

# MID SUSSEX DISTRICT COUNCIL

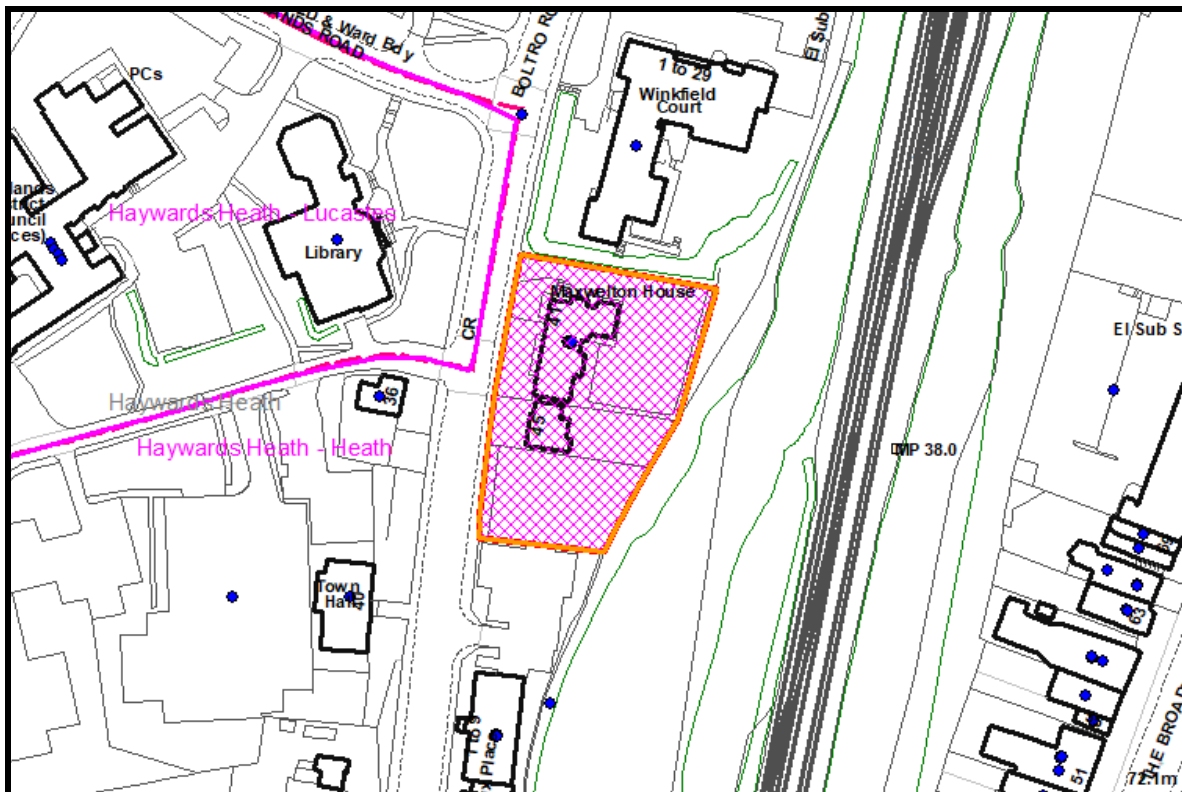
District Wide Committee

**15 APR 2021**

RECOMMENDED FOR PERMISSION

## Haywards Heath

**DM/20/3516**



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### **MAXWELTON HOUSE 41 - 43 BOLTRO ROAD HAYWARDS HEATH WEST SUSSEX**

**DEMOLITION OF EXISTING OFFICE BUILDING AND PROVISION OF 54 APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING. AMENDED PLANS RECEIVED 22ND FEBRUARY 2021 REDUCING THE NUMBER OF FLATS TO 54, ADDRESSING COMMENTS FROM THE DESIGN REVIEW PANEL INCLUDING REVISING THE SCALE OF THE BUILDING AND THE PARKING LAYOUT, THE SUBMISSION OF A DAYLIGHT/SUNLIGHT REPORT AND A REVISED SUSTAINABILITY REPORT.**

**MR SIMON JAMIESON**

POLICY: Built Up Areas / Classified Roads - 20m buffer / District Plan Policy / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 30th April 2021

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Joanne Fisher

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Planning permission is sought for the demolition of the existing office building and the provision of 54 apartments with associated parking and landscaping at Maxwellton House and land to the south of the building, Boltro Road, Haywards Heath.

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

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of under-utilised land and buildings. As such, in terms of principle, the redevelopment on the site would result in the delivery of 54 residential units including 30% affordable housing within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

Whilst the development would result in a larger scale building than that existing or that surrounding the development, the adopted Mid Sussex Design Guide supports site optimisation and the site is within an area identified within that document to be able to accommodate higher density and taller development. The design of the

building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design and proposed materials it is not considered that the proposal will detract from the character of the area or street scene. Although the development would only result in the provision of 28 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

Although it is acknowledged that the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area, this is at the lower end of the scale. As set out in para 196 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. It is considered in this instance that the public benefits in the creation of 54 dwellings, including 17 affordable dwellings in a highly sustainable location, reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area

There will be a neutral impact in respect of highway safety, drainage, ecology and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The Council would also receive a new homes bonus.

