

MID SUSSEX DISTRICT COUNCIL

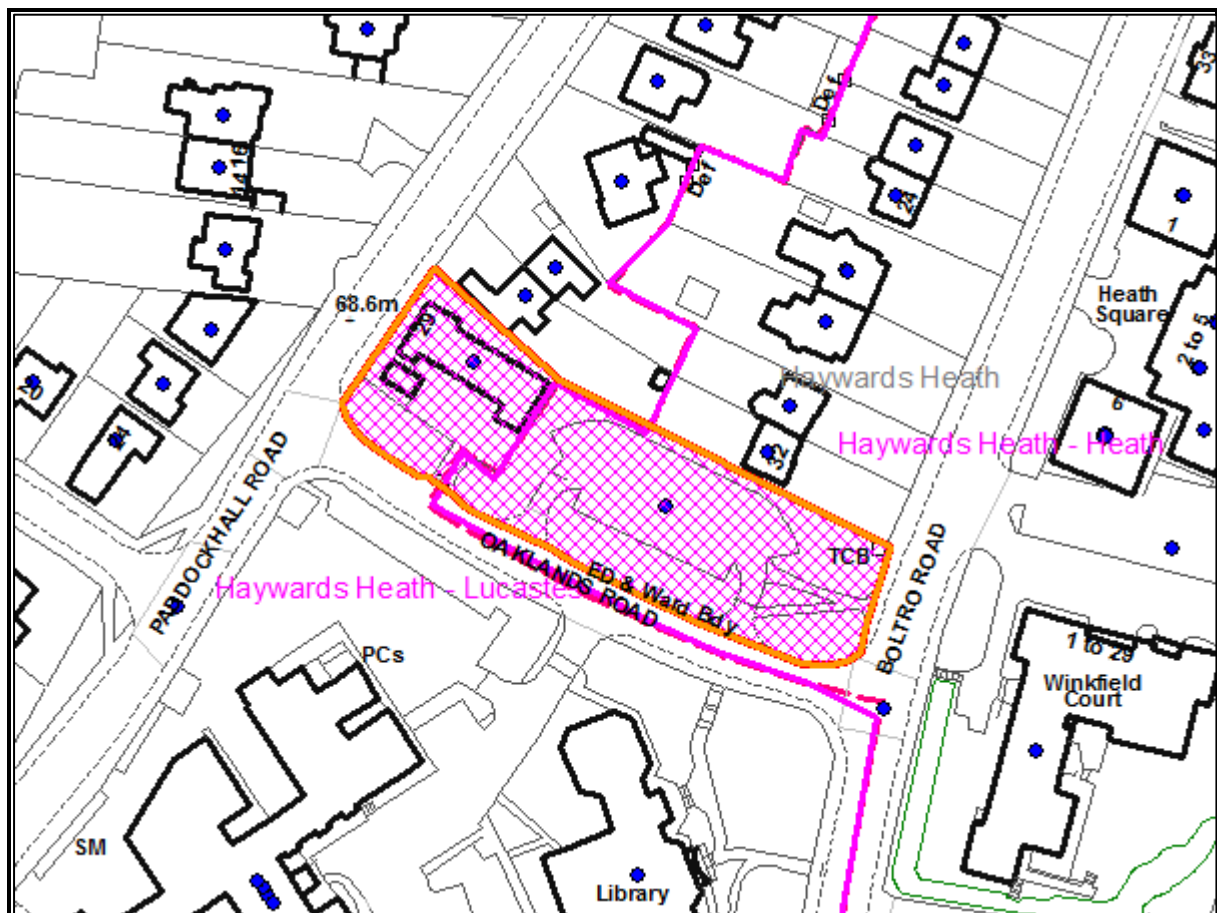
Planning Committee

7 NOV 2019

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/18/4841



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RED CROSS HALL 29 PADDOCKHALL ROAD HAYWARDS HEATH WEST SUSSEX

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NO. 8 DWELLINGS COMPRISING OF 5 X 3 BEDROOM HOUSES WITH ATTACHED GARAGES AND A FLAT BLOCK OF 3 X 2 BEDROOM FLATS. INCLUDES CREATION OF CYCLE STORE/ REFUSE STORAGE BUILDING, WITH ASSOCIATED CAR PARKING, LANDSCAPING WORKS AND CHANGES TO ACCESS ONTO OAKLANDS ROAD.

MID SUSSEX DISTRICT COUNCIL

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Tree Preservation Order Points /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 31st March 2019

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of existing buildings and erection of no. 8 residential units comprising of 5 x 3 bedroom houses with attached garages and an attached block of 3 x 2 bedroom flats, to also include the creation of an attached cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath.

The applicant is Mid Sussex District Council and the Council is the sole freeholder of the land subject of the application.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site is within the built confines of a Category 1 settlement and is therefore a sustainable location for infill residential development. The existing development on site is considered to be surplus to the requirements of the Council and the displaced staff parking arising from the scheme can be suitably accommodated and managed within the extensive existing parking areas elsewhere across the Council Campus.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H8. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not signed a planning obligation securing the necessary infrastructure contributions by 7 February 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

SUMMARY OF REPRESENTATIONS

Letters of OBJECTION received from 2 households, concerning the following issues:

- Increased air pollution
- Increased traffic and highway safety concern including from vehicles reversing onto Oaklands Road
- Description of development misleading
- Terrace is out of character and density of development too high
- Loss of parking bays on Oaklands Road which serve library

- Overlooking and loss of outlook
- Loss of trees and associated loss of wildlife habitat

Haywards Heath Society: No objection

SUMMARY OF CONSULTEES

The full response from the consultees can be found in Appendix B of this report.

