **RELEVANT PLANNING HISTORY**

Outline planning permission was granted on 28 September 2018 under reference DM/17/3413 for the following development:

Redevelopment of land at 37 - 55 Perrymount Road And 1-5 Clair Road, Haywards Heath to provide up to 145 new residential units including 30% affordable housing and 1209 sq. metres of commercial floorspace (A2 use class), together with associated car parking.

The means of access to the site was approved at the outline stage.

## **SITE AND SURROUNDINGS**

The site, which is subject to this planning application, measures approximately 0.62 hectares (1.53 acres) in size. The site lies on the western side of Perrymount Road, and to the south of Clair Road, forming a relatively large corner plot of land. It used to comprise several individual commercial premises of varying age and design. The previous commercial uses included estate and letting agencies and financial advisors.

The majority of the buildings that used to occupy the site have been demolished and the site is mainly cleared.

The rear (west) of the site backs onto an access road and railway station. In particular the railway land to the immediate west of the site comprises a new car parking area that serves the station.

There is a fall in levels through the site from south to north. To the immediate south of the site there are a number of larger office buildings on the same side of the road as the application site.

Immediately opposite the site on the northern side of Clair Road is Clevelands a part 2, part 3 storey residential block which has been designed to face both Clair Road and Perrymount Road. Further to the north is a nursery school, with the newly constructed Waitrose retail store beyond. Further to the north still is the station roundabout.

On the eastern side of Perrymount Road there are a great variety of building types and styles. These include commercial uses, a church and some residential. Directly opposite the site planning permission has been granted under reference DM/17/1136 for the demolition of Perrymount House 38 - 42 Perrymount Road and the erection of a 78 bed hotel and associated restaurant. This is now under construction.

In terms of planning policy the site is within the built up area of Haywards Heath as defined in the District Plan (DP). In terms of the Haywards Heath Neighbourhood plan (HHNP) the site is identified by the plan as lying within the commercial area within the built up area of the town.

## **APPLICATION DETAILS**

This application seeks full planning permission for the redevelopment of the site to provide 145 new residential units (including 30% Affordable units), with Commercial floorspace (A2 use class), together with associated car parking.

The submitted plans show four blocks of flats on the site. Two of these would front onto Perrymount Road, one would be on the corner of Perrymount Road and Clair Road with one block fronting onto Clair Road. The plans show that there would be two points of vehicular access, one onto Perrymount Road and one onto Clair Road. This would be a one way system with vehicles entering from Perrymount Road and exiting onto Clair Road.

The plans show that there would 76 be car parking spaces located to the rear of the buildings as a mixture of open forecourt parking and undercroft areas.

The plans show that the blocks of flats would be 7 storeys in height, with the upper two floors being set back behind a parapet wall. The ground floor would comprise A2 commercial floorspace with all of the other floors comprising residential units.

The external elevations would be organised with the first 5 floors having a brick framing treatment and panelling around the glazing. There would be recessed balconies on the front elevations of the flats.

Internally the development would provide 75 x 1 bedroom flats, 65 x 2 bedroom flats and 5 x 3 bedroom flats. Upper floor levels in each block will be served by a staircase and lift. All residential units are to be provided with private balconies/terrace areas.

The scheme is proposed to be constructed as build to rent apartments, with the number of residential units maintained at 145 with 30% affordable. The Governments Planning Practice Guidance states that 'Build to rent is a distinct asset class within the private rented sector'.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

The District Plan (DP) was adopted at Full Council on 28th March 2018.

Relevant policies:

DP1 - Sustainable Economic Development  
DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 - Securing Infrastructure  
DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP28 - Accessibility  
DP29 - Noise, air and light pollution  
DP31 - Affordable Housing  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage

### **Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan (HHNP) has been made and so forms part of the development plan. It is therefore a material consideration with full weight. Relevant policies are:

Policy E8 (major development proposals)  
Policy E9 (local character)  
Policy E11 (major development in prominent locations)  
Policy E13 (outdoor space in residential developments)  
Policy B2 (town centre uses)

Haywards Heath Masterplan Supplementary Planning Document (SPD)

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (February 2019)*

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

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and

permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

*National Planning Practice Guidance (PPG)*

*Technical Housing Standards*

## **ASSESSMENT**

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;
- Character and design;
- Affordable housing;
- Crime prevention;
- Energy Efficiency;
- Impact on residential amenity;
- Noise;
- Access, Parking, and Highway Safety;
- Drainage;
- Infrastructure;
- Contaminated Land;
- Ecology;
- Impact on Ashdown Forest;
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

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

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

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

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

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.'* The "in accordance" determination is one in accordance with the development plan when read as a whole.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Haywards Heath Neighbourhood Plan (HHNP) (2016). The DP has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

### **Principle of development**

The site of the application lies within the built up area of Haywards Heath in close proximity to the railway station. Development plan policy seeks to resist the net loss of business floorspace (policy DP1 in the DP) unless there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use.

On the previously approved outline application, the scheme involved the following changes on the site:

A2 (financial and professional services): a net increase of some 157sq m

B1 (a) (office): a net reduction of some 950sq m

D1 (non-residential institutions): a net reduction of some 250sq m

D2 (assembly and leisure): a net reduction of some 150sq m

There would be no loss of residential accommodation.

The buildings that used to be on the site were demolished pursuant to an application for prior approval of the means of demolition. Therefore the facts on the ground are that the commercial space that used to exist on the site has now gone.

On the outline consent it was accepted that if this were implemented there would be a net loss of employment floorspace at the site. This was accepted on the basis that the proposed redevelopment of the site would bring about an alternative use whose benefits would outweigh the loss of commercial floorspace on the site to accord with policy DP1 of the DP. These benefits would comprise the following: the provision of up to 145 new dwellings in a highly sustainable location, a more optimal use of the site, an improvement to the architecture and public realm of the site and surrounding area.

It is considered that there are no grounds to come to a different conclusion in relation to policy DP1 on this application.

The site is also within the Haywards Heath Master Plan (HHMP) Supplementary Planning Document (SPD). A SPD is one of the material considerations that can be taken into account when determining a planning application for development. It is

intended to provide helpful guidance for developers, applicants and other parties involved in the development process, which was consistent with the policies contained within the Mid Sussex Local Plan. The HHMP shows the site area as being a proposed new mixed use development, including residential, offices, leisure and car parking. The indicative proposals map within the HHMP refers to new buildings on the site being some 5-6 storeys in height.

The HHMP dates back to 2007 and whilst it is still a material planning consideration, its weight is now reduced due to the passage of time, the publication of more recent government guidance in the form of the NPPF and the fact that another more recent development plan document is in place (Haywards Heath Neighbourhood Plan). Nonetheless it is considered that the broad principle of a redevelopment of the site accords with the objectives of the HHMP as it was set out.

Policy B2 in the HHNP states:

*'Planning permission will be granted for development or change of use that will encourage a diverse range of uses in the Town Centre including new office, leisure, community, hotel, retail and residential which can be shown to support the core retail offer and generate vitality and add viability to the Town Centre whilst avoiding harm to existing businesses and residential properties. Schemes that result in the loss of residential accommodation in the town centre will only be granted*

- *in cases of upper floor accommodation where an independent access does not exist and cannot be provided,*
- *in cases where there are insurmountable environmental factors which mitigate against continued residential use,*
- *where an employment or retail use is proposed, providing that use would enhance the vitality and viability of the town centre.*
- *where additional residential accommodation is being provided'*

The Town Centre Inset and Policies and Proposals Map in the HHNP classifies this area as being a "commercial area", with the "Primary Town Centre" being shown as being further to the south on The Broadway, Church Road and The Orchards Shopping Centre. It is therefore considered that policy B2 is relevant to the determination of this application.

The proposal would provide new high quality commercial floorspace on the site, together with 145 new dwellings. The additional population within the town centre will assist in supporting town centre businesses as sought by policy B2 in the HHNP. It is therefore considered that overall the proposal accords with the aim of this policy, namely, improving the town centre of Haywards Heath.

### **Character and design**

Policy DP26 in the DP seeks a high standard to design in new development. It 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.'*

Policy E11 in the HHNP seeks to ensure that major development in prominent locations is supported by an assessment of the views to and from the development. Policy E9 in the HHNP states

*'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.'*

The NPPF is supportive of good design and making efficient use of land. Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Paragraph 117 of the NPPF states in part *'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.'*

Paragraph 122 of the NPPF states *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

Policy E13 in the HHNP states

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

This is a full planning application and the design must be assessed on its own merits against the relevant policies in the development plan that are outlined above. However it is also relevant to note that outline planning permission has been granted for up to 145 dwellings on the site and therefore by definition, buildings of the scale that are now sought in this full planning application have been found to be acceptable on the site. The officers report for the outline application stated *'In this case it is important to note that the application is in outline form with only the principle of the development and the means of access to be determined at this stage; the elevations that have been submitted are for illustrative purposes. However given the fact that the scheme is seeking consent for up to 145 dwellings on the site, it would necessitate buildings of the heights that have been shown on the illustrative elevations to achieve this quantum of development. Therefore it is considered to be reasonable to consider whether the principle of having buildings of this broad scale is*

*acceptable in design terms having regard to the development plan policies identified above.'*

The buildings to the south of the site on the western side of Perrymount Road are large scale office buildings. The proposed buildings would be of a substantially greater scale than the 3 storey flats to the north of the site on Clair Road. The proposed buildings would also be of a greater scale than the 3 storey offices and flats to the east of the site on Perrymount Road. Planning permission has been granted for a 4 storey hotel to the east of the site at Perrymount House, 38-42 Perrymount Road and this is now under construction.

