

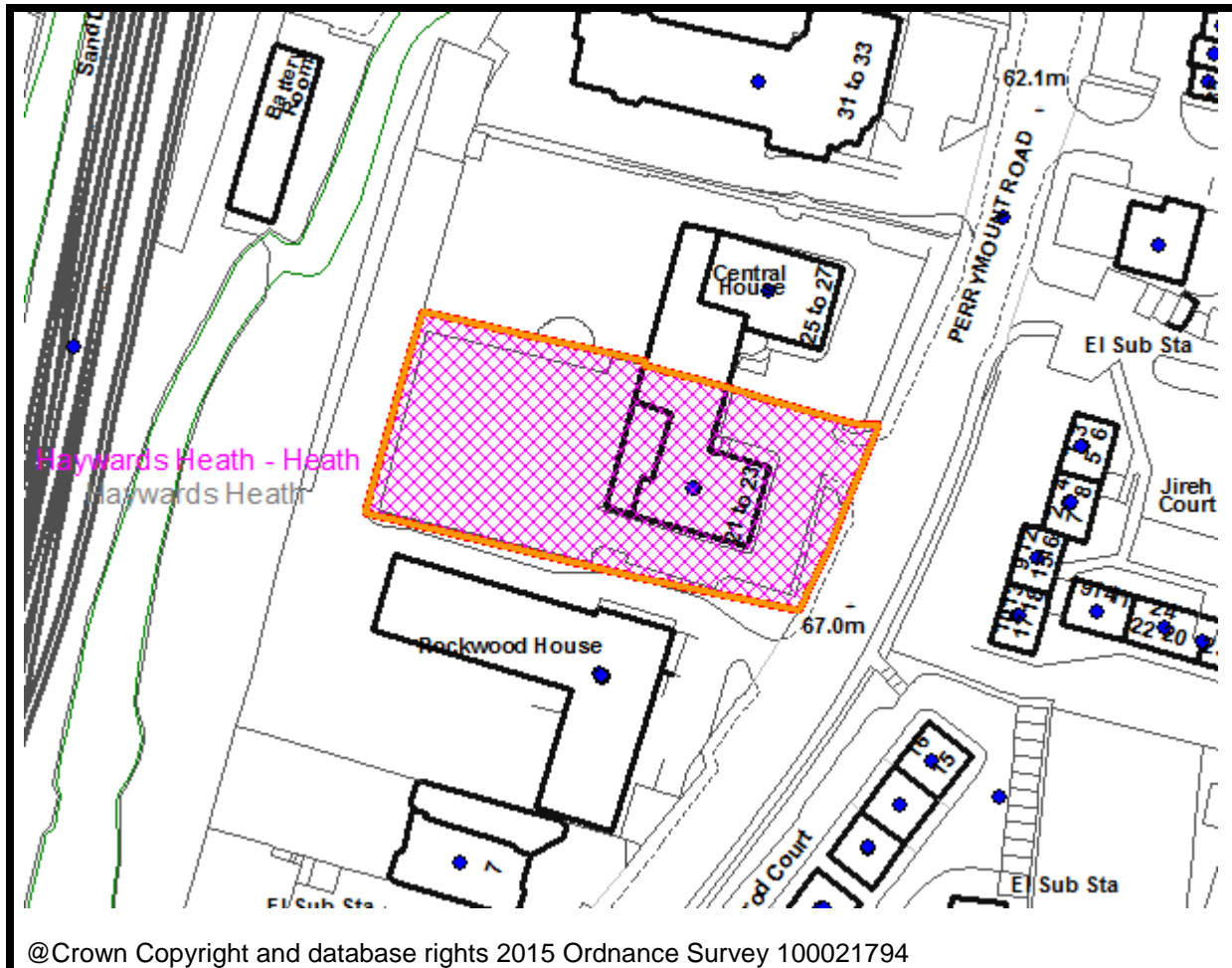
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

18 OCT 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/18/2581



**21 - 23 PERRYMOUNT ROAD HAYWARDS HEATH WEST SUSSEX
DEMOLITION OF EXISTING 2,995SQM OFFICE BUILDING AND REPLACE WITH
7,575SQM OFFICE BUILDING WITH PARKING FOR APPROXIMATELY 91
VEHICLES AND LANDSCAPED PUBLIC REALM. REVISED CERTIFICATE B AND
PROPOSED NORTHERN ELEVATION RECEIVED 7/9/18 AMD 10/9/18.
COMMERCIAL FREEHOLDS AND INVESTMENTS**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Supplemental Planning Agreement / SWT Bat Survey / Trees subject to a planning condition / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Offices

13 WEEK DATE: 10th December 2018

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

CASE OFFICER: Joanne Fisher

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

This application was withdrawn from the Agenda of the District Planning Committee on the 6th September by Officers due to the submission of an incorrect certificate of ownership and the requirement for a proposed northern elevation. These matters have been corrected.

