

MID SUSSEX DISTRICT COUNCIL

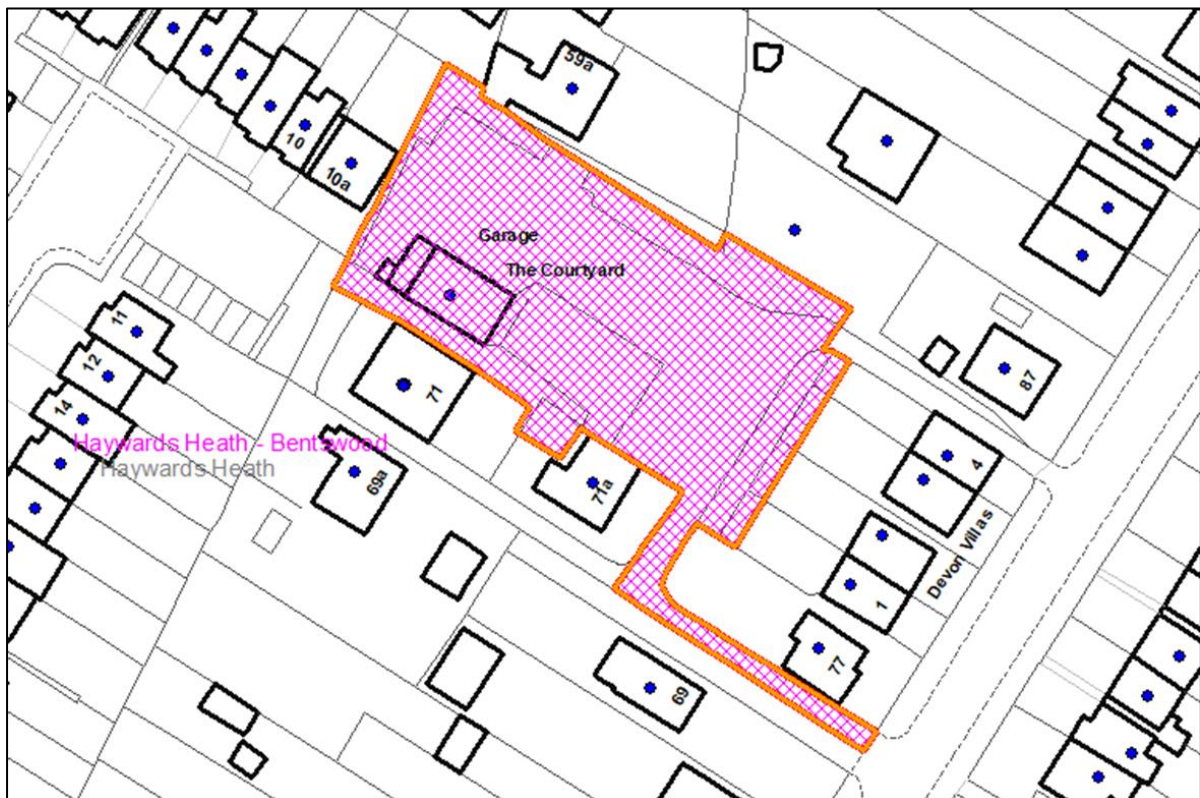
Planning Committee

24 SEP 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/0840



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PARKERS GARAGE THE COURTYARD WESTERN ROAD HAYWARDS HEATH

RESIDENTIAL DEVELOPMENT COMPRISING OF 4NO 3 BED SEMI DETACHED DWELLINGS AND 5NO 1 BED APARTMENTS. AMENDED PLANS RECEIVED 18TH JUNE SHOWING REVISED ELEVATIONS TO PROPOSED FLATS AND HOUSES.

FIRBANK LTD

POLICY: Brownfield Land / Built Up Areas / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 2nd September 2020

WARD MEMBERS: Cllr Rachel Cromie / Cllr Stephen Hillier /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 9 dwellings on Parkers Garage, The Courtyard, Western Road, Haywards Heath.

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

The site is allocated for residential development in the HHNP and therefore the principle of a residential development accords with policy H4 in the HHNP which forms part of the development plan for this area.

This is a constrained back-land site with level differences across the site and residential properties on all sides. It is considered that the proposed layout is satisfactory and strikes a reasonable balance between making optimum use of the site and not being overly hard edged and dominated by car parking. Whilst the site will not be readily visible from the street scene, it remains important for the proposed buildings to be well designed. It is felt that the revisions that have been secured to the elevations of the properties have improved the visual appearance of the scheme such that the design and layout accords with policy DP26 of the DP and policy E9 of the HHNP.

There are no objections to the proposal from the Highway Authority. The level of vehicular movements from the development will not cause a severe impact on the highway network. The proposed access to the site will be satisfactory. The site is a sustainable location where there are alternatives to the private car. The application is therefore considered to comply with policy DP21 of the DP and policy T1 of the HHNP.

The proposal should not cause a significant loss of amenity to the occupiers of any of the surrounding properties, thus complying with this element of policy DP26 in the DP.

The site can be satisfactorily drained, with the details controlled by a condition, thus satisfying policy DP41 of the DP and policy E7 of the HHNP. The infrastructure requirements of the development will be secured by a legal agreement, thus complying with policy DP20 of the DP. Any contamination of the site can be controlled by a planning condition to ensure it is suitable for its new use.

The proposal will provide 9 new dwellings in a sustainable location on a site allocated for residential development. The proposal will provide economic benefits during the construction phase and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus.