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies E8, E9, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 and 196 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion

of a satisfactory S106 Legal Agreement to secure infrastructure contributions and affordable housing and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 15th July 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

### **SUMMARY OF REPRESENTATIONS**

40 letters of OBJECTION concerning the following points:

- Lack of parking for development which is not in line with parking ratios or the number of units;
- Parking is limited on Boltro Road and around site already for other developments;
- Increase in traffic to area;
- Query infrastructure of schools and medical facilities to support the development;
- Height and size appears disproportionate when compared to flats either side and the library opposite;
- Too dense a development;
- No other developments on road of proposed height;
- Out of keeping;
- Concern on a loss of privacy to 36 Boltro Road;
- Concern on construction noise and disturbance due to guidelines of working from home.

### **SUMMARY OF CONSULTATIONS**

#### **WSCC Highways**

No objection subject to conditions

#### **WSCC County Planning Officer**

Summary of contributions:

Education Primary - £45,376

Education - Secondary - £48,837

Libraries - £16,114

TAD - £76,617

## **WSCC Flood Risk**

No objection.

## **MSDC Planning Policy**

No objection.

## **MSDC Urban Designer**

No objection subject to conditions.

## **MSDC Conservation**

In terms of the NPPF I would consider that the harm caused to the Conservation Area by setting and views to be less than substantial, at the lower end of this scale.

In terms of the listed building, the proposal is considered to have a neutral impact on the setting of the listed building, its special interest and the manner in which this is appreciated.

## **MSDC Drainage Engineer**

No objection subject to conditions

## **MSDC Tree Officer**

No objection subject to compliance with the AIA and further landscaping details.

## **Ecologist**

No objection. Condition.

## **MSDC Environmental Health**

Approve with conditions.

## **MSDC Environmental Health - Contaminated Land**

No comment

## **MSDC Leisure**

The revised housing mix would generate the need for the following contributions:

Play - £27,707

Kickabout - £23,274

Formal Sport - £31,732

Community Buildings - £24,697

## **MSDC Housing**

No objection.

## **MSDC Street Name and Numbering Officer**

Informative.

## **Sussex Police**

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

## **Sussex Police - Infrastructure Contributions**

Contribution required of £6,344.43

## **Network Rail**

No objection. Informative.

## **Haywards Heath Town Council**

### Amended

The Town Council again SUPPORTED the application and welcomed the reduction in dwellings and the increase of electric charging points to nine. However, the Town Council would like it noted that concern was raised in relation to the Urban Designers comments and recommendations regarding a red brick façade. This is not supported by the Town Council. It is felt that a change from such would be a positive move for the Town and help to address past mistakes regarding design in the Town.

### Original

The Town Council SUPPORTS this application but does have concerns relating to the number of on-site parking spaces provided. The Town Council requests that any permission granted is subject to compliance with the following conditions:

1. in order to protect resident amenity, works of construction or demolition (including the use of plant and machinery, and deliveries or collection of plant, equipment or materials) shall be limited to the following times:

Monday to Friday 08:00-18:00 hours;

Saturday 09:00-13:00 hours;

Sunday and Bank/Public Holidays No work permitted;

2. developer Section 106 contributions should be directed to provide a new cycleway from the rear of Clair Hall and the Premier Inn Hotel up towards The Orchards Shopping Centre via Heath Road and Church Road (the cycleway to be lit);

3. in the interests of sustainability and to accord with Policies DP39 and DP40 of the Mid Sussex District Plan 2014-2031, electric vehicle charging points should be provided and there should be provision for future-proofing so that additional points can be added in the future without undue disruption to the development.

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## **INTRODUCTION**

This application seeks planning permission for the demolition of the existing office building and the provision of 54 apartments with associated parking and landscaping at Maxwellton House, 41 - 43 Boltro Road, and land to the south of Maxwellton House in Haywards Heath.

## **RELEVANT PLANNING HISTORY**

DM/20/0497 - Proposed demolition of 3 bedroom detached house. APPROVED (45 Boltro Road).

DM/20/1854 - Prior approval for change of use from B1 Office to C3 Dwellings (9 Flats). APPROVED.

## **SITE AND SURROUNDINGS**

The application site comprises an existing detached commercial office building with parking to the rear, as well a vacant plot of the recently demolished 45 Boltro Road to the south of Maxwellton House with an area of car parking beyond which currently serves the offices. The front boundary of the site with Maxwellton House is open with grass, trees and an area of hardstanding to the front. The site to the south where the dwelling has been demolished has heras fencing on the front boundary and the car parking area has a hedge along the boundary with the highway.

To the north of the site is an existing flatted development of 'Winkfield Court' set at a lower level than the highway. To the south of the site is a further car park for the flatted development 'Molineux Place' which consists of two flatted buildings 3-storeys in height. On the opposite side of the site (to the west) is the Public Library, and 'Oaklands Lodge' a residential dwelling adjacent to the access to car parking for both the Town and Council Offices and a car park. To the rear of the site (to the east) is an area of car parking for Maxwellton House, with trees and vegetation on the rear boundary. The land slopes significantly away at this boundary down to the railway line. There are further trees and vegetation on the slopes of the railway cutting.

On the north eastern corner to the rear of the site is a group of trees subject to a Tree Preservation Order (HH/05/TPO/90) comprising of 4no Sycamores and 1no Oak tree.