Planning permission is sought for the demolition of the existing 2,995sqm office building and its replacement with a new 7,575sqm office building with parking for approximately 91 vehicles and landscaped public realm at 21 - 23 Perrymount Road, Haywards Heath.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances 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.

The replacement of the existing building with an enlarged building retaining and increasing the commercial floor space for a B1 (office) use for the site will provide economic benefits to the area and seek to retain employment land within Perrymount Road in a sustainable location within Haywards Heath. Whilst the building will be increased in scale to that existing, it is considered that the design of the replacement building is acceptable and will not cause detriment to the character of the area or to the street scene. In addition, it is considered that the replacement building will not result in a significant detriment to the neighbouring office building. These are material considerations which weigh in favour of the development.

Whilst the concerns from the Town Council concerning the amount of car parking proposed is noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre.

There will be no harm on the Ashdown Forest or to trees subject to a landscaping condition.

On the basis of the above, the application complies with policies DP1, DP21, DP26 and DP37 and DP41 of the District Plan and policies E8, E9, B3, T1 and T3 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103,108, 124 and 127 of the National Planning Policy Framework. 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 submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 18th January 2019, then it is recommended that 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 policy DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

2 letters of OBJECTION from the adjoining office block raising concerns that the extension would have a serious detrimental impact on their office space; that there has been no sunlight and daylight study provided to assess the impact to the neighbouring office space. The owners of the neighbouring office block consider that the applicants response to the issue in respect of sunlight and daylight is not a correct interpretation of the guidance. They consider that the proposal would affect the enjoyment of their internal office environment and working conditions on staff. In addition concerns raised in respect of right to light.

Haywards Heath Society

Supportive of the scheme but share the Town Council concerns regarding parking inadequacies.

SUMMARY OF CONSULTEES

WSSC Highways Authority

No objection subject to conditions.
S106 Contributions - £177,780

WSSC Flood Management Team

No objection.

MSDC Urban Designer

No objection subject to conditions.

MSDC Drainage

No objection subject to conditions.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

HAYWARDS HEATH TOWN COUNCIL

The Town Council supports the application to deliver a high-quality office building in this prominent, sustainable location, subject to the following conditions:

1. Euro-bin facilities - these will be collected by a commercial waste operator - no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
2. The building shall be future-proofed to provide plug in provision for additional electric car charging points, as required;
3. Provision of drinking water/drinking fountains on every floor to reduce use of single use plastic bottles.

The application complies broadly with the aspiration of our extant Neighbourhood Plan, and the Town Council makes the following comments in relation to the application:

- it complies with Policy B3 of the Haywards Heath Neighbourhood Plan, however Members raised concerns relating to the adequacy of the on-site car parking provision;
- we note the proposals were considered by Mid Sussex District Council's Design Review Panel (DRP) in November 2017, however we are disappointed that the Town Council was not made aware of such an important upcoming scheme until the recent submission of the formal application. Notwithstanding this omission, Members are encouraged by and indeed supportive of the proposed contemporary design;
- the intent of the Localism Act, and the Town Council's role as a statutory consultee are further validated by the National Planning Policy Framework (NPPF), which underlines in the Pre-Application Advice Section 40. "..... should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications."

We welcome early discussions with all developers and look forward to working closely with the District Council to achieve this objective.

- lastly, given the significance placed upon the input from the DRP and Urban Design Team by the local planning authority (LPA), we feel that their reports commenting upon significant applications would greatly assist the Town Council, and it would be appreciated if they were provided at a more timely stage in the application process, before formal consideration by the Town Council.

INTRODUCTION

Planning permission is sought for the demolition of the existing 2,995sqm office building and its replacement with a new 7,575sqm office building with parking for approximately 91 vehicles and landscaped public realm at 21 - 23 Perrymount Road, Haywards Heath.

This application was withdrawn from the Agenda of the District Planning Committee on the 6th September by Officers due to the applicant not having submitted Certificate B due to the shared access into the site, and the requirement for a proposed northern elevation. The necessary notice has been served on the neighbouring property, and the northern elevation of the proposed extension has been submitted for consideration. In addition, in order to address concerns from the neighbouring office building, two letters from the Building Research Establishment (BRE) in respect of a daylight and sunlight assessment have also been submitted.

RELEVANT PLANNING HISTORY

CU/95/82 - 5 storey office building of 2,869 sqm including covered parking and plant parking and associated landscaping. Approved 8th April 1982.

07/01560/FUL - New six storey hotel above three storey basement car park to rear of existing office building and part conversion of ground floor of office building into hotel reception. Approved 28th August 2007.

08/01706/FUL - Proposed five storey office development above three storey basement car park connected to existing office building. Approved 27th August 2008.

DM/15/1561 - Proposed use of premises as a business office for Handelsbanken, to conduct day to day business with a modest number of customers, by prior appointment. A freestanding automated teller is planned for use by these customers, within the branch lobby. Lawful development certificate issued 29th May 2015.

SITE AND SURROUNDINGS

The application site is located on the western side of Perrymount Road. It is the southern half (21-23) of one of the modern office buildings on that stretch between The Broadway and Clair Road. The building has a total width of approximately 50m with wings on either end projecting towards Perrymount Road. The building contains 5 floors of offices, the top level being contained within a mansard roof, surmounted by a plant room.