WSCC Highways

No objection subject to conditions

WSCC County Planning Officer

S106 Contributions:

- £24,347 towards Primary Education
- £26,203 towards secondary education
- £2,868 towards libraries
- £806 Total Access Demand

MSDC Community Services

S106 Contributions:

To be reported.

MSDC Urban Design

No objection subject to conditions

MSDC Environmental Protection and Contaminated Land

No objection subject to conditions

MSDC Drainage

No objection subject to condition

MSDC Tree Officer

No objection to the development in principle and would likely support the application subject to the receipt of replanting detail/landscape plan and amendments to recommendations to T1.

WSCC Tree Officer

No objection but tree replacement would be required and maintenance agreed

MSDC Ecology Consultant

No objection subject to condition

Haywards Heath Town Council

The Town Council supports this application, but with the following caveats:

1. It must be a condition of any permission granted that the site provides the three social rented/intermediate two bedroom apartments as proposed in the application. The Town Council welcomes this aspect of the scheme because it would add to the accommodation available in the social rented and intermediate sectors;
2. In order to soften the impact of the development on the streetscape, the green buffer zones at each end of the site and the tree-planted frontages of the properties - as proposed in the site plans - must be incorporated into a formal landscaping scheme. This would be in the interests of visual amenity and would accord with Policy E9 of the Haywards Heath Neighbourhood Plan.

INTRODUCTION

Planning permission is sought for the demolition of existing buildings and erection of no. 8 dwellings comprising of 5 x 3 bedroom houses with attached garages and a flat block of 3 x 2 bedroom flats, to also include the creation of cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath. Together with the hall, the application site also comprises a restricted use car park for Council employees and highway verge.

RELEVANT PLANNING HISTORY

HH/103/94 CHANGE OF USE OF GARAGE TO CHARITY SHOP WITH LINKING TO MAIN BUILDING.

HH/084/87 SINGLE STOREY EXTENSION TO FORM ADDITIONAL OFFICE.

SITE AND SURROUNDINGS

The site is rectangular in shape and measures 0.6 hectares. It is located between Oaklands Road to the southwest, Boltro Road to the southeast and Paddockhall Road to the northwest.

At the north-western end of the site is a pitched roof single storey building which is currently vacant but formerly occupied by the Red Cross. A small flat roof garage is situated to the front of the building. Access to these building is provided from Oaklands Road and there is a hardstanding area between the building and this highway.

The central part of the site is a restricted access 30 space car park for Mid Sussex District Council staff with separate entry and access points onto Oaklands Road. This is a supplementary car park to those larger parking areas to the southwest within the MSDC campus.

Finally the smaller eastern end of the site comprises two footpaths linking the car park to Boltro Road, together with a variety of vegetation.

There are a large number of trees of varying size and species across the site. These are identified in full on an existing survey plan and supporting Arboricultural Implications Assessment, however the most noteworthy are an oak to the rear of the hall building (which is subject to preservation order), a lime to the rear of the garage adjacent to Paddockhall Road, a line of birch trees between the car park and Oaklands Road and a western red cedar on the south-eastern corner.

Ground levels rise gently across the site to the northwest.

There is boundary hedging along much of the site's rear (north-eastern) boundary. Beyond this are semi-detached dwellings fronting onto both Boltro Road and Paddockhall Road. To the southeast side there is a block of flats on the opposing side of Boltro Road set at a lower level. To the southwest beyond Oaklands Road is the Mid Sussex District Council campus and Hayward Heath library. There is on-street parking along the southwestern side of Oaklands Road.

The site located within the built up area boundary of Haywards Heath. Paddockhall Road and Boltro Road are primarily residential in character; however there is a mix of land uses in the area to the south as identified above.

APPLICATION DETAILS

In summary proposed plans show the removal of the existing buildings, the car park and some of the vegetation and the site's redevelopment for 8 residential units, to comprise 5 no. 3 bedroom dwellings and 3 no. 2 bedroom flats across a single terrace.

The 3 existing vehicle accesses would be removed and a new access formed for each dwelling together with a shared access for the flats which would lead to a rear parking court.

Each dwelling would have 2 parking spaces, one of which would be within its attached garage. The flats would each have one parking space.

The building takes the form of a contemporary terrace with set-back linking garages above which the third bedroom is located. The houses are expressed as of two storey scale to the front through the use of a projecting balcony / bay element, whilst the eaves line drops lower to a single storey height to the rear. Velux windows are then sited within the rear roof slope at first floor level; this asymmetric roof form has been employed in order to limit overlooking of neighbouring properties to the north. Each house is of matching design and layout with suitably sized, enclosed rear gardens and a shallow open frontage onto Oaklands Road.

A brick wall extends in a curve from the flank elevation of the western most dwelling such to form the rear garden enclosure of this unit from a landscaped area adjoining Paddockhall Road.