The proposal is considered to comply with the development plan. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

Recommendation A

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments by the 17th December 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

SUMMARY OF REPRESENTATIONS

Original plan

4 letters of objection received:

- would like reassurance that there won't be further intrusion from the development
- developer has damaged fence between 89a and 91a
- request that if approved conditions are imposed regarding working hours
- parking is inadequate and will make parking on Western Road impossible
- cars parked either side of the entrance will make the access dangerous
- who will be responsible for the upkeep of the roads

- land has not been used as a car hire area for years and vehicle movements are very low
- access will be a danger to those walking on Western Road
- no need for one bedroom flats in the area
- flats will loom over and impose on the rear gardens of Devon Villas
- double patio doors on flats will cause a nuisance to occupiers of Devon Villas and are grossly overbearing

Amended plans

3 letters of objection received:

- what safety measures will be put in place to prevent a car / lorry / van etc. crashing into the side of my house or my neighbour
- It is utterly irrelevant what the traffic flow / use will be as it only takes one car to crash into the side of either house and someone could be killed
- concerned we will be overlooked as the trees proposed on the plans will not have any screening effect
- the proposed width of the access is 5m and this is insufficient for delivery vans to pass one another
- am concerned that if this happened a van may reverse blindly back onto Western Road
- access road has a 90 degree blind bend on it
- there is no delineated access or footpath for pedestrians for the development. As well as the proposed properties the existing 4 flats and 1 house and 1-4 Devon Villas have rights of access over the route
- opposite the proposed entrance is a heavily utilised primary school route and there is no consideration for how this new access road would be made safe for children to cross
- proposed development is not sufficiently screened from adjacent houses, including Devon Villas
- the depth of tree screening should be increased

Summary of Consultations

County Planning Officer

Requires the following infrastructure contributions:

Education Primary £19,224
 Education Secondary £20,690
 Libraries £2,762
 TAD £2,869

Highway Authority

No objection subject to conditions

Southern Water

Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Sussex Police

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

Environmental Health Officer

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

Leisure Officer

Requires infrastructure contributions:

Children's play space £8,740

Formal sport £9,302

Community buildings £5,335

Drainage Engineer

No objection subject to conditions

Urban Designer

An uninspiring design but because it has limited impact upon the wider public realm, I will not raise an objection. Please include conditions covering landscaping, boundary treatment and facing materials.

Trees and Landscape Officer

Should permission be granted please condition the submission and agreement of soft landscaping to include species, size, quantity of replacement trees along with detailed planting guides and maintenance schedules.

Haywards Heath Town Council (original plans)

Neighbouring residents complain of unneighbourly contractor behaviour on the site relating to damage, and concerns over loss of privacy. If the application is approved, HHTC asks that the Planning officer provides detailed written guidance to the developer outlining how any overlooking/privacy issues can be addressed to reduce any resultant harm.

The principle of development, aligned to HHNP policy is established, and noting that a S106 is in place, HHTC requires its S106 contributions be applied to Haywards Heath Cemetery and Nature Reserve both located opposite to the site to be developed.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays, together with wheel washing conditioned as top ensure the project is acceptable in planning terms.

Haywards Heath Town Council (amended plans)

The Town Council notes the submission of amended plans and has nothing further to add to the comments that were submitted on 31/03/2020.

However, Members have noted the representation dated 15/04/2020 from Mrs Diana Botting regarding the fact that the only access to the development will be directly opposite the twitten leading to St. Wilfrid's Primary School in Eastern Road. Previously there were two points of access to the site, one in and one out. It is requested that Mid Sussex District Council's Planning Officer, in consultation with West Sussex County Council Highways, gives due consideration to the implications of this new arrangement for highway safety.

INTRODUCTION

This application seeks full planning permission for the erection of 9 dwellings on Parkers Garage, The Courtyard, Western Road, Haywards Heath.

RELEVANT PLANNING HISTORY

Planning permission was granted under reference DM/19/1642 for the erection of a first floor on an existing bungalow at 71A Western Road. This consent has been implemented.

An application for the erection of 10 dwellings (reference DM/19/2777) at the site of the current application was withdrawn on 20th September 2019 by the applicants.

SITE AND SURROUNDINGS

The site is a back land site to the west of Western Road in Haywards Heath. The site is at a lower level than Western Road. There are various changes in levels through the site with the land rising again to the northwest. The site is covered with hard standing and is used for external storage at present.

To the southeast are the residential properties known as Devon Villas and 77 Western Road. To the northeast there are two new residential properties that have been constructed close to the boundary of the site. 71A western Road was formally a detached split level bungalow that is at a higher level than the site. However the planning permission granted under reference DM/19/1642 has been implemented

and this is now a two storey building containing two flats. To the northwest are terraced houses at a higher level than the site.

The site is accessed via a single width access road that emerges onto Western Road. Immediately to the south of this and separated by a low hedge is another single width access road that serves the neighbouring back land properties to the northwest. There is also a single width access road to in between 4 Devon Villas and 87 Western Road that serves the new dwelling to the rear of 87 Western Road. This access is currently fenced off next to the new dwelling to the rear of 87 Western Road so it is not possible to access the site from this road.

The site lies within the built up area of Haywards Heath as defined in the District Plan. The site is also allocated for development in the Haywards Heath Neighbourhood Plan.

APPLICATION DETAILS

The application proposes the redevelopment of the site to provide 4 x 3 bed semidetached houses and 4 x 1 bed apartments and 1 x 2 bed apartment. The semidetached houses would be located at the north western side of the site. The proposed houses would be designed so one half would have a gable to the front and rear and the other would have a flat roof dormer window to the front and rear. Whilst the houses are described as 3 bedrooms, the plans show a study/workspace in the loft. As the Local Planning Authority could not control the use of these attic rooms by condition for the purposes of assessing this planning application the houses will be treated as 4 bedroom units.

The houses would have brick elevations, with boarding on the gabled features and a plain tile roof.