The land slopes quite sharply downwards towards the north and the west, allowing some use of a lower level towards the north of the building and undercroft parking at the rear. There is a floor difference in levels between the front and rear of the site.

The building is functional, but could not be called attractive and its appearance is further marred by the majority of the remainder of the site being covered by car parking and an access road to the side of the building. The somewhat perfunctory planting and landscaping does little to improve the setting of the building.

As stated above, the other half of this block (25-27) abuts the application site to the north, beyond which are a series of modern and converted office buildings, reaching to Clair Road. Similarly, there are three modern office buildings to the south which reach to The Broadway. Residential maisonettes face the application site on the east side of Perrymount Road, from a raised setting.

To the rear, is a private access road, approximately 10m wide with vehicular parking, and beyond this is railway land. As a rough indication it appears that there is a drop of, very approximately, some 13m between Perrymount Road and the railway tracks. There is a very heavy screen of deciduous trees on the boundary with the private access road.

The site is identified as being within the built up area of Haywards Heath and within a commercial area as set out in the District and Haywards Heath Neighbourhood Plan.

APPLICATION DETAILS

The proposed development seeks the demolition of the existing 2,995sqm B1 office building and its replacement with a new B1 office building with a floor area of 7,575sqm. The application form indicates that the proposal would accommodate 91 car parking spaces, 76 cycle spaces, 5 disability parking spaces and 11 spaces for motorcycles.

The development would result in the formation of a six-storey office building with a basement on the site of an existing five-storey brick-built office building. The replacement building would remain attached to the existing adjoining building (25-27) and span further rearwards in the site.

The building would measure some 61 metres in depth, 33.2 metres in width, with an overall height of some 26.5 metres from the front of the site and 30.8 metres from the rear of the site.

The building will comprise of car parking / cycle parking / showers, changing and lockers at the lower ground and ground floor levels, a lobby area at ground floor with office accommodation to the further three floors.

The replacement building would have an all-glazed overtly contemporary aesthetic.

The development would provide a landscaped public realm and improved vehicular and pedestrian access.

The application has been accompanied with the following supporting documents:

- Planning Statement;
- Design and Access Statement;
- Sustainable Design & Construction Report;
- Transport Assessment;
- Stage 1 Road Safety Audit;
- Arboricultural Report & tree Condition Survey;
- Landscape Design; and a
- Surface Water Drainage Strategy

LIST OF POLICIES

District Plan

DP1 - Sustainable Economic Development

DP20 - Securing Infrastructure

DP21 - Transport

DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

Haywards Heath Neighbourhood Plan

The Neighbourhood Plan is made and forms part of the Development Plan for the District and can be given full weight. The following policies are relevant;

E8 - Sustainable Development
E9 - Design and Character
B3 - Employment
T1 - Connectivity
T3 - Car Parking

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework 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 which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

With specific reference to decision-making the document para 38 states:

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

In addition, para 47 states that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the redevelopment of the site for commercial use;
- the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- highway safety and parking;
- Infrastructure;
- Drainage;
- Trees;
- Ashdown Forest; and
- 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."

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan.

The NPPF, which was issued in July 2018, is a material consideration which shall be afforded significant weight.

Para 11 of the NPPF States:

"Plans and decisions should apply a presumption in favour of sustainable development."

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."

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

The redevelopment of the site for commercial use

Para 8 of the NPPF identifies the three overarching objectives of achieving sustainable development of an economic, social and environmental objectives. These are interdependent and need to be pursued in mutually supportive ways. The NPPF identifies the economic objective as *"to help build a strong, responsive and competitive economy"*.

Para 80 of the NPPF states: *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

Policy DP1 of the District Plan relates to Sustainable Economic Development. It states that amongst other criteria that the *"Effective use of employment land and premises will be made by:*

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that 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;*
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;"*.

In addition, B3 of the Haywards Heath Neighbourhood Plan supports the *"modernisation/redevelopment of existing commercial sites to create an improved*

commercial offer in the Town and proposals which seek to improve existing employment areas".

The proposal whilst replacing the existing building will retain the commercial use of the site and would increase the commercial floorspace. As such, the proposal would provide economic benefits by providing a more modern building up to current standards which would provide further commercial investment to the town. The increase in floor area would be likely to result in the increase in employment opportunities to the site. These positive benefits to the local economy are supported by the NPPF.

The proposal is thereby considered to comply with policy DP1 of the District Plan, Policy B3 of the Neighbourhood Plan and paras 8 and 80 of the NPPF.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

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

The site is situated within an area characterised by large commercial buildings and residential development. The commercial buildings are at varying levels due to the sloping nature of the land. Whilst the development would be taller than the adjacent building due to the sloping nature of the site, the top floor being set back from the main building line, and the building set back from the highway, it is considered that the redevelopment would be appropriate to the character of the area.