To the south-west on the opposite side of the road some 76 metres away is a Grade II Listed Building (The Old House, 2 Muster Green). In addition, the Muster Green Conservation Area is to the south-west of the site (some 45 metres) from the site.

The site is located within the built up area of Haywards Heath as defined in the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan.

## **APPLICATION DETAILS**

Planning permission is sought for the demolition of the existing office building and the provision of 54 apartments with associated parking and landscaping.

The application was originally submitted for 56 flats over 7 storeys. However, during the course of the development and to address concerns raised by your Officers following comments from the Design Review Panel, the scale of the building was revised which resulted in the reduction in the number of flats to 54 units.

The proposal is to comprise of 37 market housing consisting of 11 no. 1-bed flats and 26 no. 2-bed flats as well as 17 affordable flats comprising of 7no. 1-bed flats and 10no. 2-bed flats (a total of 54 dwellings). The development would provide 30% affordable housing.

Due to the levels of the site, the building would consist of a lower ground floor level comprising of 5no flats with two rear core areas of stairwells, lifts and plant as well as undercroft parking for 13 vehicles, bike and bin stores. Above this would be four further floors spanning the footprint of the whole of the building. Two further upper floors would be set back from the front and northern side of the proposed building. Overall the building would comprise of 7 storeys.

The proposed building would measure some 51 metres in length, some 19.6 metres in depth with an overall height of some 21 metres to the south of the building and some 22.7 metres to the northern end of the building. The two top floors would be set in from the northern end of the building by a minimum of some 8 metres for the fourth level and some 20 metres for the fifth level. On the southern end these top two floors would be set in by a minimum of some 1.45 metres for the fourth level and some 7.4 metres for the fifth level.

The building would be split into five vertically proportioned bays with two main entrance cores to the front and rear of the buildings.

The flats are to comprise of recessed balconies with the top two levels having roof terraces set back from the parapet roofs. On the roof of the building are to be solar panels. To the side elevations are to be high level windows serving the ground, first, second and third floors.

Plans show that the main building is to be constructed in brick. Each bay is to be constructed in a different brick colour providing contrast with the two upper floors of zinc panels. The building would have grey window frames. On the side elevations are to be feature panels and vertical recess features. The recessed balconies would have structural glass balustrade and dark grey hand rails.

The rear of the site would provide 28 off road parking spaces (9 having electric vehicle charging points) with 78 cycle parking spaces and bin stores within the lower ground floor element of the building.



To the front of the site is to be a new landscaped frontage with 6no specimen trees and additional landscaping. The two entrances would be accessed by steps and a path as well as a ramped area. There would also be a low boundary wall along the frontage to create defensible space to the development. To the rear boundary additional tree planting is proposed.

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Design and Access Statement including an Affordable Housing Statement;
- A Daylight and Sunlight Report;
- An Energy and Sustainability Statement;
- A Transport Statement;
- A Travel Plan;
- A Noise Assessment;
- A Preliminary Drainage and Flood Risk Strategy;
- A Preliminary Ecological Appraisal
- A Badger Survey Report;
- A Bat Report;
- A Planning and Heritage Statement;
- A Structural Feasibility;
- An Arboricultural Impact Assessment and Method Statement; and
- A Statement of Community Involvement.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

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

may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

The District Plan is up to date, and the Council can demonstrate a 5 year supply of deliverable housing land.

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

### **Mid Sussex District Plan**

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

Relevant policies include:

- DP4: Housing
- DP6: Settlement Hierarchy
- DP20 Securing Infrastructure
- DP21: Transport
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- DP31: Affordable Housing
- DP34: Listed Buildings and Other Heritage Assets
- DP35: Conservation Areas
- DP37: Trees, Woodland and Hedgerows
- DP38: Biodiversity
- DP39: Sustainable Design and Construction
- DP41: Flood Risk and Drainage

### **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan was made in December 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

- E6 - Green Infrastructure
- E7 - Sustainable Drainage Systems

E8 - Sustainable Development  
E9 - Design and Character  
E11 - Visual impact  
T1 - Connectivity  
T2 - Cycle Routes  
T3 - Car parking  
H8 - Windfall sites

*Development Infrastructure and Contributions Supplementary Planning Document (SPD)*

*Affordable Housing Supplementary Planning Document (SPD)*

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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

*Haywards Heath Town Centre Masterplan*

*Sites Allocations DPD*

The Council has published a draft site allocations document for consultation which identifies sufficient housing sites to provide a five year housing land supply to 2031; and also makes sure that enough land is allocated to meet identified employment needs.

The District Plan policies are to be complemented by five additional strategic policies set out in the Site Allocations DPD. Policy SA34 relates to existing employment sites.

This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes.

*West Sussex County Council Guidance on Parking at New Development, September 2020*

## **National Planning Policy Framework (NPPF)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three 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*

*National Design Guide*

*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.

*Technical Housing Standards*

## **Assessment**

The main issues for consideration are:

- Principle of development

- Design;
- Heritage;
- Access, parking and highway safety;
- Residential Amenity;
- Dwelling Space Standards;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure;
- Affordable Housing and Housing Mix;
- Ashdown Forest; and
- Planning Balance and Conclusion.