The block of apartments would be positioned in the south eastern part of the site. These would be three storeys with the upper storey being in the pitched roof. The apartment block would measure 14.8m by 7.7m by 9.2m high. The block of flats would feature brick on the ground floor and stairway gable feature, boarding at first floor level and plain tiles on the roof. There would be four dormer windows in the northwest facing roof slope of the flats and two dormer windows in the southeast elevation.

The ground floor flats would be accessed via the side elevation of the building. The upper floor flats would be accessed via a central entrance located on the northwest elevation of the building.

Car parking for the development would be provided mainly within the centre of the site, together with two spaces adjacent to the block of flats. The plans show 13 car parking spaces in total. Bin and refuse stores for the flats would be located to the northwest of this building. The proposed houses would have cycle sheds in their rear gardens.

The access to the site would use the existing access road located on the southwestern side of the site. The hedge that separates the access road that serves

the site from the access that serves the houses to the northwest would be removed. This would allow the access road serving the development to be 5m in width.

LIST OF POLICIES

Mid Sussex District Plan

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

DP6 Settlement Hierarchy
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP30 Housing Mix
DP37 Trees, Woodland and Hedgerows
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (HHNP)

The HHNP was made in 2016 and is part of the development plan for this part of Mid Sussex.

E7 Drainage
E9 Design
T1 Transport
H4 Rear of Devon Villas

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

SDP Development Infrastructure and Contributions (2018)

National Policy and Legislation

National Planning Policy Framework (NPPF) (Feb 2019)

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

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

Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

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

National Planning Policy Guidance (PPG)

National Design Guide

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)
Ministerial Statement and Design Guide

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

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

ASSESSMENT

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

- The principle of development;
- Design/layout
- Trees
- Access and Transport
- Neighbour amenity
- Housing Mix
- Drainage
- Infrastructure provision
- Contaminated Land
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

In this part of Mid Sussex, the development plan comprises the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

Policy DP6 in the DP provides policy support for development within built up area boundaries. In addition to this policy H4 in the HHNP allocates this site for residential development. Therefore, the principle of a residential redevelopment of this site accords with the development plan.

Design and layout

Policy H4 in the HHNP states:

'Rear of Devon Villas (Site Area: 0.25ha)

-Capacity: The site should provide for approximately 10 dwellings.

-Form, Layout and Landscaping: Care will need to be taken in designing a scheme which respects the existing adjoining residential development and the form, scale, layout and landscaping of the development should ensure that it responds sensitively to its back land location.

-Infrastructure: Sustainable drainage systems (SUDS) should be used to minimise run off from this development.'

Policy DP26 in the DP states:

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

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

- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;

- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;

- protects open spaces, trees and gardens that contribute to the character of the area;

- protects valued townscapes and the separate identity and character of towns and villages;

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;

- positively addresses sustainability considerations in the layout and the building design;

- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;

- optimises the potential of the site to accommodate development.'

National guidance in the NPPF is supportive of good design. At the local level the draft Mid Sussex Design Guide sets out what the Council considers to constitute good design principles.

This is an enclosed back-land site that is not readily visible from the street.

Nonetheless it is important for the proposal to have a sound layout. It is considered that the layout of the site is acceptable. The scheme shows that there would be landscaping around the block of flats and around the car parking spaces. It is considered that the layout provides a reasonable balance between the requirements

to provide on site car parking with the need for an appropriate level of landscaping to prevent the layout from appearing too hard edged and dominated by car parking. This accords with the aims of policy DP26 and the draft design SPD.

With regards to the design of the individual buildings, the elevations of the flats have been amended during the application. It is now considered that the flats have more order in their appearance and that the dormer window do not dominate the roof slope.

The elevations of the houses have also been amended during the application. It is considered that the changes have improved the appearance of the house, which will fit in satisfactorily within their back-land setting.

Sussex Police have commented on the application and have not raised an objection to the scheme. The provision of lighting within the scheme and the provision of secure cycle storage can be controlled by a planning condition. The block of flats will have a secure private area for the ground floor units on the southeast side. A modest amenity area will be enclosed by metal railings with hedging to provide additional screening and privacy for occupiers. It is therefore considered the application is satisfactory in relation to design and crime prevention.

The applicants have stated that the proposal will incorporate high levels of insulation in the buildings, rain water will be collected in butts for garden use, aerated taps and showers will be used and hot water will be provided via Eco Cent cylinders with air source pumps. The application site is in a sustainable location and reuses a previously developed site. The application is therefore considered to comply with policy DP39 of the DP

Dwelling space standards

Policy DP27 states that nationally described space standards for internal floor space will be applied to all new residential development. In the case of a 2 person 1 bed room unit the standard is 50sq m. In this case the apartments are shown as having a double bed, thereby suggesting they are 2 person flats. The proposed flats are 40sq m. This is below the national dwelling space standards. However, for a 1 person 1 bed flat, the standard is 39sq m. Given the fact that all the applicants would need to do would be to change the furniture that is shown on their floor plan from a double to a single bed, it is not considered that there would be a sustainable reason to resist the application based on this issue. It is considered that the flats would provide a satisfactory living environment for prospective occupiers.

The proposed houses are shown as having three bedrooms on the first floor and a study/office in the roof space. However, given the fact that it would not be possible to condition that the loft space remains as a study, the proposal should be assessed as being a 4 bed house. The floor area is shown on the plans as being 120sq m. The floor plans only show one double bed in the master bedroom and no beds in the remaining rooms. The national space standard for a 4 bedroom 7 person house arranged over three floors is 121sq m. Assessed against this the houses would be 1sqm short of the national space standard. Looking at the houses it is considered that they would provide a satisfactory living environment for prospective occupiers.