The Councils Urban Designer has reviewed the application and raises no objection to the proposal. He considers that:

"The proposed building has an all-glazed overtly contemporary aesthetic that contrasts with the monotonously punctuated brick facades of both the building it replaces and the neighbouring building at no.25-27 which it will abut; it benefits from a stronger and more cohesive form with crisper detailing that generate a more open and elegant building. While it is substantially bigger, most of the additional mass will be hidden (because of its deep plan) from the street frontage (it is mostly screened by trees or other buildings at the rear) and is further justified as it sits up the slope from its conjoined neighbour. Furthermore, the unsightly existing frontage parking will be replaced with an attractive landscaped threshold enabled by accommodating the parking in the undercroft beneath the bigger floorplates that fully optimise the site."

In addition, the Urban Designer has considered the recently submitted proposed northern elevation and raises no objection.

Officers agree with the Urban Designer comments and consider that the replacement building would be of an appropriate design and form which would not detract from the character of the area and will result in an attractive, contemporary development appropriate to its setting and wider street scene.

The proposal is thereby considered to comply with policy DP26 of the District Plan, policy E9 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Highway Safety and Parking Provision

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*

- b) *b) safe and suitable access to the site can be achieved for all users; and*
- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

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

Policy T1 of the Neighbourhood Plan requires proposals for commercial developments to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles. In addition, policy T3 requires sufficient on site car parking.

The site lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north. As set out above, the proposal is to provide 91 car parking spaces, 76 cycle spaces, 5 disability parking spaces and 11 spaces for motorcycles. The existing vehicular access is to be marginally widened by 1.2 metres as part of the proposed development. The site provides adequate visibility in light of the 30 mph speed limit.

Concerns have been raised over the parking for the development and parking inadequacies. Whilst there is potential for the demand for parking spaces to exceed the number on site, Perrymount Road is within a highly sustainable location within walking distance from the train station and bus stops. In addition, the development is to also provide cycle and motorbike parking to cater for additional modes of transport. Notwithstanding this, whilst there are restrictions in place to control how and where on-street parking can take place, the site is located close to public car parks within the town.

The Highways Authority has considered the proposal and raises no objection. They consider that the access to serve the development is acceptable and will not result in harm to highway capacity.

The Town Council has requested that the development provide electric car charging points as part of the development. Policy DP21 states that *"where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles"*. The submitted Design and Access Statement identifies that the development would provide 2 electric charging spaces with the potential to use 2 vehicle spaces for additional charging points in the future. A condition can be placed on an approval to ensure such spaces are provided.

Consequently the application is deemed to comply with policy DP21 of the District Plan, policies T1 and T3 of the Neighbourhood Plan and para 108 of the NPPF.

Impact on amenities of surrounding occupiers

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

Residential properties are situated on the opposite side of Perrymount Road. Whilst there is to be an increase in the height of the building, there will be a separation distance of some 43 metres between buildings. It is considered that this is acceptable and that there would be no further significant detriment to the amenities of the nearby residential properties through the replacement building.

The site is situated on a busy main road within Haywards Heath. Whilst there may be a potential increase in the amount of vehicles accessing the site, it is considered that this would not result in further significant detriment through noise and disturbance to residential properties.

Notwithstanding this, concerns have been raised by the adjoining commercial building to the north, 1st Central Insurance, in that the extension would have a serious detrimental impact on their office space, and that there has been no sunlight and daylight study provided to assess the impact to the neighbouring office space. They consider that the proposal would affect the enjoyment of their internal office environment and working conditions on staff.

Policy DP26 of the District Plan relates to character and design and requires all developments to be well designed and reflect the distinctive character of the town. As part of the criteria of this policy there is a requirement that developments "*does not cause significant harm to the amenities of existing nearby residents and further occupants of new dwellings*". Within this policy there is no requirement to protect occupants of commercial buildings through providing suitable daylight levels. Similarly, there is no requirement from the applicant to supply a daylight and sunlight report as part of the planning application validation process.

BRE have provided guidance in relation to 'Site layout planning for daylight and sunlight: A guide to good practice'. This provides guidance on the loss of light to existing buildings following construction of new development nearby. The guidelines are intended to apply to rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. In addition, the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight. These typically include schools, hospitals and workshops with a need for natural light.

Following concerns raised by the adjoining office, a letter has been submitted by the applicant in respect of the BRE Guidance. The author of this letter was the BRE itself. The letter states "*As the neighbouring office buildings would not be covered by the guidelines, the development therefore complies with the guidelines in the BRE Report.*"

Following this, the owner of the adjoining offices provided a further objection and referred to the Judgement in the case of HKRUK II (CHC) Limited v Marcus Alexander Heaney 2010. The neighbouring owner reiterates concerns raised in respect of the diminution in the daylight levels the office space currently experiences should permission be granted, and considers the letter from the BRE does not assess the impact on the existing floor space to their commercial property.