### **Principle of development**

Policy DP1 of the District Plan seeks the effective use of employment land and premises by protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use.

The Councils Site Allocations DPD has been formally submitted to the Secretary of State for Housing, Communities and Local Government. The Site Allocations DPD will be subject to an independent public examination by a planning inspector. Emerging Policy SA34: Existing Employment Sites supplements District Plan Policy DP1 by protecting certain existing employment sites. The site subject to this planning application is not identified as an existing employment site for the purposes of emerging Policy SA34.

It is acknowledged that Maxwellton House has permission through a prior approval for the conversion of the existing office building to nine flats granted under DM/20/1854.

Whilst the loss of the commercial use of part of the site is regrettable, in light of the recent approval to convert the building to residential, and the site not being identified as an employment site under emerging Policy SA34 of the Councils Site Allocation DPD, it is considered that the loss of the site for commercial and the re-development to residential is considered acceptable.

As the proposed development is within the built-up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

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

Policy H8 of the 'made' Haywards Heath Neighbourhood Plan relates to windfall sites and states:

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

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

Policy H8 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

The proposal is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

There are no objections therefore to the principle of the re-development of this site as proposed.

## **Design Issues**

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

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.*
- *creates a pedestrian friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

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

Para 127 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality

of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

Within the Mid Sussex Design Guide there is support for site optimisation within principles DG31 and DG32. This follows the requirements of policy DP26 of the District Plan to:

*'optimise the potential of the site to accommodate development.'*

Principle DG31 seeks to focus development in sustainable locations where there are opportunities to promote a greater concentration of development in town centre locations identified as being in coarse grain areas.

Design Principle DG32 relates to managing increased density in town centres. This is set out in full below:

*'Development density should be appropriate to the location and respond to and/or enhance the character of the existing settlement.'*

*The District's towns are largely composed of low-rise development, typically of two and three storey buildings and have the greatest potential to deliver increased density. The opportunities exist for more intensive development within the part of the town centres identified as coarse grained in Figures 5B, 5C and 5D because of their inconsistent built form or fragmented street layout (refer to sections 2.5 and 2.6). Increased height and massing within the town centre intensification areas must be carefully managed as part of a coherent and comprehensive vision which establishes which establishes a more urban form composed of street blocks and spaces with typical building heights of four to six storeys (four to five in East Grinstead). Development that exceeds this height risks being unduly prominent and/or out of scale with the surrounding streets and buildings.'*

*Any development that promotes a scale, height and massing that is greater than the existing context must also demonstrate that it does not:*

- *Cause significant harm to the amenity of adjacent properties (refer to chapter 8);*
- *Adversely impact on views of the wider townscape and landscape;*
- *Adversely impact on the quality of the streets and spaces; and / or*
- *Generate parking that dominates or adversely impacts on the public realm.'*

The application site is situated within the coarse grain urban area identified for site optimisation. As such the site is identified as being a suitable for intensification of development of a higher density.



Whilst the above principle suggests typical building heights of four to six storeys, the Design Guide does, however, state within DG33 that there may be potential for tall buildings where the buildings height, scale, mass and volume is proportionate to its role and position in the local context; as well as enhance the character and distinctiveness of an area without adversely affecting established valued townscapes and views including Conservation Areas and Listed Buildings and their settings.

The Design Guide promotes high density development within sustainable locations and so the principle is considered acceptable.

Principle DG38 requires building to have architectural integrity and sense of place. In addition, DG39 requires appropriately scaled buildings with vertical proportioned bays to avoid large buildings and extended frontages appearing monolithic. It suggests that upper floors should be set back with a different façade treatment to help screen the full height of the building from the street level.

The site is situated within an area characterised by larger buildings and residential flatted development. In addition Boltro Road slopes away to the north where buildings follow the contours of the road.

The Council's Urban Design Officer has considered the amended scheme and has raised no objections. His full comments are set out in Appendix B. However, in part he considers that:

*'The front elevation has been carefully articulated to reduce its apparent scale. This has been achieved by a design that fulfils the principles set out in DG39 (Deliver appropriately scaled buildings) of the Design Guide. Firstly, it subdivides the street frontage into a series of vertically proportioned bays that are punctuated by 210mm deep shadow gaps and by replicating each bay in terms of its height and width and overall detailing it allows the building to read as if it could be a run of terraced houses which also provides the façade underlying harmony and rhythm. Secondly, the two upper floors are articulated as recessive element employing set-backs on both floors that gives the roofline a ziggurat profile; the fourth (second from top) floor is organised so that it conforms to the bay widths and sits 2+m behind a parapet/solid balustrade that helps to screen it while the top/fifth floor is restricted to just two flats and occupies only a small proportion of the building's footprint and is set back 6+m from the street frontage. At the base of the building the lower ground floor is mostly below street level. So, while the building rises to 7 storeys overall, it reads more like a 4+1/2 storey frontage from its immediate street view because the top and bottom floors will be mostly screened.*

*The rear/east elevation also has a sub-divided frontage but is less consistently ordered and while the top floor is articulated with a different material, there is only a marginal set back that does less to disguise the bulk and height of the building. This is considered acceptable as this elevation is not easily visible from the surrounding public realm other than the railway station platforms where its height is consistent with other large buildings that back on to the railway line on the Perrymount Road side.'*

In addition, as set out in the Urban Designer's detailed comments, the Design Review Panel supports the scheme overall. The application has been revised to address the comments of the Design Review Panel and Urban Designer by reducing the scale of the two top floors so they will be less visible on the northern approach along Boltro Road.