The area around the site is characterised by buildings of varying designs and scales. The office buildings to the south of the site on the western side of Perrymount Road are of a greater scale than the buildings on the opposite side of the road to the east and those immediately to the north of the site. The proposal would therefore be of a similar scale to the office buildings to the south but would be of a greater scale than those to the north and east.

The site is in a prominent location and is located on what is becoming a more important gateway along Clair Road, which provides a pedestrian route to the station. It is considered that in such a gateway area and on a site that is highly sustainable, it is a reasonable design approach to seek to optimise the use of the site.

Whilst the proposed buildings are of a substantially greater scale than those to the north and to a lesser extent, those to the east, they would be of a similar scale to the office buildings to the south. In light of all the above, including the planning history of the site, it is considered that the scale of the proposed development is acceptable. The Design Review Panel (DRP) has no objection to the massing of the building because of its location next to existing large office blocks along Perrymount Road and proximity to the railway station.

With regards to the detailed design of the proposed buildings, these have been the subject of discussions with the applicants to secure a well designed development. It is considered that the elevations are well ordered and respond well to the shape of the road. The upper two floors on all the blocks will be set back to both reduce the scale of the buildings and to add interest to the facades.

The Urban Designer has no objection to the scheme and has recommended that points of detail are controlled by a planning condition.

At ground level in front of the building on Perrymount Road, the proposed plans show a number of raised planters. These would have a tree within them. Around these planters there would be a resin bound gravel and then concrete block paving making up the majority of the hard landscaping to the frontage. It is considered that the hard and soft landscaping strategy around the buildings is sound. As originally submitted there were proposed to be grassed areas around the planters but officers and the DRP had concerns about the robustness of such planting and whether it could be properly maintained. The proposed landscaping will enhance the character

of this part of the street scene, which was previously just hard standing in front of the buildings.

With regards to policy E13 in the HHNP, all of the flats would have an external balcony. There would be no communal amenity space provided within the site. There is a park on the opposite side of the road behind Clair Hall which is in very close proximity to the site. For a town centre location like this it is considered that the provision of external balconies would comply with policy E13 of the HHNP.

With regards to the internal layout of the development, the Councils refuse contracts manager has advised that the proposed refuse arrangements would be satisfactory. The plans show that each building would have separate refuse stores for the commercial and residential elements of the scheme. A swept path analysis plan has been provided to demonstrate that a refuse vehicle can access the site and turn within the parking area.

Overall it is considered that this is a high quality design that will transform this part of Perrymount Road. It is felt the application complies with policy DP26 of the DP and policies E9 and E13 of the HHNP.

### **Affordable housing**

Policy DP31 in the DP requires developments on sites such as this to provide 30% affordable housing on site. It is proposed that all of the flats will be built for rent. In relation to affordable housing on schemes that are built to rent, the PPG states *'The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord.'*

*20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme.'* In relation to the level of rent the PPG states *'National affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents. The discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on the discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies within the development.'*

On this scheme the applicants are proposing that 30% of the units (44) would be affordable housing. These would be in blocks C and D (block C is on the corner of the site and block D fronts onto Clair Road).

The affordable units will take the form of Affordable Private Rent units (APR) and will be let at a minimum discount to open market rent (including service charges) of 20% OR the maximum amount of Local Housing Allowance applicable for the size of the relevant dwelling, whichever is the lower. The affordable housing is to be provided in perpetuity and secured via the S106. This removes the requirement to include a

claw-back mechanism. The private rental units will be subject to a covenant enforcing their retention as private rental properties for a fixed period (to be agreed).

All the residential dwellings will be under common management control without the need for a traditional Affordable Housing Provider and the Affordable Private Rent units (APR) are to be physically indistinguishable from the market rent units in terms of quality and size. The management process will be agreed and set out in the S106 agreement and will cover the parameters of the lettings agreement, the rent levels, the apportionment of the homes across the development, the management and service agreement and a marketing agreement setting out how their availability is to be publicised. All new tenants will be offered tenancy agreements of at least 3 years, providing longer term security for those who need and/or want it.

Eligibility for the APR units will be determined in agreement between the applicant and the local authority and will be secured via the S106 agreement. The eligibility criteria will be set with regard to local household income levels and will prioritise households with an existing live/work connection to the town and wider District. Applications from eligible households on the Common Housing Register will be given additional priority.

Whilst this application is delivering a different form of affordable housing to the usual type of affordable housing that is brought forward in Mid Sussex, it is considered that the principle of delivering this form of affordable housing is acceptable. The scheme would deliver 30% affordable housing in line with policy DP31 in the DP. The model of providing build to rent schemes is supported by national planning guidance in the PPG. Subject to the completion of a satisfactory planning obligation to secure the affordable housing it is considered this element of the scheme is acceptable.

### **Crime prevention**

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. 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.

Sussex Police have not objected to the proposal. They have made detailed comments about various aspects of the scheme. They advise that the building should be compartmentalised to ensure control of entry is for authorised persons only. Secured by Design recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. It is considered that this point of detail could be controlled by a planning condition.

Sussex Police have raised some concerns about the level of car parking proposed and have suggested that this has the potential to be detrimental to the surrounding area. An assessment of the car parking for the development is set out later in the access, parking and highway safety section of the report. In relation to crime prevention, it is not felt that the level of car parking would result in anti-social behaviour linked to 'road rage' type incidents over parking. Prospective occupiers of the flats will know that car parking is limited on site and it is reasonable to believe that they will take this into account when deciding whether to take one of these flats. As such it is your officer's view that given this point and the town centre location of the site, it is not considered that there is evidence to suggest that the scheme should be resisted on matters relating to car parking and crime/disorder.

## **Energy Efficiency**

Policy DP39 in the DP seeks to ensure that new development has regard to the issue of energy efficiency and sustainable design. The application is accompanied by a Sustainability Statement. This outlines the following measures that will be included in the development:

- U values (a measure of the heat transmission through a building part) of building elements are enhanced beyond the minimum required for Building Regulations
- enhanced air permeability
- high efficiency mechanical ventilation with heat recovery in all apartments
- 100% LED light fittings in all apartments and landlord areas
- efficiency electric panel radiators for the apartments
- air to air heat pumps to each commercial unit
- Photo Voltaic (PV) cells to be installed in the roof providing 0.5kW to each apartment

It is considered the application complies with policy DP39 of the DP.

## **Impact on residential amenity**

Policy DP26 in the DP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. There are residential properties in the flats to the north of the site on Clair Road and to the east of the site on Perrymount Road. The flats to the north on Clair Road are 3 storeys in height.

In terms of a visual impact, the proposed development will be more dominant on the outlook from the south facing elevations of the flats on Clair Road compared to the existing two storey buildings that occupy the site. The issue is whether the height of the proposed flats would result in them being so dominant that they would be overbearing and cause a significant loss of residential amenity. This is an urban site where it can be reasonably expected that densities will be greater, building heights will be taller and there will be less separation between residential buildings compared to suburban areas. The desire to optimise the use of sites such as this must be balanced against the impact on existing occupiers. Overall it is considered that whilst the new buildings would be of a substantially greater scale than

the existing buildings on the site, on balance it is not felt that they would be so dominant or overbearing as to cause a significant loss of residential amenity.

The application is accompanied by a Daylight, Sunlight and Overshadowing Report that is available on file for inspection. The report is based on the principles set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice'. The guide is intended for building designers and their clients, consultants and planning officials.

The BRE Guide uses a set of parameters to quantify the potential effect on light levels: the Vertical Sky Component (VSC) and the Probable Sunlight Hours (PSH) for windows. The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE (Commission Internationale d'Éclairage) Overcast Sky is used and the ratio is expressed as a percentage. The maximum VSC value is close to 40% for a completely unobstructed vertical wall. The BRE Guide sets out two guidelines for the VSC:

1. If the VSC at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window; and
2. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable. This means that a reduction in the VSC value of up to 20% its former value would be acceptable and thus, the effect would be considered negligible.

Access to sunlight is measured on the windows to habitable rooms facing within 90° of due south. The PSH calculation method measures the proportion of the window assessed that is sunlit for a period of time. In new developments, each dwelling should have at least one main living room within 90° of due south to receive a reasonable amount of sunlight. The BRE Guide recommends that the PSH is calculated for the whole year, and for the winter months (21 September to 21 March).

If the window reference point can receive more than 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of Winter Probable Sunlight Hours (WPSH) during the winter months between 21 September and 21 March, then the room should still receive enough sunlight and the effect will therefore, be negligible.