The applicants, through the BRE, have responded to this and advised that the case referred to by the neighbour relates to a Right of Light dispute concerning an infringement of a right to light of a commercial property through a new development. Right of Light is an easement covered by the Prescription Act 1832 and entirely separate from planning permission. The factors that govern the Right of Light are different from the daylight and sunlight considerations in the planning process and the granting of planning consent does not affect an owner's Right of Light. As such, the issue in relation to rights to light is a private matter and should be settled before works begin. Your Officers have considered this response and agree with its conclusions.

The extension is to be set some 4.6 metres off the shared boundary with the adjoining neighbour and extend some 36.6 metres rearwards to the east of the site. The adjoining neighbouring building does not project rearward into the site. The rear elevation of the neighbour faces west with windows serving the office building from ground floor level facing towards the rear car park and the railway line beyond. The proposed northern elevation of the extension faces towards the neighbouring carpark and has windows from first floor level (the lower ground and ground floor is to have parking) to serve the office accommodation proposed. Due to this relationship, it is considered that the proposal would not result in direct overlooking into the adjoining office building or significantly affect light levels. Notwithstanding the scale and position of the extension due to the commercial nature of the adjoining property and such a use being restricted to working hours, it is not considered that the extension would cause significant detriment to workers of the building.

The proposal is thereby considered to comply with policies DP26 and DP29 of the District Plan.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure 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).

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

County Council Contributions

TAD - £177,780

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

The increase in the commercial floorspace from the development 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.

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Drainage

The proposed development is within flood zone 1 and is deemed to be 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.

It is proposed that the development will discharge to the public sewer system. In respect of surface water drainage, attenuation will be provided within a green/blue roof and a below ground attenuation tank.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Trees

The site has no trees subject to TPOs and is not within a Conservation Area. However, the entire site is subject to planning condition PR/02188/TRECON in relation to condition 4 of planning reference CU/95/82. This states that:

"No trees on the site, as indicated as being retained on the approved plan shall be felled, topped, lopped or destroyed within the approval in writing of the Local Planning Authority."

The Council's Tree Officer has raised no objection to the proposal. He notes that *"Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified grade C, this is 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 normally act as constraint upon the development. However, two trees recommended for removal: T1 (Tulip) & T12 (Silver Birch) have been classified as grade B. These trees will be a significant loss and should be replaced (like for like) elsewhere on site."* A landscaping condition could be placed on an approval to ensure that a suitable landscaping scheme is submitted and agreed.

Notwithstanding this, to the front of the site is a mature Lime tree on the south-eastern corner as well as vegetation. This is a prominent tree within the street scene which softens the existing large commercial buildings. This tree is to be retained as part of the scheme. Whilst other trees along the frontage are to be removed (Tulip, Western Red Cedar and Sycamore) a proposed landscape design has been submitted showing new trees to be planted along the boundary with Perrymount Road to soften the development in the street scene.

The proposal is thereby considered to comply with Policy DP37 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (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) are 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). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

PLANNING BALANCE AND CONCLUSION

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.

The replacement of the existing building with an enlarged building retaining and increasing the commercial floor space for a B1 (office) use for the site will provide economic benefits to the area and seek to retain employment land within Perrymount Road in a sustainable location within Haywards Heath. Whilst the building will be increased in scale to that existing, it is considered that the design of the replacement building is acceptable in design and will not cause detriment to the character of the area or to the street scene. In addition, it is considered that the replacement building will not result in a significant detriment to the neighbouring office building.

Whilst the concerns from the Town Council concerning the amount of car parking proposed are noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre. In addition, the Highways Authority has supported the proposal on highway grounds.

There will be no harm to the Ashdown Forest or trees subject to a landscaping condition.

On the basis of the above, the application complies with policies DP1, DP21, DP26 and DP37 and DP41 of the District Plan and policies E8, E9, B3, T1 and T3 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103,108, 124 and 127 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

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 building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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 commence unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls and roofs of the proposed building.

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 District Plan 2014 - 2031.

5. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority section drawings and an elevational vignette of the front façade at a 1:20 scale that clearly show the quality of the detailing. The development shall be carried out in accordance with the approved details.

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 District Plan 2014 - 2031.

6. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority scale drawings that show how renewable energy sources will be accommodated within the development including solar panels on the roof. The development shall be carried out in accordance with the approved details.

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 DP39 of the District Plan 2014 - 2031

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

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

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

8. 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 by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

9. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

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

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

Pre-occupation conditions

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

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

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

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

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

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

14. 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 accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

15. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces have been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

Post-occupation monitoring/management conditions

16. The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

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

17. The building hereby permitted shall only be used for Business within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: To provide employment opportunities within the existing commercial area of Haywards Heath and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031 and Policy B3 of the Neighbourhood Plan.

18. The premises shall not be open for trade or business except between the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 18:00 Saturdays. The use shall not be operated on Sundays or Public Holidays, (and there shall be no external illumination on the premises except between the above-mentioned hours).