The marginal shortfall against the proposal when it is assessed as being a 4 bedroom 7 person house would not justify a refusal of planning permission on this ground.

Trees

Policy DP37 of the DP seeks to support the protection of trees, woodland and hedgerows. It states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

There are no protected trees within the site. However to the northwest within the garden of 10A Rothley Chase there is an Oak and a Beech that are covered by a group tree preservation order (TPO). To the southwest, outside of the site there is an Oak and a Beech that are also covered by the group TPO.

The proposed new house on plot 1 would be some 12m away from the Oak and Beech at its closest point. Given this distance, which is greater than the distance between these trees and existing buildings, it is not considered that there should be any adverse impact on these two trees from the proposal. The proposed new houses on plots 3 and 4 would be some 11.5m away from the Oak and Beech at its closest point. Given this distance, which is greater than the distance between these trees and 10A Rothley Chase, it is not considered that there should be any adverse impact on these two trees from the proposal.

There is a Silver Birch adjacent to the side elevation of plot 4 that would be removed. This tree is not protected and its loss is not objectionable. The plans also show new tree planting within the site, including on the northeast, southeast and southwest boundaries of the site, which can be secured by a planning condition.

The Council's Tree Officer has no objection to the application. In light of the above there is no conflict with policy DP37

Access and Transport

Policy DP21 in the District Plan states:

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

-A high quality transport network that promotes a competitive and prosperous economy;

- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;

-Access to services, employment and housing; and

-A transport network that feels, and is, safer and healthier to use.

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

-The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural

Economy);

-Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;

*-The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
-The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant*

Neighbourhood Plan where applicable;

-Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;

-The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;

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

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

-The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

The proposal is to combine the access next to number 77 with the driveway of no 69a to widen the access route to the site. This would be a two way route serving the site and the existing dwellings at 71, 71A and 69A.

The Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority note that an inspection of recorded injury accidents near the site indicates there is no evidence the existing access is operating unsafely. They also note that the trip date provided with the application indicates that there would be a reduction in vehicular movements from the lawful use of the site.

Concerns have been raised by the occupier of 69 Western Road about vehicles crashing into the site of this property. These concerns are understood. However, the situation on the ground is that there is an existing access in this location that serves the site. The proposal is to remove the hedge that divides the access points in this location to combine them into one access road. Vehicle speeds would be low on this access road because it would be of a short length, a shared surface and there would be a 90 degree turn into the site. Therefore it is considered that the likelihood of a

vehicle crashing into either 69 Western Road or 77 Western Road whilst accessing the site is very low.

However, notwithstanding this point, if a vehicle were to crash into either of these two properties that adjoin the access road the results could be serious. Therefore it is considered it would be reasonable to require the details of the boundary treatment along this stretch of the access road to prevent such an event occurring. This could involve the provision of bollards alongside the side elevations of these properties. The details of this could be secured by a planning condition.

In light of the above and the comments of the Highway Authority, it is therefore considered that the proposed access into the site would be satisfactory for vehicles.

With regards to car parking, the Highway Authority have advised that the WSCC car parking demand calculator indicates a parking demand of 16 spaces, assuming they are allocated. The plans provide 13 allocated car parking spaces. It is considered that a balance needs to be struck between providing on site car parking, making optimum use of the site and ensuring that the development is not too hard edged and dominated by car parking. It is felt that a reasonable balance has been struck in this case. There are no car parking restrictions on Western Road and it is not anticipated that the level of car parking proposed for this development would result in on street car parking that would result in a highway safety hazard.

The access into the site would be 5m in width. The plans do not show a pavement adjacent to this access and there would not be a pavement within the site. The access road and parking/turning area within the site would be a shared surface. Manual for Streets (MfS) provides guidance on the design of streets and is a material planning consideration. MfS advises that shared surface schemes work best in relatively calm traffic environments and states that in the absence of a formal carriageway, the intention is that motorists entering the area will tend to drive more cautiously. MfS advises that shared surface streets are likely to work best in short lengths or where they form cul-de-sacs, where vehicle volumes are below 100 vehicles per hour and where parking takes place in controlled or designated areas.

This scheme would accord with these criteria as the access road into the site is some 36m in length and goes to a cul-de-sac with allocated parking. It is therefore felt that the scheme is acceptable with the access and car parking/turning area being a shared surface. A condition can be used to control the details of the materials for the access road to ensure this is appropriate for a shared surface.

Reference has been made by objectors to the scheme to the public footpath that is opposite the site to the southeast, which provides a pedestrian link through to St Wilfrids C of E Primary School. There is a metal guard rail at the end of this footpath adjacent to Western Road to prevent pedestrians going straight across the road from the footpath. The concern that has been raised relates to the safety of pedestrians crossing Western Road to access the public footpath. Western Road is subject to a 30mph speed limit and there is no reason why pedestrians cannot cross the road safely at this point. The Highway Authority have raised no objection to the application based on pedestrian safety.

With regards to sustainability and policy T1 in the HHNP, the proposal is close to the town centre. It is therefore considered that there is not a requirement to deliver dedicated cycle connections with this scheme as these are in effect already in place given the ease of access from the site to the town centre.

The Highway Authority have requested that the applicant should provide three active and ten passive EV parking spaces. The applicants have stated that each house will be provided with an electric vehicle charging point and a further charging point will be provided for the flats. Policy DP21 does not mandate EV charging points in new developments but says they should be designed to incorporate such facilities where practical and viable. It is considered the application complies with the requirements of policy DP21 in relation to EV charging points.

Neighbour amenity

Policy DP26 seeks to ensure that new development 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.