The Urban Designer considers that the revised plans *'not only improve the juxtaposition with Winkfield Court but they will also reduce the apparent scale of this flank where it risks being especially prominent because of the topography and the comparatively low roof line of Winkfield Court.'*

Overall the Urban Designer considers that the proposal is *'a well-designed scheme that in other respects now satisfactorily accords with District Plan policy DP26 and the design principles in the adopted Design Guide SPD.'*

Your Planning Officers agree with the comments of the Urban Designer. Whilst it is acknowledged that the building is significantly larger than the building it replaces and those surrounding it, the site falls within an area of coarse grain development where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan. The proposal seeks to do this through creating a building which maximises the use of the existing brownfield site, removing the large area of hardstanding to the south and taking advantage of the levels of Boltro Road. Although the proposed development is to exceed six storeys in height as set out in DG32, design principle DG33 allows where appropriate for taller buildings. Due to the levels of the site, the building would read as a four storey building due to the lower ground level and the two additional stories on the roof set back and in from the main building line. The proposed design minimises the prominence of the building. In addition the proposed front elevation provides articulation which reduces the building apparent scale with the two top floors set back in the building with a different material to minimise their prominence. As such it is considered that the proposal would sit comfortably within the site and its surrounding context. The proposal is to form a positive relationship with Boltro Road and the surrounding buildings through stepping the building down with the road, setting the top floors back from the main proposed building and the vertical articulation. The building is to be set back from the street frontage with landscaping to soften the development. In addition, the car parking is to be set to the rear of the site in order to not dominate the public realm. The proposal thereby presents a positive relationship with the street and would not adversely affect the character of the area. It is considered that following the amendments to the scheme, the application is now acceptable in design terms, subject to conditions relating to the finer details of the design as set out in the recommended conditions.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan, Policy E9 of the Neighbourhood Plan and the Design Guide SPD.

## Heritage

The site is situated to the north-east of 'The Old House' a Grade II Listed Building which lies on the opposite side of Boltro Road, as well as within the setting of the Muster Green Conservation Area.

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Policy DP34 of the District Plan refers to listed buildings and other heritage assets. It states:

### *'Listed Buildings*

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

### *Other Heritage Assets*

*Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'*

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

Policy E9 of the Neighbourhood Plan in part states:

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

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paras 193 - 196 of the NPPF states:

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

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

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

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

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

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

The Councils Conservation Officer has provided the following comments on the scheme which are set out in full in Appendix B. However, in part she considers that:

*'The Old House, a Grade II listed building dating from the late 16th century, is located within the boundary of the Conservation Area a short distance to the south of the site. This building is well screened from both Boltro Road and Muster Green North so that the broader setting along Boltro Road will have only a limited impact on the special interest of the building and how this is appreciated. Given the lack of any obvious historical relationship between the site and the listed building, the existing character of the development around the listed building, and the lack of intervisibility, the site is considered to make a neutral contribution to the setting and special interest of the listed building.'*

In respect of the impact to the setting on the Muster Green Conservation Area, the Councils Conservation Officer considers that:

*'Maxwelton House is considered because of its age and retained period features to have a degree of heritage value within the local context, and although I would not consider this sufficient for the building to be regarded as a non-designated heritage asset, it does make a modest positive contribution to the setting of the Muster Green Conservation Area and in particular the approach to it along Boltro Road. Its loss will therefore cause a degree of harm to the setting of the Area and the contribution this makes to the Area's significance.'*

In addition, she considers that:

*'the significant increase in height and bulk of the proposed building will have some impact on views looking north along Boltro Road from the Muster Green Conservation Area. The upper floors of the building in particular will be higher and more visually prominent than the existing roof storey of the building and this increase in bulk will result in a sense of more intensive development within the setting of the Conservation Area and some loss of the current sense of spaciousness. This also will result in some degree of harm to the contribution that setting makes to the Conservation Area and views from within it.'*

*I would therefore consider that the proposal is for reasons of the loss of the existing building and of the increased height and bulk of the replacement contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would consider that the harm caused to the Conservation Area by setting and views to be less than substantial, at the lower end of this scale.'*

Following receipt of amended plans, the Councils Conservation Officer considers that the concerns raised above in respect of the impact on the setting of the Conservation Area and views from it, including the level of less than substantial harm caused, remain relevant.

Your Planning Officers agree with the above comments. Whilst the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area; it is considered that the harm would be at the lower end of the scale.

Para 196 of the NPPF sets out that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

Case law has stated that *'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

The Courts further stated on this point *'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

It is considered in this instance that the public benefits in the creation of 54 dwellings including 17 affordable dwellings in a highly sustainable location which reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions detailed further in this report which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area.

In view of the above it is therefore considered that the proposal would comply with Policies DP34 and DP35 of the District Plan, Policy E9 of the Neighbourhood Plan and the relevant paragraphs of the NPPF.