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

INFORMATIVES

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

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- 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

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

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

2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council supports the application to deliver a high-quality office building in this prominent, sustainable location, subject to the following conditions:

1. Euro-bin facilities - these will be collected by a commercial waste operator - no collections shall be permitted before 07:00 hours, to protect nearby resident amenity;
2. The building shall be future-proofed to provide plug in provision for additional electric car charging points, as required;
3. Provision of drinking water/drinking fountains on every floor to reduce use of single use plastic bottles.

The application complies broadly with the aspiration of our extant Neighbourhood Plan, and the Town Council makes the following comments in relation to the application:

- it complies with Policy B3 of the Haywards Heath Neighbourhood Plan, however Members raised concerns relating to the adequacy of the on-site car parking provision;
- we note the proposals were considered by Mid Sussex District Council's Design Review Panel (DRP) in November 2017, however we are disappointed that the Town Council was not made aware of such an important upcoming scheme until the recent submission of the formal application. Notwithstanding this omission, Members are encouraged by and indeed supportive of the proposed contemporary design;

- the intent of the Localism Act, and the Town Council's role as a statutory consultee are further validated by the National Planning Policy Framework (NPPF), which underlines in the Pre-Application Advice Section 40. " " should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.'

We welcome early discussions with all developers and look forward to working closely with the District Council to achieve this objective.

- lastly, given the significance placed upon the input from the DRP and Urban Design Team by the local planning authority (LPA), we feel that their reports commenting upon significant applications would greatly assist the Town Council, and it would be appreciated if they were provided at a more timely stage in the application process, before formal consideration by the Town Council.

WSCC Highways Authority

Amended

Notwithstanding the capacity of the public car parks, there is no guarantee that future employees would make use of these. A view has therefore been taken in terms of the potential impact of overflow parking on the operation of the highway network.

It's accepted that there are enforceable restrictions in place to control how and where future employees can park on-street. The controls are such that there is a limited supply of unrestricted on-street spaces within what could be considered a reasonable walking distance. As the applicants response implies there is no doubt already a level of demand being placed upon these. Any additional demand placed upon on-street parking is considered to be more a matter of amenity rather than safety; the existing restrictions providing an enforceable means of ensuring that parking does not result in an obstruction or safety issue. On this basis, WSCC are satisfied that the proposal will not have any unacceptable road safety impacts or any other severe highway consequences.

If minded to approve this application, the following conditions are suggested.

As a final note, an informative is suggested requiring the applicant to enter into a s278 agreement for the access works. It is not necessarily the case that an s278 will be required. It will be for the applicant through discussion with the Implementation team manager to determine the appropriate means of constructing the access works.

Access

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

Reason: In the interests of road safety.

Car parking space

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Construction Management Plan

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

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

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

Travel Plan

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.

INFORMATIVES

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Original

S106 CONTRIBUTION TOTAL: £177,780

Summary

The application is supported by way of a Transport Assessment (TA), Stage 1 Road Safety Audit, and Framework Travel Plan. West Sussex County Council, in its role as Local Highway Authority, has provided comments on this proposal and the scope of the TA as part of pre application discussions.

It's noted that the site benefits from a now lapsed planning consent for the construction of a 5 storey office building.

Access

The site benefits from an existing vehicular access onto Perrymount Road. The access is to be marginally widened by 1.2 metres as part of the proposed development. Adequate visibility is achievable in light of the 30 mph speed limit.

As the development will result in an intensification of use and the WSCC Road Safety Audit Policy, a Stage One Road Safety Audit has been required. The RSA has raised a single problem in respect of the gradient of the proposed access ramp leading into the site for non-motorised road users. The Designer has addressed the problem with the creation of a level area at the foot of the ramp. The RSA raises no other problems in respects of the access.

The access is considered acceptable to serve the proposed development.

Highway Capacity

As the site includes 2,995sqm of existing B1a office space, the potential trip generation is based on the net increase of floor space proposed, namely 5,990sqm. TRICS has been applied to determine potential vehicular trip generation. TRICS is a large database of traffic surveys from other completed developments. The database can be refined so as to select those uses comparable (in terms of location, accessibility, and use class) to that

proposed. The trip rates applied have been agreed with the LHA as part of pre application discussions.

Using the selected sites, the development is forecast to result in the following net increase in trips during the network peak hours, these hours being those that are most sensitive to change.

Net increase of 5,990sqm	AM			PM		
	Arrival	Departure	Total	Arrival	Departure	Total
	62	10	72	7	48	55

In order to determine the potential routes that will be used by the development traffic, Census Location of Usual Residence and Place of Work data has been applied. This identifies how and where those working in the area at present travel from. It has then been identified what routes may then be used. Whilst accepted that this uses data from existing workers, this is considered to be a good proxy as to how future employees may travel. Again, this principle has been agreed with the LHA as part of pre application discussions.

Based on the above, it has then been determined which local junctions would experience such increased flows to warrant a formal capacity assessment for a future year when the development is expected to be complete and occupied. From this, only the Perrymount Road/Heath Road priority junction has been tested. Even with the development traffic, this junction is forecast to operate well within theoretical capacity.

The development is considered acceptable in terms of highway capacity.