There is a dwelling to the north of the site at 59A Priory Way that is inset some 1.3m from the mutual boundary. This property is at a substantially lower level than the application site (some 3m lower). This property has one first floor window in its side elevation facing the site, which serves the stairway. 59A Priory Way would be broadly in line with the proposed dwelling on plot 4.

The proposal would have a significant impact on this side facing window as the new dwelling on plot 4 would be at a substantially higher level. However, as this window does not serve a habitable room it is not considered that this would cause a significant loss of amenity to the occupiers of this property. The proposal would introduce additional overlooking into 59A Priory Way from the first floor windows on the dwelling on plot 4. However, this is a built up area where a degree of mutual overlooking is to be expected.

There is a dwelling to the northwest of the site at 10A Rothley Chase. This has a first floor window in the side elevation facing the site, which serves the landing. Whilst the new dwellings on plots 3 and 4 would allow new overlooking into the rear garden of 10A Rothley Chase, this garden is already overlooked by the neighbouring house at number 10. Within a built up area, it is considered this relationship is acceptable and would not cause a significant loss of residential amenity.

The block of flats would be some 26m from the rear elevations of the houses at 2 to 4 Devon Villas. Devon Villas are at a higher level than the proposed block of flats. Whilst the block of flats would be three storeys in height, the upper storey would be in the roof space and served by dormer windows. It is not felt that the proposed flats would be overly dominant to the occupiers of Devon Villas and nor would there be an unacceptable degree of overlooking.

The block of flats would be located to the southwest of 87A Western Road, which is a newly constructed house in the applicant's ownership. The flats would be 5m away

from the side elevation of 87A Western Road. The first and second floor windows in the side elevation of the flats facing towards 87A are secondary windows and can be conditioned to be obscure glazed. With such a condition in place there would be no overlooking from these windows. Whilst the side elevation of the flats would be clearly visible from the rear garden of 87A Western Road, as it will be inset 4m from the mutual boundary it is not felt it would appear overly dominant.

To the southwest 71 Western Road contains flats in a two storey building with one flat on the ground floor and one on the first floor. There is also an office studio on the ground floor of the building. This is positioned on the north-eastern side of the building facing towards the application site. The planning history shows a series of temporary planning permissions for the use of part of the dwelling as an office in association with Parkers Garage, with the last temporary planning permission granted under reference HH/281/91 expiring on 12th December 1994. This building is in the ownership of the applicants.

More recently planning permission has been granted under reference DM/20/0122 for internal and external changes to the first floor flat. The approved plans show the first floor flat would have two bedrooms. The side elevation facing the application site would be amended so that there would be two high level secondary windows facing towards the application site. This property is in the ownership of the applicants.

The proposed house on plot 1 would be some 3.2m from the side elevation of 71 Western Road at its closest point. With the changes that are shown to the first floor flat under approved scheme reference DM/20/0122 it is considered that whilst the new house would be very close to the side facing windows of the flat, as these are secondary windows serving a sitting room (which would have its main window to the rear), it is not felt the proposal would cause a significant loss of amenity to this flat.

At the ground floor level, the applicants have confirmed that the office/studio is still in place, notwithstanding the fact that the last temporary planning permission for this expired in 1994. If the applicants could show that this had been the use of this part of the property for the last ten years then they would be able to formally establish that this was the lawful use of this part of the building.

Given the situation on the ground, it is reasonable to assess the application based upon its impact on the ground floor of 71 Western Road as it stands now. Whilst the side elevation of plot 1 would be 3.2m from the bay window, the submitted plans show that this office/studio is also served by a bay window on the front of the property. It is therefore felt that as this is a dual aspect room there would not be a significant adverse impact on the amenities of the ground floor of 71 Western Road.

To the southwest of the flats, 71A and 71B Western Road is a two storey building containing two flats. This is in the ownership of the applicants. The side elevation of the block of flats would be 12.8m away from 71A and 71B. There is a bedroom window in the side elevation of the upper floor flat at 71B Western Road that faces the application site. The proposed block of flats would have secondary sitting, bedroom and kitchen windows facing towards 71B. As these are secondary windows, it is considered that it would be reasonable to condition that they are obscure glazed to prevent overlooking into the bedroom of 71B Western Road.

In relation to the use of the access road in between numbers 69 and 77 Western Road, the proposed redevelopment of the site is not likely to result in any intensification in the use of this access compared to the lawful use of the site. As such there would be no significant impact on residential amenity from the use of this reconfigured access.

Housing Mix

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

The proposal would provide 4 x 3 bed dwellings and 4 x 1 bed apartments and 1 x 2 bed apartment. As mentioned previously, the houses will be assessed as though they are 4 bedroom units because it would not be possible to use a planning condition to prevent the study/workspace in the loft from being used as a bedroom as a such a condition would be unenforceable. It is considered that given the relatively small size of the site, this is a reasonable mix of properties. It is therefore considered there is no conflict with policy DP30.

Drainage

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site. Policy E7 in the HHNP seeks to incorporate sustainable drainage systems where possible in new development.

It is proposed that the development will attenuate surface water via on site attenuation tank. This would then connect to the public surface water sewer. For foul water it is proposed that the development will utilise an on-site pump which will lift and then discharge to the local foul network. The Councils Drainage Engineer has advised that subject to conditions to control the details of the means of drainage they have no objections to the scheme. The Drainage Engineer would assess the practicality of any sustainable drainage system. With this in place the scheme would comply with policy DP41 of the DP and policy E7 of the HHNP.

Infrastructure provision

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation.

West Sussex County Council Contributions:

Requires the following infrastructure contributions:

- Library provision: £2,762
- Education Primary: £19,224
- Education Secondary: £20,690
- TAD £2,869

District Council Infrastructure Requirements

Childrens playing space £8,740
Formal sport £9,302
Community buildings £5,335
Local community infrastructure £6,621

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

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. With a planning obligation in place to secure the required infrastructure payments there would be no conflict with policy DP20 of the DP.