However, if the available sunlight hours are both less than the amount given above and less than 0.8 times their former value, either over the whole year or during the winter months (21 September to 21 March), then the occupants of the existing building will notice the loss of sunlight. Further, if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Having identified the buildings around the site to be assessed, which include commercial and residential, it is then necessary to determine the sensitivity of the receptors. Based on the BRE guide, the applicants have applied a window sensitivity rating categorised into high, medium and low. The applicants report states:

- *'Habitable rooms such as living rooms, kitchens and bedrooms within residential developments generally require good levels of daylight to render them more enjoyable and adequate to their function. Windows to such spaces are classified as having high sensitivity to daylight;*
- *Non-domestic buildings where the occupants have a reasonable expectation of daylight such as offices have been classified as having a medium sensitivity to daylight;*
- *Windows of residential dwellings have been classified as having high sensitivity to sunlight, particularly for living rooms and conservatories. In the absence of internal layout information of the surrounding residential developments, all windows on the façade facing the proposed development have been classified as having a high sensitivity to sunlight as a 'worst case' scenario;*
- *The windows of the surrounding non-domestic buildings have been classified as having a low sensitivity to sunlight; and*
- *Windows on communal entrances to flat have been excluded from the assessment, as these are classified as having no sensitivity to daylight.'*

Compliance with the BRE Guide is also achieved for the identified receptors of the surrounding properties if the ratio of impact between the baseline and proposed scenarios is 0.80 or higher, i.e. the reduction in daylight or sunlight hours is 20% or less. An additional criterion of overall annual loss for APSH values also needs to be satisfied to comply with the recommended BRE guidelines. A negligible magnitude of change is established if compliance with the BRE criteria is met.

The applicant's assessment concludes that the proposed development has a negligible effect on the daylight receptors of 38-42 Perrymount House, Arlington Court and Newton Court. It further concludes that there is likely to be a localised negligible to moderate negative effect on the daylight receptors on the south facade of Clevelands. For 28 Pinewood Gate there is likely to be a localised negligible to moderate negative effect on the daylight receptors. For Chalegrove House there is likely to be a localised negligible to minor negative effect on the daylight receptors. For the Methodist Church there is likely to be a localised minor negative effect on the daylight receptors. Finally for 35 Perrymount Road there is likely to be a localised minor negative effect on the daylight receptors.

In relation to sunlight, the applicants report indicates that the proposed development has a negligible effect on the sunlight receptors of 38-42 Perrymount House, Chalegrove House, 28 Pinewood Gate and 35 Perrymount Road. For Clevelands the assessment has indicated that of the 26 receptors tested, there is a medium magnitude of change for 1 receptor for the annual probable sunlight hours only and a high magnitude of change for 5 receptors for the winter probable sunshine hours and on this basis there is likely to be a moderate negative effect on the sunlight receptors on the South façade of Clevelands Clair Road.

The above findings indicate that the main impact of the proposals would be on Clevelands and this impact would be negative. The test in policy DP26 is whether significant harm is caused to existing residential amenity, taking into account the impact on daylight and sunlight. The threshold of 'significant harm' in policy DP26 is a high one. It is your officers view that in relation daylight and sunlight whilst there

would be an adverse impact on Clevelands, on balance it is not felt that this would result in significant harm.

In light of the above it is not considered that there would be a significant adverse impact on the amenities of surrounding properties in relation to the impact on daylight or sunlight, which is the test in policy DP26 of the DP.

## **Noise**

Noise is a material planning consideration. In relation to noise policy DP29 of the DP states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

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

*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:*

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

The PPG states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The main source of noise for future occupiers of the houses would be from Perrymount Road and potentially from the railway line to the west. The application is accompanied by an acoustic report that the Councils Environmental Health Officer (EHO) has assessed.

The application is also accompanied by a Vibration Planning report, which concludes that no vibration impact on prospective occupiers is expected to be present due to the operation of the adjacent train station.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level

the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout.

As environmental noise levels vary throughout the site, the applicant has split the site into three areas each requiring a different level of protection in terms of glazing and ventilation in order to ensure habitable rooms meet BS8233:2014 requirements. Façade reference group A faces onto Perrymount Road, façade reference group B faces onto Clair Road and also includes some of the side elevations of the proposed buildings whilst façade group C comprises the rear elevations of the buildings.

It is the facades onto Perrymount Road and Clair Road where external noise levels are highest. The Council has advised that where the internal noise standards will be exceeded when windows are opened an alternative means of providing purge ventilation and thermal comfort must be included to provide suitable living conditions for occupants.

The EHO has advised that a judgement needs to be made as to whether having closed windows for notable periods will provide an acceptable environment for prospective occupiers. To satisfy the requirements of the EHO, a system should be provided for habitable rooms in Façade Reference Groups A and B, which is capable of providing purge ventilation and comfort cooling without the need for the windows to be opened. This could take the form of a Mechanical Ventilation Heat Recovery System (MVHR) or equivalent.

Given the advice in the PPG about needing to consider noise in the round along with other planning issues, such as the need to make efficient use of previously developed sites in town centre locations, it is your officers view that it would be acceptable to protect the future amenities of occupiers in respect of noise by a mechanical systems that would allow windows to be kept closed. This is a town centre location where it is reasonable to expect that external noise levels will be greater than sites that are in the suburbs or countryside.

In addition to external noise, future occupiers could also be impacted by plant and machinery that is required for the commercial units on the ground floor of the development. At this stage it is not known precisely what machinery or plant will be contained as part of the completed build. The EHO is satisfied with the applicants suggestion that a condition is used to set out the maximum rating level that the combined plant noise level from the proposed should achieve.

The Councils EHO considers that the measures listed in the Noise Planning Report that accompanies the application should ensure that future residents are protected with regard to noise. A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards. With this in place it is considered that policy DP29 of the DP would be met.

## **Access, Parking, and Highway Safety**

Policy DP21 in the District Plan states:

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

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

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

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

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of 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.'*

Policy E8 in the HHNP seeks to ensure that major development proposals will be designed to make the town more sustainable, having regard to a number of issues, including the promotion of walking, cycling and public transport and the promotion of car sharing.

The buildings that used to occupy the site were a collection of commercial units varying in size, totalling some 2,601sqm. The units that used to front onto Perrymount Road all had front parking courts with individual dropped kerbs whilst a number of access points also continue to rear parking areas as well.

The applicants have submitted a Travel Plan with their application. The key aim of the Travel Plan is to reduce single occupancy car use for travel to the site. The specific targets of the Travel Plan are to reduce the number of vehicle trips generated over a 12-hour period (weekday 07:00-19:00) by 15%; and to reduce the number of vehicle trips generated by the site during the morning peak hour (08:00-09:00) and evening peak (17:00- 18:00) by 15%.

Measures that are proposed in the Travel Plan include promotion of public transport, promotion of a car sharing scheme, Residential Travel Information Packs and the provision of Travel Vouchers. The Travel Plan also states that an initial approach has been made to a car club provider who have expressed interested in providing car club vehicles at the site.

The applicants have confirmed that it is the applicant's intention to provide a car club space to be made available for use by residents of the proposed development. They state *'In summary, the whole process relating to car club membership sign-up, booking, promotion and ongoing management of the vehicle is all managed by the car club provider. All the applicant will need to do is agree an initial membership package and guarantee a parking space on site for the car club vehicle.'*

*In detail, as to how a car club actually works, a car club vehicle will be based on the site from occupation and have a dedicated parking space. Each resident is offered free annual membership for a set number of years to the car club operator who has provided the vehicle. Those that register for the free membership are provided a membership card. The vehicle is then available on a first-come first-serve basis to be booked for use by a resident. Booking can be made online or via a mobile application (depending on the car club operator). When it is time for the resident to use the vehicle, it can be unlocked with the membership card, with the actual car keys stored within the glove box or another area within the vehicle. The cost to the*

*user is based on how long the car is in use for (not just the driving time) plus the distance driven. Members do not have to pay for fuel as fuel cards are also stored within the vehicle. The car must then be returned to the same space and locked by the end of the period the resident has booked.'*

There are number of issues related to highways and transport matters and these are addressed below.

### Highway safety

The proposed vehicular access points onto Perrymount Road and Clair Road are identical to those previously approved in the outline scheme. The Clair Road access is located partially within the existing short-stay parking bay, which will be removed as part of amendments to the carriageway. To prevent blocking of the site accesses and stopping along the frontage of Perrymount Road, an amendment to the Traffic Regulation Order is proposed to introduce double yellow lines.

Given the fact that the proposed vehicular access points are the same as approved under the previous outline consent and there have been no changes on the ground or changes to planning policy in relation to transport matters, it is considered that the proposed vehicular access points remain acceptable in highway safety terms.

### Vehicular movements

In relation vehicular movements at the site, the applicants have utilised the TRICS database to compare vehicular movements with the current lawful uses on the site compared to what can be anticipated with the proposed development. In summary the applicants Transport Statement concludes the development proposal will result in a slight reduction in vehicular trips on the local highway network during the peak periods and no net change to the operation of the highway network. In terms of access and trip generation, no concerns are raised by the Highway Authority when compared to the previously consented development.

It is considered that there are no grounds to resist the application based on the impact of vehicular movements on the local highway network. This is the conclusion that was reached on the previous outline application and there are no grounds to come to a different conclusion on this matter now.