## **Access, parking and highway safety**

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

Policy T1 of the Neighbourhood Plan states:

*'Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles.'*

Policy T3 requires sufficient on site car parking and states:

*'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'*

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

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 109 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 site lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north.

The existing site entrance to the north of the site would be used with parking to serve the development to the rear of the site as existing. The proposal would comprise of 28 car parking spaces, 9 of these would have electric car charging points. In addition there would be 77 covered and secure bike parking spaces located to the lower



ground floor undercroft parking area and also within the car parking area to the rear of the site.

A Transport Statement has been submitted with the application. It acknowledges that due to the:

*'limitations within the site boundary, the proposals can provide a maximum of 28 car parking spaces, which is below the West Sussex policy guidance. However, the site can be considered to be in a highly sustainable location and is located within 200m of the nearest bus stop and 500m of the nearest railway station; as well as within 250m of the Haywards Heath town centre. All of these destinations can be considered a reasonable walking distance from the site'.*

In addition, the Transport Statement indicates that the development proposals will generate net decreases of 6 and 3 vehicle trips in the AM and PM peak hours respectively to the current office use of the site.

A Travel Plan accompanies the application which sets out measures to promote walking, encourage cycling and the use of public transport. It also sets out that the development would investigate the use demand and suitability of introducing a car club space on site.

It is acknowledged that the proposal falls below the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 3. As such there is a requirement for some 63 car parking spaces. Whilst the proposal falls below the WSCC Parking Standards for new developments, it is recognised that the site is in a highly sustainable location close to the mainline railway station, bus stops and the town centre. Due to the sustainable location of the site, it is considered that reduction in parking can be supported. The Government are supportive of such a stance in para 103 of the NPPF where it states that:

*'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'*

The Highways Authority has considered the proposal and raise no objection subject to conditions in relation to a construction management plan and electric vehicle parking spaces. They consider that the proposal would not result in an unacceptable impact on highway safety, or that residual cumulative impacts on the road network would be severe.

The objections received regarding the additional parking pressures are noted. However, WSCC Highways has considered the information submitted and has not raised an objection.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policies T1 and T3 of the Neighbourhood Plan and para 108 of the NPPF.

## Residential Amenity

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

Policy DP29 of the District Plan relates to noise, air and light pollution which is considered pertinent due to the proximity with the railway line. In relation to noise pollution, this policy states in part:

*'Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.'*

The test, as set out under policy H8 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Concerns have been raised in respect of overlooking and a loss of privacy to the residential amenities of 36 Boltro Road opposite the site. Whilst it is acknowledged that there would be a high amount of fenestration on the front elevation to serve the development, there would be a distance of some 28 metres between the front of the proposed development and the residential property of 36 Boltro Road with a highway between. Whilst the development would provide balconies to the first, second and third floors these would be recessed in line with the frontage of the development; in addition the two top floors are set back from the main frontage with a parapet roof. It is thereby considered that due to the distance between the proposed and existing buildings and the position of the balconies that the development would not result in significant detriment to the amenities of this neighbouring property through overlooking or a loss of privacy.

In respect of Winkfield Court to the north, there are a number of windows on the side elevation of this existing flatted development. The proposal would have a number of windows on the northern side elevation facing the neighbouring site providing secondary windows to the main living accommodation being high level windows as well as glazing on the front corner providing recessed balconies. The proposed development is to be set a minimum of some 13 metres and a maximum of some 14 metres with Winkfield Court with a side to side relationship. The access road to serve the development (as existing) is to the north of the proposed building with the existing mature boundary hedge to be retained. Due to the relationship and the proposed fenestration to the northern elevation, it is considered that the proposal

would not cause significant detriment to the amenities of residents of Winkfield Court. The submitted Daylight and Sunlight report indicates that the proposed development would not result in a loss of light to the windows on the side elevation of Winkfield Court.

With regards to the flats to the south of the site, there is an area of car parking between the site and the flatted development of Molineux Place. Due to the separation distance, it is considered that the proposal would not cause detriment to the occupiers of these neighbouring flats.

In respect of future occupiers to the lower ground floor of the development the submitted Daylight and Sunlight report demonstrates that these lower units will achieve high levels of daylight and sunlight to the rooms of the living accommodation so as not to cause dark rooms.

With regards to noise disturbance of future occupiers through the proximity of the railway line to the east of the site, a Noise and Vibration Assessment has been submitted as part of the application. This considers that subject to the incorporation of suitable mitigation measures that the site is considered acceptable in noise. Mitigation measures are to include an alternative form of ventilation and/or cooling to allow fresh air and thermal comfort without opening windows through each unit being fitted with Mechanical Ventilation and Heat Recovery as well as 1.1 metre high glass screens on balconies and the roof terrace area to provide sound attenuation.

The Council's Environmental Protection Officer has considered the proposal and raises no objection. He considers that *'the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.'* As such it is considered that the proximity to the railway line will not cause significant detriment to the amenities of future occupiers of the development.

Whilst the concerns regarding noise and disturbance during construction affecting home working for surrounding residents is noted, this is inevitable during the construction of a new development and is for a short time period whilst works are being carried out. A condition controlling the hours of construction to limit the impact on residents can be attached to such a permission.

In light of the above it is considered that the application complies with Policies DP26 and DP29 of the District Plan.