Contaminated Land

Historical mapping and the planning statement identify that the application site sits within an area that was historically used for car repairs and is as such considered to be potentially contaminated land. In light of this a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. With this in place the issue of contaminated land would be satisfactorily addressed.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen

may detrimentally affect the composition of an ecosystem and lead to loss of species.

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Planning Balance and Conclusion

To summarise, the site is allocated for residential development in the HHNP and therefore the principle of a residential development accords with policy H4 in the HHNP which forms part of the development plan for this area.

This is a constrained back-land site with level differences across the site and residential properties on all sides. It is considered that the proposed layout is satisfactory and strikes a reasonable balance between making optimum use of the site and not being overly hard edged and dominated by car parking. Whilst the site will not be readily visible from the street scene, it remains important for the proposed buildings to be well designed. It is felt that the revisions that have been secured to the elevations of the properties have improved the visual appearance of the scheme such that the design and layout accords with policy DP26 of the DP and policy E9 of the HHNP.

There are no objections to the proposal from the Highway Authority. The level of vehicular movements from the development will not cause a severe impact on the highway network. The proposed access to the site will be satisfactory. The site is a sustainable location where there are alternatives to the private car. The application is therefore considered to comply with policy DP21 of the DP and policy T1 of the HHNP.

The proposal should not cause a significant loss of amenity to the occupiers of any of the surrounding properties, thus complying with this element of policy DP26 in the DP.

The site can be satisfactorily drained, with the details controlled by a condition, thus satisfying policy DP41 of the DP and policy E7 of the HHNP. The infrastructure requirements of the development will be secured by a legal agreement, thus complying with policy DP20 of the DP. Any contamination of the site can be controlled by a planning condition to ensure it is suitable for its new use.

The proposal will provide 9 new dwellings in a sustainable location on a site allocated for residential development. The proposal will provide economic benefits during the construction phase and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus.

The proposal is therefore considered to comply with the development plan. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement

2. 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 Construction Management Plan shall be implemented and adhered to throughout the construction period.
 - the method of access and routing of vehicles during construction and directional signage for the purposes of such
 - the siting and layout of site compounds and welfare facilities for construction workers
 - the provision of parking of vehicles by site operatives and visitors
 - the provision for the loading and unloading of plant, materials and removal of waste
 - the provision for the storage of plant and materials used in construction of the development
 - the design, erection and maintenance of security hoardings and other measures related to site health and safety
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
 - a scheme to protect existing neighbouring properties from dust and noise emissions
 - a noise management plan, to include consideration of vibration from construction work including the compacting of ground
 - measures to deal with surface water run-off from the site during construction

- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.
- details of tree protection (including for trees outside the boundaries of the site) in the course of development.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

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

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the NPPF.

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

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the NPPF.

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

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

Pre occupation

7. No part of the development shall be occupied until details of the proposed lighting of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the safety of future residents and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

8. No part of the development shall be first occupied until details have been submitted to and approved in writing by the Local Planning Authority of the materials to be used for the access road, turning area and parking areas.

Reason: To ensure that the surfacing materials are appropriate for pedestrian and vehicle safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

9. 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

10. Prior to the occupation of any dwelling the subject of this permission, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These works shall be carried out as approved. 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.

11. 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

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

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

13. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

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

14. Before the buildings hereby permitted are occupied recycling and dustbin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policy DP26 of the District Plan 2014 - 2031

15. Prior to the occupation of any dwelling or building subject of this permission details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected. The submitted information shall include details of the boundary treatment alongside the access road into the site, with particular reference to the boundary adjacent to numbers 69 and 77 Western Road.

Reason: In order to protect the amenities of adjacent residents and in the interests of highway safety and to accord with and Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

16. Prior to the occupation of any of the dwellings hereby permitted details shall be submitted to the Local Planning Authority for the future management and maintenance of all the landscaped areas within the site. These areas shall thereafter be implemented and managed in accordance with these approved details.

Reason: To ensure the satisfactory maintenance of the landscaping in the future and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

Construction phase

17. 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 and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

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

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

19. The development shall be implemented in accordance with the levels details that have been submitted to the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

Post construction

20. The proposed windows on the first and second floor of the southwest and northeast elevations of the apartments shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP24 of the District Plan 2014 - 2031

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

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

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Telegraph Pole

If required, the applicant is advised to contact the operator of the telegraph pole to organise the moving/relocation works.

3. The public foul sewer requires a clearance of 3 metres on either side of the sewer to protect it from construction works and to allow for future access for maintenance.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No new soakaways should be located within 5 metres of a public sewer.
 - All existing infrastructure should be protected during the course of construction works.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Sections	103	F	12.08.2020
Levels	104		12.08.2020
Location and Block Plan	100	P	06.05.2020
Proposed Floor and Elevations Plan	102	G	18.05.2020
Proposed Floor and Elevations Plan	101	K	18.05.2020
General	8916/302	C	27.04.2020
General	8916/300	A	26.02.2020
Drainage Details	8916/303	B	27.04.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Neighbouring residents complain of unneighbourly contractor behaviour on the site relating to damage, and concerns over loss of privacy. If the application is approved, HHTC asks that the Planning officer provides detailed written guidance to the developer outlining how any overlooking/privacy issues can be addressed to reduce any resultant harm.

The principle of development, aligned to HHNP policy is established, and noting that a S106 is in place, HHTC requires its S106 contributions be applied to Haywards Heath Cemetery and Nature Reserve both located opposite to the site to be developed.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays, together with wheel washing conditioned as top ensure the project is acceptable in planning terms.