### Car and cycle parking

With regards to car parking, the scheme proposes 76 spaces for the development. The District Councils car parking standards are contained in the Councils Infrastructure SPD and are expressed as a minimum indicative standard. Using this standard the scheme should provide 215 spaces for the residential dwellings. The scheme is therefore 139 spaces short of the District Councils standards in relation to the residential element. The current scheme provides some 990sqm of commercial floorspace. The District Councils car parking standard for financial and professional services is 1 space per 30sqm of floorspace. As such the commercial element should provide 33 car parking spaces. Overall then, using the District Councils

indicative minimum standards, the scheme would be 172 spaces short of the maximum number for both the residential and commercial elements of the scheme.

The County Council has its own car parking demand calculator. This would envisage the provision of 111 parking spaces.

By way of comparison, the consented application included 88 parking spaces for the development which was for up to 145 dwelling and some 1,200sqm of commercial floorspace.

Since the above SPD was produced, a revised NPPF has been published in February 2019. The NPPF has a clear emphasis on promoting sustainable transport and making efficient use of land where there opportunities to promote walking, cycling and public transport use. Paragraph 103 of the NPPF states in part *'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'* Paragraph 105 states *'If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'*

It is clear from this that national guidance is promoting flexibility in relation to car parking standards to further the objectives that have been set out above.

Assessing the adequacy of car parking provision on any site is a matter for the District Council as the Local Planning Authority. The Highway Authority will provide advice on car parking matters and will, for example, raise objections if they consider that the level of proposed car parking is so deficient that it would result in on street car parking that would lead to a highway safety hazard.

On the previous application, the applicants submitted a car parking survey. This was carried out over 2 days (10th and 11th January 2018) and provided a snap shot of available on street parking in the vicinity on Perrymount Road and Clair Road. For the parking 9am to 6pm bays (of which there are some 33 spaces) on Perrymount Road, this survey showed that on the 10th January there were 10 cars parked and on 11th January they were 5 cars parked. On Clair Road there are 3 car parking bays (8am to 6pm) and on 10th January there was 1 car parked and on 11th January there were 3 cars parked.

This is a highly sustainable location, being adjacent to the railway station and in a location where there is a choice of methods of travel to access shops, employment and other services. There are car parking restrictions around the site. To the south on Perrymount Road there are double yellow lines on both sides of the road and to the south there are single yellow lines, with no car parking allowed Mon to Sat between 8am and 6pm. There is time restricted parking to the south on Perrymount

Road with restrictions in place Mon to Fri between 9am and 6pm, with parking limited to two hours.

Given the fact that there are existing parking restrictions on areas where it would be considered detrimental to highway safety to park, it is not considered that the level of car parking provision proposed with this development would result in on street car parking that would be detrimental to highway safety. As this is a town centre location, parking restrictions can readily be enforced by the Councils Civil Enforcement Officers.

To summarise on car parking matters, the scheme is now proposing 76 spaces for 145 dwellings and some 990sq m of commercial floorspace compared to the consent scheme providing 88 car parking spaces for up to 145 dwellings and 1,200sq m of commercial floorspace. It is acknowledged that there is a clear shortfall between the level of car parking provision and the maximum parking numbers set out in the District Councils standards. Government advice is clear in seeking to make the best use of previously developed sites in locations such as this and allows LPAs to be flexible in relation to car parking provision. It will also clearly be the case that any prospective occupier of these flats will be aware of the level of car parking that is to be provided on site and will therefore be able to make an informed choice as to whether the accommodation provided is appropriate for them.

The applicants intention to provide a car club will also be a useful contribution to reducing the demand for individuals to have their own cars on the site.

It is also relevant to take account of the Councils previous decision to approve a very similar development at the District Planning Committee meeting on 6th September 2018. It is not felt that there has been a material change in planning policy or to circumstances on the ground that would justify coming to a completely different conclusion in relation to car parking levels now compared to the decision that was made in September 2018.

In relation to cycle parking, the scheme is proposing 163 spaces for residential use and 76 spaces for the commercial uses (239 in total). For residential use the District Councils cycle parking standards are for 1 space per 1 bedroom unit and 2 spaces per 2/3 bedroom unit. For financial and professional services the standard is 1 space per 100 sq. m for staff and 1 space per 200 sq. m for customers. Based on these standards the scheme should provide a total of 230 cycle spaces.

The proposed level of cycle provision would therefore exceed the District Council standards. The allocation of the spaces between the residential and commercial spaces would need to change and this can be controlled by a planning condition. Sussex Police have stated *'In order to reduce the payoff to a potential offender I ask that the cycle stores are segregated to include a maximum of 30 cycles each.'* The details of the intended cycle storage within the areas allocated for this can also be controlled by a condition.

## **Drainage**

Policy DP41 in the DP seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It is intended that surface water would discharge to the adopted surface water sewer in Perrymount Road. Foul water would discharge to local public system.

The site lies in Flood Zone 1 where there is a low risk of fluvial flood risk. In addition, the majority of the site is already covered by hard standing. The Councils drainage engineer has no objection to the scheme and is of the view that the means of drainage for the site can satisfactorily be controlled by a planning condition. On this basis there is no conflict with the above planning policy.

## **Infrastructure**

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

*'54 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:

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

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

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

### West Sussex County Council Contributions:

Library provision: £36,711  
Education Primary: £78,694  
Education Secondary: £84,691  
TAD: £168,082  
Traffic Regulation Order: £7,500

### District Council Contributions

Children's play space £59,835  
Kick about £50,261  
Forma sport £115,032  
Community buildings £65,974  
Local community infrastructure £74,786

### Other contributions

NHS Sussex contribution of £60,820 to go towards Newtons Surgery.

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

It is considered that the above contributions are justified having regard to this Councils development and infrastructure SPD and would meet the test of the CIL Regulations.

### **Contaminated Land**

Paragraph 178 of the NPPF states

*'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

The applicants have provided a Phase I Environmental Assessment with their application. The report concludes that there is no evidence that significant contamination affects the site or is likely to constrain its future redevelopment. The

report advises that the proposed redevelopment for predominantly residential use presents a 'low to medium' risk of unidentified contamination being exposed to site workers and future residents. Low to medium risk is classified as the following:

- Site considered suitable for present use and environmental setting.
- Contaminants may be present but unlikely to have an unacceptable impact on key targets.
- Action unlikely to be needed only if the Site remains in present use or otherwise remains undisturbed.

The Councils Contaminated Land Officer has considered this report and has confirmed that it meets current standards. He has advised that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Such a condition would meet the tests set out in the NPPF and would be appropriate. With this in place the scheme would comply with the aims of the NPPF identified above.

### **Ecological matters**

Policy DP38 of the DP seeks to protect biodiversity. The previous application was accompanied by a combined Phase 1 Habitat Survey and Preliminary Ecological Appraisal. That report concluded that *'This development would see the loss of a large area of hard-standing of poor ecological value, four buildings of negligible value to bats, three buildings of low value to bats, a small area of amenity garden of low ecological value, several sections of scattered trees and hedgerows and an area of scattered broad-leaved trees with medium ecological value (west bank).'* In relation to the removal of trees on the western side of the site the report advised that any vegetation removal or building demolition should be timed outside of the nesting bird season (1st March to 31st August) unless features are first hand search by a suitably qualified ecologist.

The previous application was also accompanied by a bat emergence/re-entry survey. The re-entry survey reported that *'no bats were observed re-entering any of the buildings at any time and only a single bat was observed during the survey, with a single common pipistrelle briefly observed commuting past building 1. The location of these buildings within an urban location, which are subject to high levels of artificial light suggests that there is little value present for roosting bats.'* The report concluded in relation to the buildings on site that *'No further surveys or mitigation measures are considered necessary for the demolition of these buildings.'*

The majority of the buildings that were on the site have now been demolished and the site is mainly cleared. In light of the above it is considered that there are no ecological reasons that would present an obstacle to this site being redeveloped.

### **Impact on Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017/1012 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a

significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file. Given the fact that the application site is not within 7km of the Ashdown Forest SPA, there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and HHNP. The NPPF is an important material planning consideration.

The site lies within the built up area of Haywards Heath in a highly sustainable location. Outline planning permission has been granted for a redevelopment of the site to provide up to 145 dwellings and some 1,200sqm of commercial floor space. In light of all these points it is considered that the principle of the development complies with policies DP1 and DP6 of the DP and policy B2 in the HHNP.

It is considered that the design of the proposed development is of the high quality that is sought by policy DP26 in the DP and policies E8 and E9 in the HHNP. The development will have a transformative impact on this part of Haywards Heath. It is considered that this is the type of location where a high density scheme can be delivered and this would accord with the aims of the NPPF to make efficient use of land in sustainable sites such as this.

It is considered that satisfactory access can be provided to the site. Whilst the level of car parking provision is well below the District Councils minimum indicative standards, policy DP21 of the DP allows for flexibility to be applied states that account should be taken of the availability and opportunities for public transport. The site is adjacent to the railway station, has good access to bus links and the town centre and its associated shops and employment opportunities are within easy walking distance. There are parking controls on the surrounding roads so it is not considered that there should be any highway safety issue arising from on street parking from the development because parking is not permitted on the surrounding roads where it is unsafe to do so. The NPPF is also clear in allowing flexibility in car parking standards in areas such as this.

It is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. These matters are therefore neutral in the planning balance.