### **Dwelling Space Standards and Accessibility**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement

for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

The submitted plans show that the proposed homes would meet and, in some cases, exceed the National Dwelling Space Standards.

The submitted plans show that one of the affordable units on the ground level (level 00) would be wheelchair accessible. In addition, there are to be ramps from the street frontage and lifts internally to allow the flats to be accessible to all. A condition in relation to 20% of the units to be part M4(2) (Adaptable and Accessible) compliant is proposed in Appendix A.

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the District Plan.

## **Sustainability**

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

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Policy E8 of the Neighbourhood Plan relates to new major development proposal and states:

*'New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme;*

- *provision of recycling, including commercial waste within the scheme*
- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community.'*

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

The application has been accompanied with an Energy and Sustainability Statement. This sets out a range of sustainability measures to be incorporated into the development including the reduction of energy use, water, waste and pollution. It submits that the *'energy demand of the dwellings will be reduced through the adoption of high levels of insulation, accredited thermal bridging details and good levels of air tightness to improve the buildings' fabric efficiency.'* In addition it sets out the key sustainability features of the proposal including

- Efficient design of the proposal massing, openings and internal layouts so that habitable spaces across the site benefit from adequate daylight and sunlight levels;
- The addition of renewable technologies such as air source heat pumps and photovoltaics;

- Water efficient fittings to limit water consumption to less than 110 litres per person per day for domestic uses; and
- Energy efficient light fittings will be installed throughout the development where appropriate.

Plans show that the development would incorporate solar panels onto the roof of the building and that the proposal would provide 9 electric charging vehicle points.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a highly sustainable location within a category 1 settlement close to the town centre as well as a bus stop and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan as well as policy E8 of the Neighbourhood Plan. The proposal is considered to be acceptable in sustainability terms.

## **Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

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

It is proposed that the development will attenuate surface water on site catering for the 1:100+40% event, with a controlled discharge to the existing surface water sewer network at 5 ls-1. This is a significant improvement over the existing brownfield arrangements. In addition, it is proposed that the development will utilise existing foul sewer arrangements.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition. In addition the WSCC Lead Local Flood Authority has considered the application and raised no objection.

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

## **Ecology**

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

in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Para's 174 - 177 of the NPPF relate to habitats and biodiversity. Para 175 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition it considers that *"development whose primary objective is to conserve or enhance biodiversity should be supported"*.

A Preliminary Ecological Appraisal has been submitted with the application which recommended further species surveys in respect of Badgers and Bats were undertaken. In addition it recommended that the site is enhanced by introducing some compensatory planting and installing bat and bird boxes. Following this Badger and Bat Survey Reports were carried out. The Badger Survey Report concludes that:

*'One badger sett was observed on site but no badgers or secondary evidence of badgers was observed during the badger survey. During the bat survey a badger was observed leaving the area that Sett 1 is located along with a lot of chittering within the area. The sett is an outlier and only used sporadically.*

*It is recommended that a buffer area of at least 30m is retained around the sett in order to safeguard badgers using it during development.*

*If a 30m buffer zone cannot be retained around the sett then a badger licence must be obtained from Natural England in order for the works to take place.'*

The Bat Survey Report concluded that:

*'there was a low level of bat activity observed at the site. One bat species, common pipistrelle (Pipistrellus pipistrellus) was recorded foraging and commuting at the site.*

*The surveys confirmed that one common pipistrelle emerged from the single yew tree, south-east section of the sit. This was probably a day/night roost is present in the single yew tree (south-eastern part of the site).*

*Therefore, a Natural England European Protected Species (EPSM) licence in regard to common pipistrelles will be required before any works on the roof take place.'*

The Councils Ecology Consultant has commented on the proposal and advised that given the findings of a bat roost in a tree which will be impacted by development, a licence will be required from Natural England to allow development to take place. In order to issue a licence, Natural England will need to be satisfied that there: is an overriding public interest in allowing the work to take place; no satisfactory alternative and that there will be no significant impact on the population. As set out above in the report, it is considered that this windfall site within the town centre will

bring a number of public benefits through the redevelopment of the site for 54 dwellings, 30% of which will be affordable.

The Council's Ecology Consultant advises that as *'the species identified is relatively common with stable populations in England and the roost appears to be an occasional one used by an individual bat, it would be assessed as having low conservation significance.'*

He considers that *'there are no other biodiversity policy reasons for refusal or amendment of the proposals.'*

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan and para 175 of the NPPF.

## **Trees**

Policy DP37 of the Mid Sussex District Plan states that 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.'*

An Arboricultural Impact Assessment & Method Statement has been submitted as part of the application. This relates to the trees to the east of the site on the rear boundary as well as the group of trees to the front of the site. It identifies that the group of ornamental trees to the front of the site would be removed as well as T1, T2, T3 and T9 to the rear of the site. It also identifies the tree protection fencing around the trees subject of a TPO to the northern rear corner of the site.

Whilst the loss of some of the trees is regrettable, the proposal seeks to provide new planting to the rear and front of the site. This could be conditioned as part of a landscaping plan. Notwithstanding this, the trees subject of the tree preservation order are to be retained and protected during construction works. The area of hardstanding to the rear of the site is to remain and not encroach further into the root protection area of existing trees.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan.