The attached apartment component of the development continues the same architectural approach for the houses and is also of the same vertical scale. Each flat has a balcony, with access to the wholly first floor unit provided via an internal staircase accessed via a door on the Boltro Road elevation. The roof form of the apartments does however feature a contrasting hipped end such to soften its massing on the adjacent landscaped intervening space to Boltro Road.

Materials throughout are shown to be a combination of facing brickwork with feature rendering, clay roof tiles and grey framed windows, fascias and downpipes.

Attached to the north-eastern corner of the apartments is a lower single storey element extending northwards which would serve as a cycle and refuse store for occupants of the flats.

In respect of tree work, the protected oak to the rear of the hall together with all trees and hedging along the northern boundary are to be retained and protected during the course of development. The remaining trees within the site and shown to be removed, with replacement semi-mature planting shown to 'green buffer zones' situated to either side of the terrace. This planting is proposed to compensate for the removal of existing vegetation in these areas which includes the large lime and western red cedar trees at either end of the site. Small trees are also shown planted in front of each dwelling, an approach which would reflect the existing orderly line of birch trees.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP4 - Housing
DP6 - Settlement hierarchy
DP17 - Ashdown Forest
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing mix
DP37 - Trees woodlands and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design & Construction
DP41 - Flood risk and Drainage

Supplementary Planning Documents (SPDs)

Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan 2016 (HHNP) has been made and so forms part of the development plan. It is therefore a material consideration with full weight. Relevant policies are:

E9 (local character)
E13 (outdoor space in residential developments)
H8 (housing development within the built up area boundary)

National Policy and Other 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 overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is '*significantly boosting the supply of homes*'.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Para 12 states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Para 38 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.'*

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

It is considered that the main issues needing consideration in the determination of this application are as follows;

- The principle of development
- Design and impact on the character of the area, including trees
- Housing Mix
- Standard of accommodation
- Impact on residential amenity
- Highways, access and parking
- Ecology
- Ashdown Forest
- Infrastructure
- Drainage and Flooding
- Sustainability
- Planning Balance and Conclusion

Principle of Development

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.'

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

Using this as the starting point the development plan in Mid Sussex consists of the Mid Sussex District Plan 2014-2031 (MSDP) and the Haywards Heath Neighbourhood Plan 2016 (HHNP).

The MSDP has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

As the proposed development is within the built up area of Haywards Heath, the principle of additional windfall housing development is acceptable under policy DP6 of the MSDP, which states:

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

In addition, policy H8 of the HHNP relates to Housing Development within the Built up Area Boundary and states:

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

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

Furthermore, Haywards Heath is classed as category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a highly sustainable location for residential development.

With respect to the loss of the staff car park, it is considered that this demand can be satisfactorily absorbed by, and managed as part of, the extensive existing car

parking provision across the Council campus. Parking restrictions are in place on Paddockhall Road, Oaklands Road and Boltro Road such that these streets will not provide an alternative parking location for those staff which currently use the car park which is to be removed.

The principle of redevelopment of this urban infill site is therefore acceptable under the relevant policies of the development plan.

It is however also necessary to consider other planning issues to determine whether the overall planning balance favours approval.

Design and impact on the character of the area, including trees

MSDP policy DP26 concerns considerations of character and design and states:

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

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

The criteria of HHNP Policy H8 are set out above. HHNP Policy E9 sets out similar considerations in relation issues of design and character:

'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.'*

The Council's Urban Designer has been closely involved with the proposed redevelopment of the site. This has included pre-application discussions concerning a 10-unit scheme of wider footprint which would've provided less green buffer space to Paddockhall Road and Boltro Road to either side of the building. Such a density was deemed to be inappropriate from an urban design perspective and therefore a revised 8 unit scheme with enlarged green margins has been put forward in this application.

The Urban Designer's comments are set out in full at Appendix B. In summary, no objection is raised subject to the imposition of conditions concerning landscaping and facing materials particulars and finer details of elevations. The comments acknowledge that the development will inevitably substantially change the character of Oaklands Road. A number of positive elements of the scheme's design and layout are however highlighted, including the allowance for generously landscaped areas to replace existing mature trees at either end of the site, the use of an orderly and rhythmic contemporary terrace, the modest massing of the building to both allow sufficient light to rear gardens and alleviate impact upon neighbouring dwellings, the animation of prominent flank elevations with openings and the careful integration of parking.

The Planning Officer is in full agreement that the proposal works well in terms of its layout and the quality of the elevations. Whilst the building line is set close to Oaklands Road (as is necessitated by the limited depth of the site) and that this feature of the scheme is in contrast to the more spacious thresholds of those buildings in the locality, it is not considered that this in itself gives rise to any harmful visual impacts in terms of the varied character of the area. The architectural approach is considered to be of a high standard and the scale of the building appropriate, whilst spacious open green buffers have importantly been set aside at either end of the development, thereby ensuring that the development does not incongruously impose upon the Paddockhall Road or Boltro Road streetscene.

In summary therefore the requirements of the above policies relating to the visual impact of the development are deemed to be met.

Trees

MSDP Policy DP37 supports the protection and enhancement of trees, woodland and hedgerows and encourages new planting.