Accessibility by Non-Motorised Modes

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

It's accepted that the site is within reasonable cycling distance of most of Haywards Heath. Little consideration is given to the suitability of routes within the town to actually accommodate cycling however. All roads within the town have a speed limit of 30mph or less, street lit, and should not be unduly prohibitive to cycling for employees traveling to the site.

A travel plan is also proposed to be implemented. As the occupier is unknown, a framework plan has been submitted. This arrangement is accepted as the final occupier may well have their own travel plan initiatives that they wish to incorporate. With respects to the details in the framework, the only comments would be in connection with the targets and monitoring.

In light of the town centre location, the FTP should be aiming to achieve a 15% reduction in the 12 hourly (7am to 7pm) trip rate; the FTP currently includes a reduction of 8%. The

initial targets should also be based on the TRICS/Census data used elsewhere in the TA, the targets can then be adjusted once the site is occupied and formal monitoring commenced.

For the monitoring, it is recommended that the TRICS Standard Assessment Methodology is applied at 50% occupation, and thereafter a further survey 2 years later with a third and final survey 2 years after this. It is still advisable for informal monitoring such as that included in the FTP to take place prior to the TRICS SAM commencing and during the TRICS SAM monitoring period. Overall, it is recommended that the travel plan be required by planning condition with the final details agreed prior to the offices being first occupied.

As mentioned in the TA, the Haywards Heath Town Centre Study includes a number of schemes to enhance the town centre. This includes accessibility improvements. There are several schemes in the vicinity that could benefit the development and the achievement of the targets within the proposed travel plan. This includes works at the Commercial Square Roundabout that will enhance access for pedestrians and cyclists, and the provision of cycle routes and improved footpaths across Clair Park. It is recommended that if this application is permitted a contribution is taken towards these schemes. For simplicity and as suggested at the pre application stage, it is recommended that the contribution is based on the WSCC Total Access Demand methodology. A contribution of £177,780 has been calculated (this is based on the contribution arising from the proposed development minus that would arise from the existing development).

Parking

91 spaces are proposed to serve the development. The number of spaces proposed is within that allowed under the currently adopted maximum parking standards. As recognised within the TA, there is the potential for actual demands to exceed the availability of spaces.

The LHA accepts that there are restrictions in place to control how and where on-street parking can take place. The TA also identifies the locations of nearby public car parks. The TA however gives little consideration as to what spare capacity is actually available to fulfil any excess demands, and therefore if it can be reasonably expected for the shortfall in parking to be accommodated. This matter was covered at the pre application stage with it specifically mentioned that off-site parking locations should be identified that have spare capacity. Whilst accepted that an element of parking restraint can encourage modal shift, the TA should still determine how excess demands are to be accommodated.

Conclusion

The LHA are supportive of the broad principle of the type of development proposed. However the applicant is required to give further consideration to the impact of parking demands that are not met through the on-site provision.

WSCC Flood Management Team

Amended

Many thanks for sending us through the drainage strategy for the proposed development at 21 - 23 Perrymount Road, Haywards Heath. We're satisfied with the additional information that has been provided and that flows to the main sewer will be limited to greenfield runoff rates using permeable paving and below ground attenuation. It is recommended that a technical review of the proposed drainage system is carried out by the District Engineer, especially whether pumping surface water is considered a sustainable option.

Original

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 detailed 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 uFMfSW mapping shows 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>However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.</p> <p>Reason: NPPF paragraph 103 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 area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones.</p> <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.</p>	

Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic 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.</p>	

Ordinary watercourses present?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses in close proximity of the proposed development area.</p> <p>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.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent from the District Council and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Future development - Sustainable Drainage Systems (SuDs)

No FRA/Drainage Strategy has been included with this application. The Sustainable Design and Construction Report states sustainable drainage systems will be considered, while the Application Form states that 'Existing Watercourse' will be used to dispose of the site's surface water.

Currently there is insufficient information to comment as to how the surface water from this site will be drained post-development. Further information is required to clarify the drainage arrangements and ensure the requirements of the NPPF, PPG and associated guidance documents are met.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

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.

MSDC Urban Designer

Summary and Overall Assessment

The proposed building has an all-glazed overtly contemporary aesthetic that contrasts with the monotonously punctuated brick facades of both the building it replaces and the neighbouring building at no.25-27 which it will abut; it benefits from a stronger and more cohesive form with crisper detailing that generate a more open and elegant building. While it is substantially bigger, most of the additional mass will be hidden (because of its deep plan) from the street frontage (it is mostly screened by trees or other buildings at the rear) and is further justified as it sits up the slope from its conjoined neighbour. Furthermore, the unsightly existing frontage parking will be replaced with an attractive landscaped threshold enabled by accommodating the parking in the undercroft beneath the bigger floorplates that fully optimise the site. For these reasons, I raise no objections to this application.