Haywards Heath Town Council (amended plans)

The Town Council notes the submission of amended plans and has nothing further to add to the comments that were submitted on 31/03/2020.

However, Members have noted the representation dated 15/04/2020 from Mrs Diana Botting regarding the fact that the only access to the development will be directly opposite the tritten leading to St. Wilfrid's Primary School in Eastern Road. Previously there were two points of access to the site, one in and one out. It is requested that Mid Sussex District Council's Planning Officer, in consultation with West Sussex County Council Highways, gives due consideration to the implications of this new arrangement for highway safety.

County Planning Officer

Education			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	17.1		
	Primary	Secondary	6th Form
Child Product	0.1495	0.1495	0.0000
Total Places Required	1.0465	0.7475	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,762		
Population Adjustment	17.1		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	9		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	17.1		
Net Parking Spaces	-13		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£19,224
Education - Secondary	£20,690
Education - 6th Form	No contribution
Libraries	£2,762
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£2,869
Total Contribution	£45,546

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

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

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

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

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

The calculations have been derived on the basis of an increase in 9 Net dwellings, and a reduction of 13 car parking spaces from the existing 30 spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2020. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional equipment at St Wilfrid's CofE Primary School.

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

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

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

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

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

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£18,370 per child**
- Secondary Schools- **£27,679 per child**
- Sixth Form Schools- **£30,019 per child**

2. Library Infrastructure

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

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

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,384** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2019/2020 is £1,407 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£703).

Sustainable transport contribution = (net car parking – occupancy) x 703

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

Highway Authority

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary

This proposal is for the erection of four semi-detached three-bedroom dwellings and a building comprising of four one-bedroom apartments and one two-bedroom apartment. The site is located off Western Road, an unclassified road subject to a speed restriction of 30 mph in this location. The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber", with comments raised regarding the suitability of the proposed access and parking provision. The LHA conducted a site visit on 23/03/2020.

WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application DM/19/2777. The LHA requested additional information from the applicant. The applicant withdrew this application.

Access and Visibility

The applicant proposes to merge the existing southern access with the neighbouring access to form a 5m wide access. There are no apparent visibility issues at this access. However, the applicant is advised that the proposed works will require the relocation of a telegraph pole. Therefore, the applicant should contact the utility company to carry out any such works, and will incur the costs for these works.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there

is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

This application is supported by a trip assessment produced by Monson. The TRICS database was used to produce trip data for the existing use (Car Hire Centre) and the proposed use (Mixed Private Housing). The TRICS data indicated that the existing use would generate 75 daily trips, whilst the proposed use would generate 19 daily trips. Therefore, the proposal is anticipated to result in a reduction in overall material movements using the access.

Parking and Turning

The applicant proposes 13 car parking spaces for this development. From inspection of the plans, it would appear that each house would have two car parking spaces, whilst each apartment will have one car parking space. Assuming the parking spaces are allocated, the WSCC Car Parking Demand Calculator indicates that a development of this size in this location would create a demand for 16 car parking spaces.

As such, any overspill parking would have to be accommodated on-street. Western Road has unrestricted on-street parking available if required. The LHA does not anticipate that a shortfall of three parking spaces would result in a highway safety or capacity concern. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new residential developments. Based upon current EV sales rates within West Sussex, the applicant should provide active charging points for a minimum of 20% of all proposed off-street parking spaces, with the remaining 80% of parking spaces providing a 'passive' provision for future upgrades. For this proposal, the LHA would expect the provision of three active and ten passive EV parking spaces, in accordance with the above WSCC guidance and Mid Sussex Local Plan policy.

In terms of cycle parking, the applicant proposes to provide each of the houses with a bike shed, and the apartments with a communal bike shed. Under WSCC standards, residential dwellings with 1-2 bedrooms should provide cycle parking for at least one bike, whilst dwellings with 3+ bedrooms should provide for two bikes. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

The applicant has demonstrated that on-site turning for a refuse vehicles is achievable using swept path tracking. The LHA is satisfied that vehicles can turn and exit onto Western Road in a forward gear.

Sustainability

The site is situated in a sustainable location within walking distance of shops, schools and other amenities. In terms of public transport, the 39 and 149 buses serve Western Road. However, more regular, varied bus services can be reached on the B2272 (Bus routes 31, 33, 62 166, 270, 271 and 272), approximately 500m from the site. Haywards Heath Train Station is situated approximately 2km from the site. Cycling is a viable option in the area and future residents may not necessarily rely on the private car.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Access (details approved, access provided prior to first occupation)

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 (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Turning space

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

Informative

Telegraph Pole

If required, the applicant is advised to contact the operator of the telegraph pole to organise the moving/relocation works.

Southern Water

Thank you for your letter dated 10/03/2020.

It appears that applicant is proposing to divert public surface water sewer. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

- The public foul sewer requires a clearance of 3 metres on either side of the sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

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

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

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

Sussex Police

Thank you for your correspondence of 10th March 2020 advising me of a full planning application for a residential development comprising of 4no 3 bed semidetached dwellings and 5no 1 bed apartments at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and note this is a resubmission of a recently withdrawn application DM/19/2777 that is now indicating a reduction from Six to Five no 1 bed apartments from the previsions application's description.