The application is supported by an Arboricultural Implications Assessment which includes a classification table of all existing trees on site, a Tree Constraints Plan and a Tree Protection Plan which includes details of protection and those trees identified for removal. The Proposed Site Plan indicatively shows the location of new (replacement) planting. Full details of this will be secured by an appropriately worded condition.

The comments of the Council's Tree Officer are set out in full at Appendix B. The only substantive concern raised is in respect of the proposed removal of a large lime tree classified as B2 which is situated behind the garage at the far north-western end of the site. The location of this tree is such that it is not itself a constraint upon the proposed development. Whilst its removal is not therefore necessary in order to facilitate the construction, its retention would mean that flank elevation of the first terrace house would not be so fully expressed to the Paddockhall Road corner and there would also an issue of how this integrates with new tree planting elsewhere, including along the Oaklands Road frontage. The Planning Officer is of the view that whilst this is a sizeable tree, it is not considered to be of sufficient amenity value to be worthy of protection. The applicant has expressed a clear preference for its removal and replacement with semi-mature planting and on this basis it not considered that such an approach would amount to a conflict with the requirements of the above policy.

In summary, the combined approach of the retention of existing trees and hedging along the north-eastern rear boundary and suitable replacement planting elsewhere would be satisfactory. Full details of planting together with a landscaping management plan in respect of those green buffer areas can be secured by condition.

Housing mix

MSDP Policy DP30 requires development to provide a mix of dwelling types and sizes (including affordable housing) that reflects current and future local housing needs. It should meet current and future needs of different groups within the community including older people, vulnerable groups and those wishing to build their own homes.

The scheme size is such that it is under the threshold for affordable housing provision, as is set by MSDP Policy DP31.

Given the limited number of units proposed in the scheme, it is considered that the proposed combination of 3 bedroom houses and 2 bedroom flats provides for a suitable mix such to be complaint with the aims of the above policy.

Standard of accommodation

Part of MSDP policy DP26 refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards. HHNP policy E13 sets out that residential development should provide good quality private outdoor space which is appropriate to the proposal.

The applicable minimum gross internal floor area set by the Nationally Described Space Standard for 3 bedroom 5 person 2 storey dwellings is 93 square metres. The proposed dwellings measure 129 square metres includes garage (109 excluding garage).

The applicable Standard for 2 bedroom 4 person 1 storey dwellings is 70 square metres. Two of the flats are single storey in layout and measure 72 squares. The remaining apartment is laid out across two storeys and measures 81 squares metres. This is in excess of the 2 bedroom 4 person Standard for both single and two storey dwellings.

In respect of internal space standards the proposal is therefore compliant with the Nationally Described Space Standard and policy DP27.

Each of the houses benefits from a satisfactorily sized enclosed rear garden. Each of the flats benefits from a small balcony leading off the main living space. Overall, it is considered that the development would provide a good standard of amenity to future occupiers in all respects and therefore that the above policy requirements are met.

Residential Amenity

The relevant part of MSDP policy DP26 provides that development should 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.

HHNP Policy H8 provides that development should safeguard privacy, daylight, sunlight and outlook of adjoining residents. In accordance with the law as set out above, as the more recently adopted development plan document policy, DP26 sets the test for the proposal.

The rear building line of the proposed building measures between 9 and 10 metres from the site's rear boundary. This boundary also marks the side boundary for neighbouring dwellings no. 27 Paddockhall Road and no. 32 Boltro Road. Given this limited separation distance, the scheme has been designed such to mitigate adverse amenity impacts.

The design response includes the use of a catslide roof form to the rear of the houses. Three Velux windows placed into the rear roof slope serve the rear facing second bedroom for the houses, however these are positioned at such at height versus internal floor level to prevent downward views towards those existing neighbouring gardens. With respect to the apartment part of the scheme, the rear

first floor windows are all of a shallow height and two of the four serve bathrooms and as such will be obscure glazed.

The rear beech hedge, beech tree and protected oak tree are all to be protected and retained as part of the scheme, thereby ensuring that the existing boundary vegetation between the site and those neighbouring properties which provides a degree of screening is unaffected.

Whilst the rear parking court is situated in close proximity to no. 32, given that this only serves three spaces for the flats together with the refuse and cycle store it is not considered that a level of activity would be generated to lead to substantial disturbance to existing residential amenity. It must also be recognised that there is currently a 30 space car park within the central part of the site to be removed which inevitably generates a degree of activity.

Existing southerly overlook from those dwellings to the north of the site will inevitably be reduced as a result of the massing of the development. However, given the design and height of the building and the degree of separation is not considered that an inappropriately overbearing impact will arise.

Overall, significantly harmful impacts to amenity have not been identified to any surrounding dwellings, including those further to the north beyond those immediately adjacent. The schemes will satisfactorily protect the privacy, outlook, daylight, sunlight, and degree of pollution of neighbouring residents in compliance with the requirements of policy DP26. Given the constraints of the site however, a condition is recommended to withdraw permitted development rights in order for the local planning authority to be able to exercise control over extensions and alterations which could have the potential to unacceptably harm neighbouring amenity and/or inappropriately overdevelop the plots.