To secure the quality of the design, I would nevertheless recommend the following conditions are included and subject to further approval:

- 1:20 scale section drawings and elevational vignette of the front façade that clearly show the quality of the detailing.
- 1:200 scale drawing of the north elevation (not supplied with the application).
- Detailed landscape drawing.
- Samples and details.
- Scale drawings that show how renewable energy sources will be accommodated within the development including solar panels on the roof.

Response to the DRP's Assessment

The pre-application proposal was well received by the Design Review Panel (DRP) In December 2017, who "liked the elegant simplicity of the elevations, and (they believed) the all-glazed front facades should help give life to the town by revealing the activity within the building. It was also accepted that the additional bulk of the new building will largely be tucked away at the rear".

The DRP nevertheless had a few concerns which I believe the architect has mostly addressed in the current application proposal:

- The building has been pulled 4m away from the site boundaries with Rockwood House and no.25-27 (it had previously extended to the boundary) and there is now a comfortable separation distance from both.
- The width of the front projection has been reduced and together with the greater separation gap from Rockwood House has safeguarded the existing large tree which will help screen the substantial scale of the new building. This will be supplemented with three new lime trees and shrubs at the front.
- In response to concerns about potential solar gain, the south elevation has been redesigned with horizontal louvres across the windows.
- The applicant has set-out several options and opportunities in their Sustainable Design and Construction Report for reducing the building's impact upon the environment. I would recommend there should be condition(s) that cover this.

As 21-23 and its twin at 25-27 were designed together as a semi-detached formal pair of office blocks, the DRP felt there needed to be a masterplan that looked at the two sites together. This has not been done, and I feel that the existing semi-detached configuration of the existing blocks are the exceptions within a street frontage characterised by commercial buildings of contrasting styles and singular form; for this reason, I believe this singular intervention is acceptable. Furthermore the architect has made adjustments to the massing to allow the building to respond to 25-27 by echoing the width and depth of the front projecting bay and pulling the set-back top floor further away from the boundary with 25-27.

MSDC Drainage

Amended

Recommendation: No objection subject to conditions

Flood Risk

The proposed development is within flood zone 1 and is deemed to be 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.

Surface Water Drainage Proposals

It is proposed that the development will discharge to the public sewer system. Discharge rates are to be limited via a complex flow control limiting flows to the 1 in 1 and 1 in 100 year greenfield runoff rates. Attenuation will be provided within a green/blue roof and a below ground attenuation tank.

The principle of the surface water drainage outlined within the submitted Surface Water Drainage Strategy (reference number 4012, version final v3.0 and dated August 2018) is acceptable.

As part of works to discharge a drainage condition this proposed development will need to fully consider how it will manage surface water runoff and consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

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.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the public sewer system.

Suggested Conditions

C18D - Single Dwelling

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 building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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:

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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:

Any proposed run-off to a watercourse 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. You cannot discharge surface water unrestricted to a 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. Guidance into the OWC application process can be found on West Sussex County Council's website at

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Any proposed run-off to a sewer 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. You cannot discharge surface water unrestricted to a 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.

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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.

Original

Recommendation:

Further information required.

Before we are able to make comment on this application we will require the following;

- Foul sewage and surface water drainage assessment, as set out in our validation criteria document (<https://www.midsussex.gov.uk/media/1976/validation-criteria-for-planning-applications.pdf>)
- Evidence that the surface water drainage hierarchy has been considered, including percolation test results.

Summary and overall assessment

The application contains no details into how surface water drainage shall be managed. However, the Sustainable Design and Construction Report provided with the application states sustainable drainage systems will be considered.

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.

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 a major, 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 to be 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.

Surface Water Drainage Proposals

It is proposed that the development will discharge to the existing surface water sewer.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the existing foul water sewer.

Suggested Conditions

None at this time.

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
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MSDC Tree Officer

Further to reviewing the arboricultural reports provided and a visit to site, 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. However, the entire site is subject to planning condition PR/02188/TRECON.

Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified grade C, this is 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 normally act as constraint upon the development.

However, two trees recommended for removal: T1 (Tulip) & T12 (Silver Birch) have been classified as grade B. These trees will be a significant loss and should be replaced (like for like) elsewhere on site.

A landscape plan has been submitted detailing the position and species of new planting to the front boundary of site. It would be preferable for the removed T1 (Tulip) to be replaced within the planting scheme in this area.

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: size, planting, support and feeding/aftercare are required.

Protection measures for T4 (Lime) have been detailed within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and the retention of existing hard standing within the trees RPA.

However, a completed Arboricultural Method Statement must be submitted pre commencement of construction/demolition works, the report should detail good working practices to be implemented while working within the RPA of T4. (sympathetic treatment of exposed roots etc.) This report can then be used as reference for any contractors working on site.

No objection will be raised subject to receiving the above mentioned replacement tree planting/aftercare specification and a completed AMS report.

MSDC Environmental Protection

Main Comments:

The application seeks permission for the demolition and replacement of office space.

The proposed development is in a busy town centre therefore Environmental Protection therefore recommends the following conditions should the application be granted permission.

Recommendation: Approve with 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 - 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
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

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

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

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 by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also

consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents

Plant & Machinery: The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.