There will be an impact from the proposal on the residential properties on the opposite side of Clair Road to the north of the site. The development will be of a significantly greater scale than the buildings that used to be on the site. Policy DP26 in the DP seeks to prevent significant harm to residential amenities from new developments. In this case whilst the view from the south facing windows of the flats in Cleveland's will change significantly, it is not felt that this would be so over bearing or would result in a loss of light that would result in significant harm.

The proposal would provide economic benefits from the provision of construction jobs, new high quality commercial floor space and an increased population likely to spend in the community. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of 145 dwellings on this highly sustainable site will make an important contribution to the district's housing supply. The built environment of this part of Haywards Heath will be improved. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

The proposal is therefore considered to comply with the requirements of Policies DP1, DP6, DP17, DP20, DP21, DP27, DP28, DP29, DP31, DP38, DP39 and DP41 of the DP and Policies E8, E9, E11, E13 and B2 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

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## **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.

### **Pre commencement conditions**

2. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker

and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

3. (1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
  - b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1) c that any remediation scheme required and approved under the provisions of condition (1) c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c.

(3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In the interests of health of future occupiers and to accord with Policy CS20 of the Mid Sussex Local Plan and Policy DP1 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

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

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. No development above slab level shall take place until detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms in Façade Reference Groups A & B, as laid out table 6.1 and Figure 5 of the Acoustic Planning Report by Hilson Moran (ref: 2301-RP-AC-001), dated the 22 Nov 2018 have been submitted to the local planning authority for its approval in writing. The submitted proposals shall be in accordance with the recommendations of Section 5.2 (Purge Ventilation and Comfort Cooling) of the above Acoustic Report.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

7. No development above slab level shall take place until plans showing a 1:20 scale elevation (vignette) and section drawings that shows a typical part of one of the building's street frontage including the grouped windows and sculpted/folded aluminium panels, the glass balustrading/inset balconies, and the upper floor "vision and spandrel panel" arrangement 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 with the Local Planning Authority in writing.

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

#### **Pre occupation conditions**

8. The development shall not be occupied until details of proposed screen walls/fences and/or hedges (including a schedule for their implementation) have been submitted to and approved by the Local Planning Authority and then implemented in accordance with the approved details.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

9. The dwellings shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided and constructed in accordance with a schedule that has been submitted to and approved in writing by the Local Planning

Authority. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles for residents of the flats only. The car parking spaces shall be numbered and shall be allocated to specified flats within the scheme

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy E8 of the Neighbourhood Plan.

10. No part of the development shall be first occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

11. No part of the development shall be first occupied until such time as all but one of the existing vehicular accesses onto Perrymount Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

12. No part of the development shall be first occupied until such time as until a Car Park Management Plan for has been submitted and approved in writing by the Local Planning Authority. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

14. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping (including a schedule for their implementation), which 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 and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E11 of the Neighbourhood Plan.

15. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the program agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E11 of the Neighbourhood Plan.

16. The floors/ceilings that are between the commercial units at ground floor and the residential units above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

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

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

17. The buildings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway (including a schedule for their implementation) and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy E8 of the Neighbourhood Plan.

18. Prior to use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

19. No part of the development hereby permitted shall be occupied until details of the proposed entry system for the flats (including a schedule for their implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the building is secure and to prevent opportunities for crime in and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

20. No part of the development shall be occupied until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at anytime restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

21. The development shall not be occupied until details of electric vehicle charging points to serve the proposal (including a schedule for their implementation) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

22. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of for fibre to premises infrastructure (including a schedule for their implementation) that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

### **Construction stage**

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

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

24. 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 safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

25. The development shall take place in accordance with the details set out in the Construction Management Plan that was approved under conditions discharge application reference DM/19/0011 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

### **Post occupation**

26. Glazing and trickle vents shall meet the requirements laid out in the Acoustic Planning Report by Hilson Moran (ref: 2301-RP-AC-001), dated the 22 Nov 2018, in particular the standards laid out Table 6.1 of said report, with the exact criteria to be achieved being dependant on the particular façade as laid out in figure 5 of the same report.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

27. No commercial goods or commercial waste delivered to or collected from the application site outside the hours of: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays. None permitted on Sundays unless with prior written approval of the LPA.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

28. The commercial units hereby permitted shall only be open to the public between the hours of 07:00 to 23:00 on any day.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

29. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or amended in the future and the Town and Country Planning (Use Classes) Order 1987 now or as amended in the future, the ground floor of the buildings hereby permitted shall be used for A2 (financial and professional services) only and for no other purposes.

Reason: In order for the Local Planning Authority to control the future uses of the building in order to protect the amenity of adjoining residents and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

30. 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. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
2. The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further

details of the process and how to apply are available here  
<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

3. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Site Plan	00-DR-L-0-90-100	A	27.11.2018
Site Plan	00-DR-L-0-90-101	A	27.11.2018
Site Plan	00-DR-L-0-90-102	A	27.11.2018
Site Plan	00-DR-L-0-90-103	A	27.11.2018
Site Plan	00-DR-L-0-90-104	A	27.11.2018
Planning Layout	00-DR-L-0-90-301	A	27.11.2018
Planning Layout	00-DR-L-0-90-302	A	27.11.2018
Planning Layout	00-DR-L-0-90-303	A	27.11.2018
Planning Layout	00-DR-L-0-90-304	A	27.11.2018
Planning Layout	00-DR-L-0-90-401	A	27.11.2018
Planning Layout	00-DR-L-0-90-402	A	27.11.2018
Planning Layout	00-DR-L-0-90-403	A	27.11.2018
Topographical Survey	16/4828	-	27.11.2018
Topographical Survey	16/4828	-	27.11.2018
Existing Elevations	16/4828_ELEV	-	27.11.2018
Location Plan	ZZ-SH-A-90P-001	D0-1	27.11.2018
Proposed Floor Plans	00-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	01-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	02-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	03-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	04-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	05-SH-A-01P-001	D0-1	27.11.2018
Proposed Floor Plans	06-SH-A-01P-001	D0-1	27.11.2018
Proposed Block Plan	ZZ-SH-A-90P-002	D0-1	27.11.2018
Proposed Roof Plan	RF-SH-A-01P-001	D0-1	27.11.2018
Proposed Sections	ZZ-SH-A-21E-001	D0-1	27.11.2018
Proposed Floor Plans	00-SH-A-01P-001	DO-3	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Floor Plans	00-SH-A-01P-001	DO-4	12.03.2019
Proposed Roof Plan	RF-SH-A-01P-001	DO-03	12.03.2019
Proposed Block Plan	ZZ-SH-A-90P-002	DO-2	12.03.2019
Planning Layout	00-DR-L-0-90-100	C	12.03.2019
Planning Layout	00-DR-L-0-90-101	C	12.03.2019

Proposed Elevations	ZZ-SH-A-03E-001	D0-1	27.11.2018
Proposed Elevations	ZZ-SH-A-03E-002	D0-1	27.11.2018
Proposed Elevations	ZZ-SH-A-03E-003	D0-1	27.11.2018
Proposed Elevations	ZZ-SH-A-03E-004	D0-1	27.11.2018
Proposed Elevations	ZZ-SH-A-03E-005	D0-1	27.11.2018
Planning Layout	00-DR-L-0-90-102	C	12.03.2019
Planning Layout	00-DR-L-0-90-103	C	12.03.2019
Planning Layout	00-DR-L-0-90-104	C	12.03.2019
Proposed Elevations	ZZ-SH-A-03E-002	DO-2	05.03.2019
Proposed Elevations	ZZ-SH-A-03E-003	DO-2	05.03.2019
Proposed Elevations	ZZ-SH-A-03E-004	DO-2	05.03.2019
Proposed Elevations	ZZ-SH-A-03E-005	DO-2	05.03.2019
Proposed Elevations	ZZ-SH-A-03E-001	DO-2	05.03.2019
Other	Rain water pipes strategy		05.03.2019
Other	Upper floor Vision and Spandrel Panels		05.03.2019

## **APPENDIX B – CONSULTATIONS**

### **Haywards Heath Parish Council Consultation**

The Town Council acknowledges that the latest application for this site is a detailed application as opposed to the outline application which was granted permission on 28 September 2018 (application number DM/17/3413 refers).

Nevertheless, in considering this detailed application, the Town Council wishes to reiterate the comments and observations that were made for the earlier outline application. Members believe that the majority of these comments remain valid and they are as follows:

The Town Council notes the amended plans received by Mid Sussex District Council on 14/12/17, which show a reduction in the site area and a reduction in the proposed number of parking spaces from 103 to 88.

Members have no further comment to make at this stage other than to reiterate the comments and observations made at the meeting of the Town Council's Planning Committee held on Monday, 13 November 2017, i.e.

Whilst it is acknowledged that the plans are for indicative purposes only and that all matters are to be reserved except for access, Members welcome the revisions to the design and consider them a positive step in what it is hoped will be an ongoing evolution of the scheme. Furthermore, the proposal aims to deliver 30% affordable housing, which is key.