Highways, Access and Parking

MSDP Policy DP21 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 application is supported by a Transport Assessment (Waterman, November 2018) which is available to view in full on the public file.

This sets out that a total of 8 units are currently proposed, comprising:

- 2-Bed (flats): 3no. units, 3no, parking spaces;
- 3-Bed (houses): 5no. units, 5no, parking spaces (plus 5 garages).

The houses front Oaklands Road have parking accessed via crossovers on Oaklands Road. The flats are served by a private parking area accessed via a dedicated access. The houses are served by crossovers to a combination of garage and forecourt parking. It is stated that each unit will have dedicated cycle parking in line with adopted standards; for the houses this can be accommodated within the garages and for the flats there is a dedicated communal store.

In terms of access, cars will manoeuvre in to/out of the off-street spaces for the houses without conflicting with the marked on-street parking bays. Garage parking is provided with internal dimensions of 3m by 6m. The forecourt space allows for a car to park without overhanging the footway and also for the garage door to be opened when a car is in front of the garage. Servicing may take place from Oaklands Road as there are no restrictions precluding loading (waiting, however, is prohibited). For the flats, the dedicated access is to be located over 10m from the junction with Boltro Road, with vehicle manoeuvres taking place off-street within the rear court. The car park area also offers the possibility of off-street servicing for these units without obstructing traffic on Oaklands Road.

The Transport Assessment concludes that: *'It is considered that movement associated with the Proposed Development will not be detrimental to road safety or traffic capacity owing to the reduced quantum of car parking associated with the Proposed Development. The implications on highway safety and the residual cumulative impacts are not severe.'*

The West Sussex County Council Residential Car Parking Provision Tool identifies that 9 total spaces would be expected to service 5 no. 3 bedroom units and 4 total spaces to service 3 no. 2 bedroom units in this sustainable location. The scheme's total provision is in compliance with this requirement, albeit there is an under provision of 1 space for the flats.

West Sussex County Council as the Local Highway Authority has commented on the proposal as follows:

'Having reviewed the proposal the highway authority has no objection to the planning application. Further comments regarding the proposed removal of the highway tree at the east end of the site may be forthcoming.'

'The applicant will require as a minimum a minor works highway agreement and/or crossover licences to build the proposed house and apartment entrances and to construct the proposed footway.'

'We recommend that a condition be attached to any consent to ensure that the crossovers and footways are completed prior to first occupation.'

The site has good access to a range of alternative modes of public transport to the use of the private car. The level of parking provision across the development is deemed to be satisfactory in this location.

Concern has been raised in third party representations that existing on-street parking spaces on the opposing side of Oaklands Road may be lost as a result of the development. No on-street parking spaces are however proposed to be lost and the supporting Transport Assessment demonstrates that there is sufficient space in the carriageway to allow safe access to the new properties without any loss to on-street parking.

Officers have no reason to conclude that there are any transport grounds to refuse to the proposal, and therefore the application is deemed acceptable in this respect subject to conditions.

Ecology

MSDP Policy DP38 seeks to protect and enhance biodiversity taking opportunities to improve, enhance, manage and restore bio diversity where possible. Unavoidable damage must be offset through ecological enhancement and mitigation measures.

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Paragraph 175 of the National Planning Policy Framework states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The application was originally supported by a Preliminary Ecological Appraisal (CSA Environmental, October 2018). More recently this has been updated (CSA Environmental, June 2019) following further bat survey work in May of this year specifically concerning the buildings on site. These documents are available to view in full on the public file.

The Appraisal's summary sets out that habitats currently present within the site are generally common and widespread, with the greatest ecological interest associated with the single storey building in which bat droppings were found. Two bat activity surveys were undertaken in September 2018, during which a single common pipistrelle bat was observed to return to roost at the eastern gable end of the building. A further two bat surveys were completed in May 2019, during which no evidence of roosting behaviour was recorded.

The Appraisal indicates that the proposed demolition of the hall building will result in the destruction of a seasonally used roost of common pipistrelle. The Council's Ecological Consultant has reviewed the submitted information and advises that this would be considered to be of relatively low conservation significance according to Natural England guidance. On this basis, he further advises that if the local planning authority considers granting planning permission to be in the public interest in all other respects, then subject to mitigation, there would be no biodiversity policy reasons for refusal and that a licence would likely be obtained from Natural England. The Consultant recommends a condition requiring that the recommendations set out in Appraisal be implemented in full unless otherwise agreed in writing with the local planning authority. These recommendations include the production of a Bat Mitigation Strategy to ensure suitable ecological impact avoidance, mitigation and compensation measures may be adopted so that opportunities for roosting bats are retained, clearance of vegetation habitat for nesting birds outside of nesting season and the appropriate protection of retained trees and hedgerows.

Overall it is considered that the impacts upon biodiversity would be acceptable and in accordance with relevant policies, subject to appropriate conditions.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

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

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

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Infrastructure

MSDP Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure and mitigation measures made necessary by their development proposals in the form of appropriate on site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision.

- £24,347 to be spent on additional equipment at Harland's Primary School

- £26,203 to be spent on additional equipment at Warden Park Secondary Academy
- £2,868 to be spent on flexible shelving to enable increased community use at Haywards Heath Library
- £806 to be spent on Commercial Square public realm and crossing improvements

A S106 obligation is in preparation to secure these payments and subject to its completion the scheme is considered to accord with relevant Development Plan policy in this respect.