I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

The small development is set behind a number of houses off the main highway and is accessed by a single vehicular access point. I ask that there is a safe and clearly identified pedestrian route into the development. This can be denoted by coloured paving blocks within the road surface. Parking has been provided within bays that are overlooked by the neighbouring dwellings. Consideration is to be given to making lighting available throughout the development, illuminating the parking areas and public places. For the safety of the pedestrians, it will important to illuminate any pedestrian routes to and from the development. Where lighting is implemented it should conform to the requirements within BS 5489-2:2013. SBD does not consider bollard lighting as appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I was pleased to note the inclusion of gates to reduce unauthorised access to the house's rear gardens. The gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

Demarcation in the form of planting is present and clearly identifies the dwelling front boundaries. The amenity space to the side of the communal block does not have an enclosed private space for the resident's sole use. Consideration should be given to clearly demarcating a private gated area from the public space with fencing, railings and gates.

Access control and door entry requirements for the communal block can be found within SBD Homes 2019. Dusk till dawn lighting is to be available within the lobby and for the entrances.

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

I recommend that the secure cycle store has PIR lighting installed internally and that the front door is lockable. A mechanical push button type of lock would be acceptable or a Sold Secure Silver hasp, staple & padlock. Given that the proposed cycle store has double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. Sheffield hoop style stands are to be of galvanised steel bar construction of at least 3mm thickness. More details on cycle security can be found within SBD Homes 2019 on the SBD website.

I thank you for allowing me the opportunity to comment.

Environmental Health Officer and Contaminated Land Officer

The application seeks to create nine new dwellings.

Historical mapping and the planning statement identify that the application site sits within an area that was historically used for car repairs, and is as such considered to be potentially contaminated land.

Due to the above, and the sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

It is also recommend that conditions are imposed to control the impact of the demolition and construction phase on existing residents:

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

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

3. 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.

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

Reason: to protect the amenity of local residents from noise and dust emissions.

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

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

Leisure Officer

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

CHILDRENS PLAYING SPACE

Barn Cottage, owned and managed by the Council, is the nearest locally equipped play area approximately 180m from the development site. This facility will face increased demand from the new development and a contribution of £8,740 is required to make improvements to play equipment (£5,653) and kickabout provision (£4,748). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £9,302 is required toward youth cricket facilities at Oathall Community College.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,335 is required to make improvements to the community pavilion at Barn Cottage Recreation Ground.

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

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

Drainage Engineer

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site does have 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

It is proposed that the development will attenuate surface water run-off from the impermeable areas and then discharge at QBar to the existing public surface water sewer that crosses the site.

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely on site.

It is proposed that the existing 225 mm diameter public surface water sewer will be diverted around proposed dwellings. This, and the proposed connection, will require formal approval from Southern Water, which we will need to see.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

FOUL WATER DRAINAGE

It is proposed that the development will utilise existing arrangements on site.

Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS

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

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

WORKS WITHIN 20M [OR OTHER SPECIFIED DISTANCE] OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within a distance specified by Southern water metres of the public surface water sewer.

FURTHER ADVICE SURFACE WATER DRAINAGE

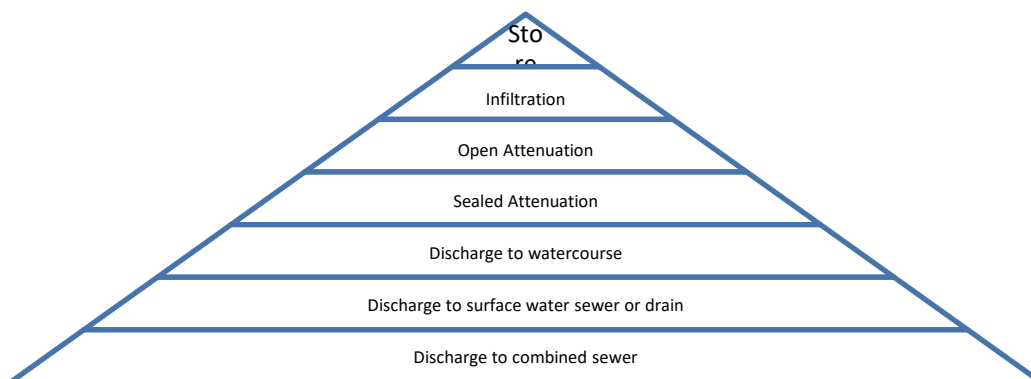
This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

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

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



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

FOUL WATER DRAINAGE

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

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

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

USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Located in Flood Zone 2 or 3. Located in Flood Zone 1 and greater than 1 hectare in area. Located in an area where a significant flood risk has been identified.	Flood Risk Assessment which identified 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.
Multiple plot development	A maintenance and management plan will need to be submitted that shows how all drainage 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.
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.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
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 Flood Risk and Drainage Team via drainage@midsussex.gov.uk .
Watercourse on or adjacent to site	A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration e.g. Soakaways	<p>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. Climate change allowances for residential development is 40% and for commercial development is 30%.</p> <p>It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>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/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>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.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>SuDS and attenuation</p>	<p>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.</p> <p>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.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>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.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>

Urban Designer

Notwithstanding the awkward juxtaposition with the neighbouring property on the southern boundary, this just about gets it over the line. An uninspiring design but because it has limited impact upon the wider public realm, I will not raise an objection. Please include conditions covering landscaping, boundary treatment and facing materials.

These are my final comments on this case so there is no need to consult me again.

Trees and Landscape Officer

Incursion into the RPAs of the protected oak and beech trees is unlikely as the trees are located 12m and 11.5m away from the proposed new buildings. The Roots that fall within the development site sit beneath the areas of hard standing and consequently temporary ground protection would not be necessary. It is assumed the fencing bordering the site will act as tree protection fencing.

There are a number of other lower quality trees around the site near the boundaries, which due to their proximity to other recent developments may well need to be removed and replaced with good quality native specimens. Consequently these trees should not act as a constraint to the development.

Should permission be granted please condition the submission and agreement of soft landscaping to include species, size, quantity of replacement trees along with detailed planting guides and maintenance schedules.