Some of the comments and observations that were made when this application was first considered by the Town Council on 9/10/17 are still relevant and these are reiterated as follows:

This is a significant opportunity to improve the gateway to the town, which is an important urban location on the perimeter of the station quarter and adjacent to the forthcoming Premier Inn Hotel. The Committee's view is that this is an opportunity to provide a contemporary, forward-looking design, in keeping with the future aspirations of the town. It is believed the height of the building echoes neighbouring premises in Perrymount Road. The Town Council requests that the following conditions are put on the application:

Conditions:

- The outline plan offers trees, and some details of soft landscaping. These must be included as a planning condition (not informative).
- The development will have communal bins for landfill and recycling. These are large commercial bins which are not collected by MSDC, therefore to prevent emerging Environmental Health issues developing, movement of waste or goods in/out of the site will not be permitted before 07:00 or after 22:00 daily.
- Entrance gates, the development should be gated to prevent conflict from emerging unauthorised parking issues, with trade buttons set to operate after 07:00 daily.
- Construction Management Plan, to include on-site parking (not in nearby roads) for all construction site personnel along with wheel washing by hand.
- Construction hours, works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00-18:00 hours, Saturday 09:00-13:00 hours Sundays and Bank/Public Holidays no work permitted.

Reason: This is a commercial build for profit, therefore economic interests could compromise nearby resident interests, consequently this condition is required to protect the amenity of residents. B3 MSLP applies.

- Building/Lease covenants, should be configured with provisions to allow a change of use from Commercial to Retail Classes A1, 2 and 3. This is to prevent reoccurrence of issues restricting development elsewhere in the town, and critically to comply with policy objective 7A of the extant HHNP, supporting flexible and sustainable economic development in Haywards Heath.'

Finally, and with regard to developer Section 106 contributions, the Town Council requests that allocations are made as follows:

- local community infrastructure (LCI) - public realm improvements to South Road;
- art in the community - town centre £10,000;
- support for Haywards Heath library £5,000;
- IWP - community infrastructure £35,000;
- sport £10,000;
- highways/transport £10,000.'

In addition, the Town Council requests that the following comments/observations, relating specifically to this application, are taken into consideration:

1. in order to reduce the need for single use plastics, provision must be made in each commercial unit for potable water;
2. the preferred option for the façade of the proposed building is the lighter coloured brick;
3. if access to the development is not going to be gated, parking facilities must be managed by a parking management company in order to safeguard resident amenity;
4. it is extremely disappointing to note a) the further reduction in the proposed number of on-site parking spaces, and b) that the affordable units have no parking allocation

whatsoever. This is in a locality where the demand for parking will inevitably outstrip supply.

## County Planning Officer

### Summary of Contributions

<b>Education</b>			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	233.0		
	Primary	Secondary	6th Form
Child Product	0.6273	0.6273	0.3388
Total Places Required	4.3914	3.1367	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£36,711		
Population Adjustment	233.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	145		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	233.0		
Net Parking Spaces	12		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£78,694
<b>Education - Secondary</b>	£84,691
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£36,711
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£168,082
<b>Total Contribution</b>	<b>£368,178</b>

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

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

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

The calculations have been derived on the basis of an increase in 145 Net dwellings and an additional 12 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

The contributions generated by this proposal shall be spent on small scale improvements at Oathall Community College.

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

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

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

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

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.

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).

**Child Product = Adjusted Population x 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 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - **£17,920 per child**
- Secondary Schools - **£27,000 per child**
- Sixth Form Schools - **£29,283 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.

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,252** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 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.

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

### a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

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

### b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

**Sustainable transport contribution** = (net car parking - occupancy) x 686

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

## **Highway Authority**

The application is similar to that of that approved under DM/17/3413 for Outline planning application for redevelopment of the site to provide 145 new residential units including 30% affordable housing and 1207 sq. metres of commercial floorspace (A2 use class), together with associated car parking.

The difference being is a reduction in the number of car parking spaces (88 to 76) and commercial floorspace (1,209m<sup>2</sup> to 990m<sup>2</sup> gross internal area).

In terms of Access and Trip Generation, no concerns are raised when compared to the previously consented development.

The below information focuses on the changes to the application:

### Car Parking

The consented application included 88 parking spaces, the current application proposes 76 at a ratio of 0.52 spaces per unit. Whilst WSCC parking demand calculator would envisage the provision of 111 parking space, the proximity of the site to the town centre and railway station, on street parking restrictions, provision of a travel plan and availability of offsite parking provision for visitors the proposals would not result in a highway safety issue.

A car parking management plan is to be secured by condition, it is proposed that the development would be wholly private rental and as such spaces will be leased rather than sold.

### Car club

Section 4.4.7 states "A car club provider has expressed interest and this shall be explored further, with a view to securing a car club vehicle and car club membership for all units on site. Should this be agreed, this will form part of the Section 106 agreement for the development."

Due to the reduction in parking spaces it is recommended that a car club vehicle is secured within the S106.

#### Travel Plan

The following comments have been provided by the county travel plan officer:

- There appears to be confusion about whether this site requires a TA (and hence a Full Travel Plan) or a TS (and hence a Travel Plan Statement). Our Development Travel Plans Policy states that all sites over the TA threshold require a Full Travel Plan (with 15% trip rate reduction target and TRICS SAM monitoring). Largely this TP accords with our requirements for a Full Travel Plan, although in the document reference is made to a TS.
- As a lower level of parking provision is now proposed the TP should include a stronger commitment to providing car club vehicles at (or close to) the site, and full details should be included in the TP.
- There should not be a cap on the number of £150 vouchers offered. Every household should be offered a voucher, although not all will take up the offer.

#### Layout

The revisions to the built form have addressed previous concerns over the swept path analysis.

#### Conclusion

No objection is raised subject to the following conditions and S106 requirements.

#### Conditions:

##### *Access (details required, access provided prior to first occupation)*

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

##### *Access closure (prior to first occupation)*

No part of the development shall be first occupied until such time as all but one of the existing vehicular accesses onto Perrymount Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

##### *Car parking space (details required)*

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

##### *Car Park Management Plan*

No part of the development shall be first occupied until such time as until a Car Park Management Plan for has been submitted and approved in writing by the Local Planning

Authority. Once occupied the use shall be carried out only in accordance with the approved Plan.

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

*Construction Management Plan*

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

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

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

*Travel Plan (to be approved)*

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

Reason: To encourage and promote sustainable transport.

*Provision or Extension of Waiting Restrictions*

No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at anytime restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety.

S106

- A contribution of £7,500 for the funding of the traffic regulation order to amend Waiting restrictions on Perrymount Road and Clair Road
- Provision of a car club
- A TAD contribution has also been requested.

*Informative*

*Minor Highway Works*

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway

*Temporary directional signs to housing developments*

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

**WSCC Lead Local Flood Authority**

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

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

**Flood Risk Summary**

Modelled surface water flood risk	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 163 states – When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones.</p>	

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

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

Ordinary watercourses nearby?	No
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Comments: Current Ordnance Survey mapping shows no ordinary watercourses within or adjacent to the site boundary.

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

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

### **Future development - Sustainable Drainage Systems (SuDS)**

The FRA and Drainage Strategy for this application proposes that below ground attenuation with a restricted discharge to the existing sewer would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **West Sussex Fire and Rescue Service**

To be reported.

## **Horsham and Mid Sussex CCG**

Thank you for consulting with Horsham & Mid Sussex CCG regarding the above full planning application and for your kind clarification regarding the permitted outline planning application on the same site DM/17/3413.

As you are aware, Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP - led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham & Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG cover the entire catchment area of Mid Sussex District Council and this proposed development would create potentially 233 new residents and in view of the proposed site being in close proximity to the town centre, these patients may well choose to register with the nearby GP Practice which is Newtons in Heath Road. In this respect, we and Newtons Surgery have plans to refurbish/realign the ground floor interior of their building to better manage the large increase in patients already seen in Haywards Heath but importantly to be in a position to take on new residents/patients such as those from this proposed development.

Given the circumstances, we consider that a section 106 application for a developer contribution towards Healthcare capital improvements to be entirely appropriate, on a pro rata basis, taking into account the number and types of dwellings.

In calculating our requirement, we utilise currently available West Sussex average occupancy figures agreed with West Sussex County Council and using the Senior District Valuer for the South East's approved formula which is accepted by all Local Authorities in West Sussex which still operate Section 106.

Overall, all potential new residents will utilise some or all of the health services which the CCG commissions and will put further pressure on medical services generally, GP practices being the gatekeeper of the wider NHS. We are also very mindful that new housing developments do not disadvantage the health services for existing patients.

We are therefore seeking a Section 106 developer contribution of £60,820 on a pro rata basis (This equates to an average of £419 per flat/apartment and has increased from the outline planning Section 106 application which was approved (£56,683) in view of the change in types of flats/apartments)

## **Sussex Police**

Thank you for your correspondence of 04th December 2018, advising me of a detailed planning application for redevelopment of the site to provide 145 new residential units (including 30% Affordable units), with commercial floorspace (A2 use class), together with associated car parking at the above location, for which you seek advice from a crime prevention viewpoint.

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

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when

compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I was pleased to note the inclusion of a number of core principles of Secured by Design (SBD) including Environmental Quality & Sense of Ownership, Natural Surveillance and design of access routes have been introduced into the design and layout of the development. Also included is, good natural surveillance into and out of the residential lobbies along with the fitting of secure post boxes within the lobbies. Very good boundary treatment to secure the development's perimeter. I was pleased to note that the vehicular route is proposed as a one way system through the development, this will reduce congestion for residents, however clear and legible signage will need to be implemented to ensure this is carried out. It is unclear if the parking facilities were only for the residential element of the development. If this is so, in order to protect the residential parking from misuse, I recommend controlled barriers to prevent unauthorised access into the parking area. This would also be effective if the retail staff had parking authority.