Drainage and Flooding

MSDP Policy DP41 seeks to ensure a sequential approach and ensure that development is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area.

It is proposed to discharge surface water drainage to the main surface water sewer beneath Boltro Road to the east of the site. Discharge is proposed to be restricted to 2l/s and appropriately sized attenuation can be achieved via a tank beneath the proposed parking court.

It is proposed that the development will discharge into the public foul sewers. The Council's Drainage Engineer has reviewed the drainage proposal and advises that the proposed discharge rate of 2l/s into the public surface water sewer is likely to be acceptable; however that confirmation will need to be provided which shows an infiltration approach is not possible on site and that Southern Water agrees to this discharge rate.

Subject to an appropriately worded condition the scheme is considered to be compliant with the above policy.

Sustainability

MSDP Policy DP21 relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The development is situated in a sustainable town location with good access to public transport alternatives to the private car. It is also within walking distance of a wide range of local services and amenities.

MSDP Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The applicant advises that the scheme would incorporate the following measures:

- It is intended that locally sourced materials be specified in due course. With the predominance of brickwork as the facing material this is easily achieved with many local brick suppliers being available, as would be the case with the roof tile selection.
- All structural timber to be from renewable sources.
- Windows will be thermally efficient with a preference for wood/aluminium composite.
- Water saving low/dual flush toilets
- Potential for rainwater harvesting from downpipes
- Flow restrictors
- Low energy efficient lighting
- Natural daylight to all rooms where practical
- Preference for underfloor heating

- Potential for heat recovery system
- Airtight construction

It is considered that the proposal satisfactorily complies with the requirements of policy DP39.

The proposal is in overall terms considered to be acceptable in sustainability terms.

Other Planning Issues

Accessibility

District Plan Policy DP28 requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily. Specifically on a scheme this size, 20% of dwellings should meet Category 2 Accessible and Adaptable dwellings under the Building Regulations regime, unless site topography makes such standards unachievable by practicable or viable means or where a scheme is proposed specifically intended for the needs of particular individuals where a greater proportion may be appropriate.

A condition is recommended to ensure that one of the five dwellings meets the Category 2 standard.

Maintenance of public spaces within the development

The scheme includes landscaped green open spaces fronting onto Paddockhall Road and Boltro Road. The future maintenance of these spaces can be adequately addressed by an appropriately worded condition.

Affordable housing

The Town Council's comments refer to the provision of social rented/ intermediate housing for the apartment element of the scheme. For the avoidance of doubt, affordable housing does not form any part of the proposal, on the basis that this is not required under MSDP Policy DP31.

Planning Balance and Conclusion

Planning permission is sought for the demolition of existing buildings and erection of no. 8 residential units comprising of 5 x 3 bedroom houses with attached garages and an attached block of 3 x 2 bedroom flats, to also include the creation of an attached cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath.

The applicant is Mid Sussex District Council and the Council is the sole freeholder of the land subject of the application.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore

necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site is within the built confines of a Category 1 settlement and is therefore a sustainable location for infill residential development. Existing development on site is considered to be surplus to the requirements of the Council and the displaced staff parking arising from the scheme can be suitably accommodated and managed within the extensive existing parking areas elsewhere across the Council Campus.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H8. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the infrastructure contributions, planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

2. 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.

Pre-commencement conditions

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The submitted details to include section drawings of the SuDS structure. 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.

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

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

5. 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 any 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),
- the protection of existing neighbouring properties from dust
- details of public engagement both prior to and during construction works.

Reason: To allow the Local Planning Authority 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, DP26 and DP29 of the Mid Sussex District Plan.

6. No development shall take place, including any works of demolition, until a Bat Mitigation Strategy (to ensure suitable ecological impact avoidance, mitigation and compensation measures may be adopted) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species in accordance with Policy DP38 of the Mid Sussex District Plan.

Construction Phase

7. The development shall be carried out in accordance with the details contained within the Sustainability Statement (Axiom Architects, November 2018)

Reason: To comply with the requirements of Policy DP39 of the Mid Sussex District Plan.

8. No development shall be carried out above ground slab level unless and until samples and a schedule of materials and finishes to be used for the external walls, roofs and windows/doors 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.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H8 of the Neighbourhood Plan.

9. No development above slab level shall take place until a 1:20 scale elevation (vignette) and section drawing showing the elevational finish to secure the quality of the design of the buildings 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 buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H8 of the Neighbourhood Plan.

10. No development above slab level shall take place until full details of a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.
- all replacement trees (including size, species, position, planting, feeding, support and aftercare).
- cross-sections of the design of the swales and ponds.
- design of reconfigured footway link between Oaklands Road and Boltro Road

These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

11. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, a landscaping management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development for its permitted use. The landscaping management plan shall be carried out as approved.

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

12. The development hereby approved shall be carried out to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings.

Reason: To accord with Mid Sussex District Plan Policy DP28 which seeks to maintain a high standard of accessibility.