However, I do have a number of additional recommendations to offer from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. Controlled access from refuse stores into residential areas will be essential in order to create and maintain a secure boundary into the blocks. Additionally in order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD asks for compartmentalisation. SBD seeks to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation). This can be achieved by controlling access from or to stairwells and lifts.

Where there are ground floor dual aspect windows that directly face the public walkway, I ask to reduce the impact upon the resident's privacy from 'looking in' these are replaced with high level windows.

In order to reduce the payoff to a potential offender I ask that the cycle stores are segregated to include a maximum of 30 cycles each.

I previously mentioned I had concerns over the reduction in parking spaces for the development and note this application proposes to reduce them further, from 88 to 74. I reiterate my concerns at the reduction in parking at the development as it has the potential to be detrimental to the surrounding area.

I recommend that SBD document Commercial Developments 2015 is consulted for security advice for the retail units at [www.securedbydesign.com](http://www.securedbydesign.com)

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

Finally, given that there is some under-croft elements to the development, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

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.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

### **Leisure Officer**

Thank you for the opportunity to comment on the plans for the development of 145 residential dwellings on Land at 37 - 55 Perrymount Road, Haywards Heath RH16 3BN on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Haywards Heath Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 200m from the development site. This facility will face increased demand from the new development and a contribution of £59,835 is required to make improvements to play equipment. A contribution of £50,261 is also required toward kickabout provision to install basketball hoops at Beech Hurst. 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 £115,032 is required toward the cricket facilities at Haywards Heath Recreation Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £65,974 is required toward the cost of improved community facilities at Clair Hall or a replacement building which is a project identified in the Council's draft infrastructure development plan (ref: HH/111).

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

## **Design Review Panel**

The panel agreed the latest design represented further improvements of the scheme and overall it worked well including the use of materials and detailing. As stated at the previous DRP meeting (31/7/18), the panel felt the massing was broadly acceptable because of its location next to existing large office blocks along Perrymount Road and proximity to the railway station.

Block D that was previously a concern, has been reduced in height by 1.5m and the panel believe it now appropriately steps down the slope on Clair Road.

There was a discussion on the prominence of the two top floors on all the blocks and whether there was an advantage in marginally raising the brick parapet to the regulation height (in place of the glazed balustrade). However it was felt that on balance the set back position of these floors should ensure that they do not dominate the streetscape, although they will be more visible from longer views.

It was noted that some of the flats had poor outlooks particularly where they face north, and where they face the flanks across the narrow gaps between the blocks.

The panel were not convinced about the front threshold strategy. The organic shapes of the planters and the clever integration of the seating was applauded as was the way they help mediate between the different levels, and the increased width (to 4m) of the main footpath. However, the grassed areas were questioned as they would be difficult to maintain (even if the client is the landlord) and may not grow well under the trees. Further consideration should also be given in respect of the choice of trees.

The sustainability credentials of the scheme were not sufficiently explained. There were concerns that the solar panels may not be optimised if they lay flat on the roof as was proposed. It was also unclear where the air source heat pumps will be accommodated within the commercial floorspace.

### Overall Assessment

The panel support the scheme but would recommend that conditions are included that cover landscaping and sustainability considerations.

## **Urban Designer**

### **Summary and Overall Assessment**

Because of site constraints that limit the development's potential configuration (as they generate a street frontage arrangement), the scale of the buildings have been largely determined by the quantum approved in the outline consent (DM/17/3413) even though scale along with appearance, design and landscaping were reserved matters. The reduction in height of the southern block on Perrymount Road (from 8 to 7 storeys) has nevertheless helped the development to tie in better with the existing streetscape; the Design Review Panel (DRP) have also commented the massing is broadly acceptable because of the scheme's location next to existing large office blocks along Perrymount Road and proximity to the railway station.

The quality of elevations have been much improved since the outline consent generating a more interesting frontage with the massing more consistently handled providing greater rhythm and allowing the frontages to respond better to the slope of the road.

A further set of revisions have recently been received that respond to detailed points I raised on the application. Most of these points appear to have been addressed, but there are some inconsistencies in the drawings that need clarifying. While I raise no objections to the planning application, I recommend conditions requiring further drawings to correct inconsistencies and to clarify other elements of the design; this includes the hard and soft landscaping and the entrance arrangement of block D. To secure the quality of the design, I would like a condition included that requires 1:20 scale elevation (vignette) and section drawings that shows a typical part of one of the building's street frontage including the grouped windows and sculpted/folded aluminium panels, the glass balustrading/inset balconies, and the upper floor "vision and spandrel panel" arrangement. A condition requiring agreement of the facing materials should also be included.

### **More Detailed Consideration**

Perrymount Road is characterised by a variety of building frontages, with the more domestic character of the east side contrasting with the commercial west side. In addition to this the west side of the road also varies from the southern part that is dominated by the large office buildings that are generously set-back from the carriageway while the northern part of the road, including the new station quarter / Waitrose development, features modest height frontages that more closely define the road edge. The application site is positioned mid-way along Perrymount Road on the west side and is the transition point between the two parts of the road. In contrast to the existing buildings which echo the more modest 2 to 4 storey frontages of the northern part of the road, the proposed buildings match the height and scale of the commercial buildings along southern part of the road.

Both because of the site's proximity to the similar scaled office buildings and because it optimises the advantage of its juxtaposition with the railway station, the principle of a substantially larger frontage is accepted, even though there will be a significant contrast in scale around the Clair Road junction with the adjacent 3 storey "Clevelands" block.

The proposal has been improved in relation to the outline scheme in the following respects:

- The southernmost block on Perrymount Road has been reduced from 8 to 7 storeys and the building frontages now have a consistent height and massing\* which gives them more underlying rhythm and allows the buildings to respond better to the topography by gradually stepping up the slope (\*there is nevertheless some variation generated by the different footprint and position of the corner block and Clair Road block).
- The facades are now of a high quality benefitting from greater refinement and better horizontal and vertical articulation that successfully breaks-up and subdivide these big buildings (and are less repetitive than the outline scheme). The apparent height of the buildings is lessened when viewed from the immediate street level with the top two floors set-back behind the front parapet of the main brick façade. The architects have also invested considerable effort in the material selection and detailing as demonstrated by the bespoke sculpted panels that are employed in the vertical window groupings within the brick facade.
- The prominent Clair Road / Perrymount Road corner has been resolved internally as well as externally.

I also have the following comments on the further information and drawings received from the applicant in response to detailed issues that I raised in respect of the application drawings:

- The issues raised by me and the DRP in relation to the front threshold treatment have largely been addressed. In particular the previously grassed areas are shown replaced with resin bound gravel (the site plan nevertheless still confusingly shows these areas drawn in green). Also multi stem trees will be replaced with more robust single stem trees (species still to be determined), and the trees are shown more regularly spaced on the general arrangements plan (although this is also shown differently on the site plan). I recommend that the selected tree type is of a medium to large variety that is commensurate with the scale of the buildings.

## Housing Officer

The applicant is proposing a development of 145 residential dwellings which they intend to deliver as a Build to Rent (BTR) scheme. As such all of the open market units will be for rent in the Private Rental Sector. In accordance with the requirements of Policy DP31 of the District Plan, the applicant is also proposing to include 30% onsite affordable housing (44 units). The affordable units will take the form of Affordable Private Rent units (APR) and will be let at a minimum discount to open market rent (including service charges) of 20% OR the maximum amount of Local Housing Allowance applicable for the size of the relevant dwelling, whichever is the lower. The affordable housing is to be provided in perpetuity and secured via the S106. This removes the requirement to include a claw-back mechanism. The private rental units will be subject to a covenant enforcing their retention as private rental properties for a fixed period (to be agreed).

All the residential dwellings will be under common management control without the need for a traditional Affordable Housing Provider and the Affordable Private Rent units (APR) are to be physically indistinguishable from the market rent units in terms of quality and size. The management process will be agreed and set out in the S106 agreement and will cover the parameters of the lettings agreement, the rent levels, the apportionment of the homes across the development, the management and service agreement and a marketing agreement setting out how their availability is to be publicised. All new tenants will be offered tenancy agreements of at least 3 years, providing longer term security for those who need and/or want it. This requirement will be secured by way of a planning condition.

Eligibility for the APR units will be determined in agreement between the applicant and the local authority and will be secured via the S106 agreement. The eligibility criteria will be set with regard to local household income levels and will prioritise households with an existing live/work connection to the town and wider District. Applications from eligible households on the Common Housing Register will be given additional priority.

The agreed mix for the APR units is as follows:

	1 bed 2 person	2 bed 3 person	2 bed 4 person	Total
Block C Flats	3 x first floor 3 x second floor	2 x first floor 2 x second floor		10
Block D Flats	3 x first floor 3 x second floor 3 x third floor 3 x fourth floor 5 x fifth floor 5 x sixth floor		3 x first floor 3 x second floor 3 x third floor 3 x fourth floor	34
Total	28	4	12	44

The above also includes 2 x 1 bed flats which are fully accessible wheelchair units that meet the standards required by M4(3)(1)(a) and (b) and M4(3)(2)(b) of Approved Document M of the Building Regulations 2010. These flats are located on the 5th and 6th floors in Block D.