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

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

14. 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
 Sunday and Public/Bank holidays: None permitted

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

Pre-occupation conditions

15. No part of the development shall be first occupied until the accesses, parking areas and footways and serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These areas shall thereafter be permanently retained for their designated purpose unless otherwise agreed by the local planning authority.

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

Post-Occupation Monitoring / Management Conditions

16. The recommendations set out in the Preliminary Ecological Appraisal report by CSA Environmental dated June 2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with Policy DP38 of the Mid Sussex District Plan.

17. The garages serving those dwellings hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway and to accord with Policy DP21 of the Mid Sussex District Plan.

18. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, shall be carried out (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to preserve the amenities of neighbouring residents and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

3. 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.
4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Elevations			18.12.2018
Existing Floor Plans			18.12.2018
Location and Block Plan	4601-P101		28.11.2018
Site Plan	4601-P102		28.11.2018
Existing Site Plan	4601-P103		28.11.2018
Proposed Site Plan	4601-P104		28.11.2018
Proposed Site Plan	4601-P105		28.11.2018
Proposed Floor Plans	4601-P106		28.11.2018
Proposed Elevations	4601-P107		28.11.2018
Proposed Floor Plans	4601-P108		28.11.2018
Proposed Elevations	4601-P109		28.11.2018
Proposed Elevations	4601-P110		28.11.2018
Street Scene	4601-P111		28.11.2018
Illustration	4601-P112		28.11.2018
Illustration	4601-P113		28.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council supports this application, but with the following caveats:

1. it must be a condition of any permission granted that the site provides the three social rented/intermediate two bedroom apartments as proposed in the application. The Town Council welcomes this aspect of the scheme because it would add to the accommodation available in the social rented and intermediate sectors;
2. in order to soften the impact of the development on the streetscape, the green buffer zones at each end of the site and the tree-planted frontages of the properties ' as proposed in the site plans ' must be incorporated into a formal landscaping scheme. This would be in the interests of visual amenity and would accord with Policy E9 of the Haywards Heath Neighbourhood Plan.

WSCC Highways Authority

Having reviewed the proposal the highway authority has no objection to the planning application. Further comments regarding the proposed removal of the highway tree at the east end of the site may be forthcoming.

The applicant will require as a minimum a minor works highway agreement and/or crossover licences to build the proposed house and apartment entrances and to construct the proposed footway.

We recommend that a condition be attached to any consent to ensure that the crossovers and footways are completed prior to first occupation.

MSDC Urban Designer

While the loss of existing trees along Oaklands Road and their replacement with a building frontage will change the character of the road, the proposed buildings will be softened with a continuous run of new trees along the frontage. Moreover the development has sensibly been pulled away from both ends of Oaklands Road allowing the prominent Paddockhall Road and Boltro Road corners to be generously landscaped including trees to replace the existing mature trees. This will soften these key edges so they echo the existing green boundaries along these roads, and allow the development to fit in well with its surrounds.

The proposed buildings benefit from a clean contemporary aesthetic. The five houses are nevertheless organised as a conventional terrace in the form of replicated houses consistently punctuated by garages (with a bedroom above) that provides the frontage with a strong underlying rhythm. The asymmetric pitched roof profile and low eaves lines reduce the building mass; this is especially necessary at the rear to allow enough light into the small gardens and mitigate the impact on the existing adjacent houses / gardens, and the retained oak tree.

The 2 storey block of flats at the eastern end provides a slight variation on the aesthetic theme and is similarly scaled while benefitting from a return frontage that appropriately addresses the Boltro Road corner. At the Paddockhall Road corner, the return flank of the house is appropriately animated with windows, and the brick-walled garden boundary contributes to an attractive edge.

The car parking has been discreetly accommodated at the side of the houses / within garages allowing sufficient space for a predominantly green threshold, and the rear court parking serving the flats is screened from the road frontage by both the building frontage and the neatly accommodated bin and cycle store on the return frontage.

In conclusion, I have no objections to this planning application as the scheme works well in terms of its layout and the quality of the elevations. I would nevertheless recommend conditions that cover landscaping and facing materials as well as a condition to secure the quality of the design that requires a large scale front elevation and section drawings of a typical house to be submitted for further approval.

MSDC Assistant Tree Officer

Further to reviewing the submitted AIA report that accompanies this application, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837. The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPOs and is not within a Conservation Area. Several trees (T1-T6-T7-T11-T12-T13-T14-T15-T16-T17-T18-T19-G2-G5-G23-G24-T26-T27 & T28) are to be removed to facilitate the development.

I would question the need to remove T1 (Lime). This is a mature native tree with no significant defects, there is no guarantee that a replacement tree would successfully establish itself and contribute to the street scene more than T1 does presently.

The majority of trees recommended for removal have been classified grade C, this is usually due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development.

However, I do not fully agree with all of the classifications and would suggest that trees 11 to 18 are attractive trees with; high amenity value as a group, 20 to 40 years remaining contribution and minimal recorded defects.

Consequently, I would suggest that the above trees are worthy of a higher classification and should be replaced.

Removal of moderate/high quality trees (Grade B or above) is a significant loss and should be replaced like for like, on a minimum one for one basis and as close to the original position as possible.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required. All of this information should be submitted within a full landscape plan.