## **Drainage Officer**

**Recommendation:** No objection subject to conditions

## **Summary and overall assessment**

Further to the Outline Application (DM/17/3413) on this site, this latest proposal has clearly set out the drainage ambitions.

Surface water is proposed to be managed by attenuation with controlled discharge to the local public surface water system. This will be able to cater for the 1 in 100 plus 40% for climate change, and a bypass oil separator is intended to minimise pollution risk to the downstream system. Discharge rates are proposed to better match the greenfield conditions of the site. In comparison to the existing unrestricted brownfield condition, this provides some betterment. Foul water is proposed to discharge to the local public foul system. An initial maintenance and management plan has been submitted.

Whilst we do not object to this proposed development, and are willing to allow drainage to progress to conditions, we will require further information at the detail design/condition clearance stage. We will require:

- Evidence that Southern Water approve the proposed surface water connection and discharge rates.
- Evidence that Southern Water approve the proposed foul water connection and discharge rates.
- Detailed plans of the surface and foul water system.
- Supporting calculations and information of the design.

This proposed development should continue to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.

- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

### **Surface Water Drainage Proposals**

Attenuation with controlled discharge to the local public surface water system.

### **Foul Water Drainage Proposals**

Discharge to the local public foul water system.

### **Suggested Conditions**

#### **C18F - Multiple Dwellings**

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.

### **Further Drainage Advice**

Applicants and their consultants should familiarise themselves with the following information:

#### **Flood Risk and Drainage Information for Planning Applications**

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

**Useful links:**

[Planning Practice Guidance](#) - Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

**For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:**

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

**For the use of soakaways:**

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

**For the use of SuDs and Attenuation:**

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

**Outfall to Watercourse:**

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

**Outfall to Public Sewer:**

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

6.

**Public Sewer Under or Adjacent to Site:**

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or

within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

**7.**

**MSDC Culvert Under or Adjacent to Site:**

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

**8.**

**Watercourse On or Adjacent to Site:**

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

**Contaminated Land Officer**

**Main Comments:**

The application looks to redevelop the site in order create 145 new residential units, commercial floor space, and associated car parking.

The site has a number of nearby sites that have been identified as potentially contaminated land, such as historical goods yards to the west, and historic petrol station to the north.

Due to this a Phase I Environmental Assessment has been undertaken by Hilson Moran (ref: 23108-RP-SU-003), 22<sup>nd</sup> November 2018, and has been submitted as part of the application.

This report has been assessed and has been found to meet current standards. It agreed that given the past uses of adjacent sites that further testing is required at the application site if it is to be used for mixed residential and commercial.

Therefore a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

**Recommendation:**

**Approve with conditions**

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

with the Local Planning Authority:

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Where possible the laboratory analysis for permanent gases and Volatile Organic Compounds (VOCs) should be accredited by the Environment Agency's Monitoring Certification Scheme ([MCERTS](#)). The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;  
**and unless otherwise agreed in writing by the LPA,**
  - b) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a *design report* and an *installation report* for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sub>1</sub> to oversee the implementation and completion of the works.
- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition **(1)b** that any remediation scheme required and approved under the provisions of conditions **(1)b** has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
- a) Description of remedial scheme
  - b) as built drawings of the implemented scheme
  - c) photographs of the remediation works in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

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

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

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

### **Environmental Health Officer**

The application looks to redevelop the site in order create 145 new residential units, with commercial A2 use at ground floor, and associated car parking.

### **Environmental Noise and Vibration**

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

A Noise Planning Report by Hilson Moran (ref: 2301-RP-AC-001), dated 22 Nov 2018 has been submitted as part of the application, and addresses concerns over environmental noise levels. Having assessed the acoustic report it is accepted that the recommendations listed in the report should ensure that future residents are protected with regard to current environmental noise levels.

As environmental noise levels vary throughout the site, the applicant has split the site into three areas each requiring a different level of protection in terms of glazing and ventilation in order to ensure habitable rooms meet BS8233:2014 requirements.

A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

Additionally habitable rooms at the front of the development on Perrymount Road will also require ventilation capable of providing fresh air and comfort cooling without the need for the windows to be opened, as BS8233:2014 standards cannot be met with the windows open. This will need to be conditioned and the acoustic specifications of the selected system will need to be submitted for approval prior to installation.

This being the case, there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development living for long periods of time in a windows closed environment (to avoid excessive noise)?
- 2) If acceptable, what type of ventilation would be deemed appropriate for these residents?

With regard to the first question, there are a number of Planning appeal cases where this issue has been commented on. The prevailing view of Inspectors seems to be that closed window solutions are not desirable, but can be acceptable for traffic noise and/or general background noise although less acceptable where noise is of an industrial/commercial nature. In this case the noise source is traffic related.

In our view, closed windows with additional ventilation is not an ideal solution, but may be acceptable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation. Accordingly, care should be taken to minimise the potential impact of noise within the buildings themselves; living rooms and bedrooms should ideally be located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suite, utility rooms, windowless gable ends and kitchens located on the noise facing façades of residential properties.

In any event, a judgement is required on whether closed windows for notable periods will provide an acceptable living environment for future occupiers.

With regard to the second question, developers and consultants often argue (as in this case) that attenuated trickle ventilation and suitably glazed windows should suffice where a noisy area means internal noise levels will be compromised with open windows. Our view is that a ventilation system should be a mechanical air supply ventilation system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable. Trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient in our view.

It is noted that Hilson Moran also assessed vibration impact from the railway line and no vibration impact is expected to be present due to its operation.

### **Noise emissions from the completed development**

At this stage it is not known precisely what machinery or plant will be contained as part of the completed build.

For that reason Hilson Moran have taken background readings and recommended the maximum rating level that the combined plant noise level from the proposed should achieve. Normally plant would be required to 5dB below the representative background level (L90), at the nearest noise sensitive receptor. However the background is so low at night, that Hilson Moran have suggested a rating level of 30dB be achieved.

This proposal is considered acceptable, and a condition is suggested to ensure the levels recommended are achieved.

## **Additional noise concerns**

Given the mixed uses of the site, specifically between ground floor commercial operations and residents above, a higher level of insulation should be implemented between these uses in order to protect future residents.

Additionally, rubbish and recycling collections, especially those involving glass, and commercial deliveries can cause disturbance. For that reason a condition for the times that collections and delivery can take place at the site has also been suggested.

## **Construction Noise**

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

Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. It is therefore important to put the onus onto the developers to come up with a plan to minimise complaints, design their activities with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

Therefore if the application is successful it is recommended that a Construction Environmental Management Plan be required, and that additional conditions in regards to minimising the construction passes impact be attached.

1. **External Soundproofing** - Glazing and trickle vents shall meet the requirements laid out in the Acoustic Planning Report by Hilson Moran (ref: 2301-RP-AC-001), dated the 22 Nov 2018, in particular the standards laid out Table 6.1 of said report, with the exact criteria to be achieved being dependant on the particular façade as laid out in figure 5 of the same report.
2. **Residential Ventilation** - Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation with sufficient capacity to ensure adequate fresh air for the occupants with the windows closed, for habitable rooms in Façade Reference Groups A & B, as laid out table 6.1 and Figure 5 of the Acoustic Planning Report by Hilson Moran (ref: 2301-RP-AC-001), dated the 22 Nov 2018. The submitted proposals shall be in accordance with the recommendations of Section 5.2 (Purge Ventilation and Comfort Cooling) of the above Acoustic Report.
3. **Plant & Machinery (Operational)**: Prior to use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.
4. **Deliveries (Operational)** - No commercial goods or commercial waste delivered to or collected from the application site outside the hours of: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays. None permitted on Sundays unless with prior written approval of the LPA.

5. **Hours of Operation** - The commercial units hereby permitted shall only be open to the public between the hours of 07:00 to 23:00 on any day.
6. **Internal Soundproofing** - The floors/ceilings that are between the commercial units at ground floor and the residential units above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

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

7. **Construction hours:** Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
  - Monday to Friday: 08:00 - 18:00 Hours
  - Saturday: 09:00 - 13:00 Hours
  - Sundays and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents.

8. **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

9. **Construction Environmental Management Plan:** Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise and vibration affecting nearby residents; policy for burning on site, and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise, vibration and smoke emissions during construction.

10. **Air Quality** - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex (2013), available at <http://www.sussex-air.net/>, the purpose of which is to assess the local emissions from the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors (at <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>). A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

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

11. **Dust Management** - Construction Phase - Prior to the commencement of the development a Dust Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall be in accordance with the recommendations of the submitted (20 Nov 2018) Hilson Moran Dust Impact Assessment (ref 23108-RP-SU-003 23108/S/AQ/RP01/03), in particular Tables 6.1 and 6.2 of this document. The construction works shall thereafter be carried out at all times in accordance with the approved DMP, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

#### **Waste Contracts Officer**

I have viewed the revised plans and can confirm that the bin storage arrangements are sufficient and that the number of bins for block D should provide capacity for all residents to use on a communal basis.

I have also found the swept path analysis in the transport statement and there appears to be access for the collection vehicle to service the bins from all 3 stores.