Indications of replacement planting can be seen along the frontage of the site (TPP/Appendix 3 of the AIA) I would suggest that these replacements should be smaller native tree species rather than shrubs. Small trees within a fastidious growth habit would lessen any future pressure for removal while maintaining an attractive frontage to the development.

Protection measures for retained trees are also indicated within the TPP section of the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and areas that are to be excavated under arboricultural supervision.

Good working practices while excavating within the RPA of retained trees (sympathetic treatment of disturbed roots etc.) have also been addressed within the report.

Any excavations that encroach into the RPA of retained trees will be undertaken with hand tools or under professional arboricultural supervision.

As the submitted TPP is quite detailed, I would agree that a full AMS report is not required but the Tree Protection Plan would require an amendment if T1 is to be retained.

In conclusion, I do not object to the development in principle and would likely support the application subject to the receipt of the above mentioned replanting detail/landscape plan and amendments to recommendations to T1.

WSCC Arboriculturist

Further to Matthew Bartle's comments dated 9 January he mentioned that further comments with regard to the proposed removal of highway trees may be forthcoming.

I appreciate that this is very late and the time for comments has expired but I hope these can still be taken into account.

Maintainable highway land is shown on the attached plan in pink.

T19 western red cedar is categorised as B2 and there is a presumption that A and B category trees should be retained. The groups and individuals to the north of this: T20, T22 T25, T26, T27, T28, G24, whilst categorised as C2, nevertheless have collective value but are shown on plans to be partially removed.

The tree inspection survey did not raise any concerns with regard to T19 - the physiological condition was rated as 'good' with c.40+ years contribution left. What is the rationale for its removal? What are the proposed replacements and who would be responsible for their long term maintenance? If removal was agreed with highways, 3 new replacement trees would have to be agreed to replace a mature specimen - if not all replaced at this site then funding made available to plant additional trees elsewhere.

MSDC Contaminated Land Officer

No comment.

MSDC Environmental Protection Officer

Given the proximity of existing dwellings I am concerned that dust and noise during both the demolition and construction phases of this development could have an impact upon local residents. EP has no objection to this application subject to the following conditions:

- 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.

- 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

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

Consultant Ecological Advice

The updated preliminary ecological appraisal with appended bat survey report by CSA Environmental dated June 2019 indicates that the proposed demolition of the dwelling will result in the destruction of a seasonally used roost of common pipistrelle. This would be considered to be of relatively low conservation significance according to Natural England guidance. Therefore, if MSDC consider planning consent to be in the public interest (in all other respects), then subject to the proposed mitigation, I would consider it likely, that a licence could be obtained from Natural England. As such I am of the view that there would be no biodiversity policy reasons for refusal subject to the following condition:

The recommendations set out in the Preliminary Ecological Appraisal report by CSA Environmental dated June 2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP17, DP38 of the District Plan and 175 of the NPPF.

MSDC Drainage Engineer

Application Number	DM/18/4841
Planning Officer	
Engineering Officer	Natalie James
Date	27 Sep. 19
Location	Paddockhall Road, Haywards Heath
Development Proposal	8 dwellings
Recommendation	No objection subject to conditions

SURFACE WATER DRAINAGE PROPOSAL

It is proposed to discharge surface water drainage to the main surface water sewer beneath Boltro Road to the east of the site. Discharge is proposed to be restricted to 2l/s and appropriately sized attenuation can be achieved via a tank beneath the proposed parking court.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will discharge into the public foul sewers.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (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.

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The proposed discharge rate of 2l/s into the public surface water sewer is likely to be acceptable. However confirmation will need to be provided which shows infiltration is not possible on site and that Southern Water agrees to this discharge rate.

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 ADVICE

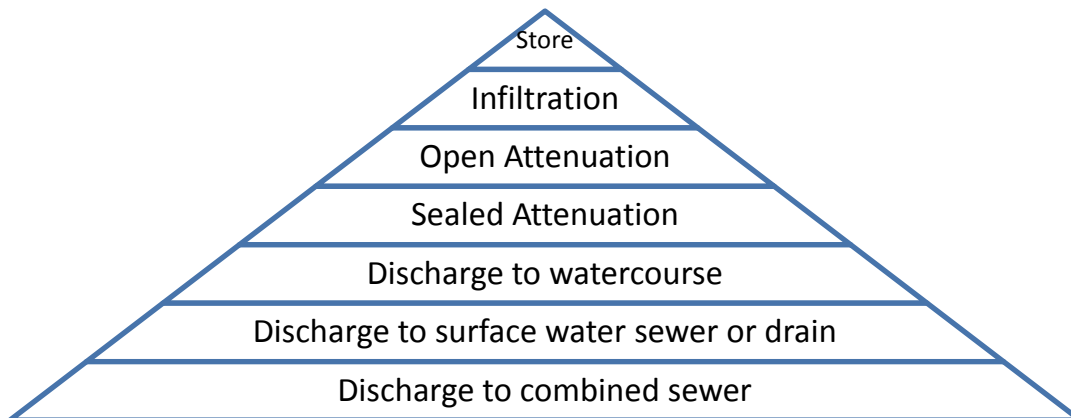
SURFACE WATER DRAINAGE

This proposed development will need 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.

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, as set out below.



- 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

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' come into force as of 1st January 2020. The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

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

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

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/>