## **Infrastructure contributions**

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision;*



- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations*
- An Affordable Housing SPD*
- A Development Viability SPD*

Due to the number of units provided, the proposal requires affordable housing contributions as set out in Policy DP31 of the District Plan.

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

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

and:

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

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

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

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

#### County Council Contributions

Education - Primary: £45,376  
Education - Secondary: £48,837  
Libraries: £16,114  
TAD: £76,617

#### District Council Contributions

Children's Playing Space: £27,707  
Kickabout: £23,274  
Formal Sport: £31,732  
Community Buildings: £24,697  
Local Community Infrastructure: £29,197

#### Sussex Police

£6,344.43

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

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 particular development.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

## Housing Mix and Affordable Housing

Policy DP30 of the District Plan 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.

Policy DP31 of the District Plan relates to Affordable Housing and states:

*'The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace<sup>14</sup> of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

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

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'*

The application plans show that the development is to comprise of 54 market dwellings comprising of 11no. 1-bed flats and 26no. 2-bed flats as well as 17 affordable units comprising of 5no 1-bed flats, 2no 1-bed flats with disabled access

and 10no 2-bed flats. The affordable housing provision would be secured through the S106 legal agreement.

The Councils Housing Officer has raised no objection to the proposal. It is considered that the proposed mix indicated would meet a broad range of housing needs.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing and thereby meets the requirements of Policy DP31 of the District Plan.

### **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 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 was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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**

Planning permission is sought for the demolition of the existing office building and the provision of 54 apartments with associated parking and landscaping at Maxwellton House and land to the south of the building, Boltro Road, Haywards Heath.

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

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of under-utilised land and buildings. As such, in terms of principle, the redevelopment on the site would result in the delivery of 54 residential units including 30% affordable housing within a highly accessible and sustainable location, that would boost the Council's

housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

Whilst the development would result in a larger scale building than that existing or that surrounding the development, the adopted Mid Sussex Design Guide supports site optimisation and the site is within an area identified within that document to be able to accommodate higher density and taller development. The design of the building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design and proposed materials it is not considered that the proposal will detract from the character of the area or street scene. Although the development would only result in the provision of 28 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

Although it is acknowledged that the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area, this is at the lower end of the scale. As set out in para 196 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. It is considered in this instance that the public benefits in the creation of 54 dwellings, including 17 affordable dwellings in a highly sustainable location, reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area.

There will be a neutral impact in respect of highway safety, drainage, ecology and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The Council would also receive a new homes bonus.

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies E8, E9, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 and 196 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved Plans**

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

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

### **Pre-Commencement conditions**

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

- details of public engagement both prior to and during construction works including site contact details in case of complaints;
- hours of construction working;
- measures to control noise affecting nearby residents;
- dust control measures; and
- pollution incident control.

Reason: In the interests of highway safety and to protect the amenity of local residents from noise and dust emissions during construction, and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall commence until a method statement and plan setting out the practical implementation of mitigation and enhancement recommendations (provided in the supporting ecological reports) has been submitted to, and approved by, the Local Planning Authority. The approved method statement shall be implemented in full and a statement of compliance prepared by the project ecologist shall be submitted to the Local Planning Authority for approval prior to occupation of any apartment.

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

6. No development shall be carried out unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls and roofs of the proposed building. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

7. No development shall be carried out unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale section and elevation (vignettes) drawings of the following:

- The 210mm deep shadow gap and typical window on the front elevation that also shows the level of insulation required by Building Regulations;
- The flat roof canopy on the fourth and fifth floors;
- The fourth-floor brick parapet also showing the glazed balustrading;
- The typical balustrading employed on the balconies on the lower floors;
- The brick detailing on the side elevations.

The development shall be carried out in accordance with the approved details.

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

8. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority details of the rainwater discharge arrangement. The works shall be carried out in



accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

### **Construction Phase**

9. 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 accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

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

11. The works shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement (dated 23rd July 2020).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

### **Pre-occupation conditions**

12. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. Details shall include suitable sized large trees along the Boltro Road frontage. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

13. No part of the development shall be first occupied until details of electric vehicle charging vehicle points have been submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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

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

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

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

16. No part of the development shall be first occupied until a detailed 1:20 section and elevation drawings showing a typical solar panel in relation to the roof as well as specifications on the panels have been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

### **Post construction**

17. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

18. Glazing and ventilation installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Phlorum (ref: 9567 NV\_ v1 final), dated the 24th September 2020.

Reason: To protect the amenity of future occupiers and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

## INFORMATIVES

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

Accordingly, you are requested that:

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

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

2. In respect of the facing materials, this should respond to the red brick facades that predominate in the local area rather than the colour that features on the elevation drawings.
3. Due to the close proximity of the proposed works to the railway cutting and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. Our ASPRO team will ensure that the works can be completed safely without a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website: <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
5. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged, then a lawful start will not have been made and you will be liable to enforcement action.
6. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	20001/PA/010	A	22.02.2021
Existing and Proposed Elevations	20001/PA/011	A	22.02.2021
Proposed Floor Plans	20001/PA/012	C	12.03.2021
Proposed Floor Plans	20001/PA/013	B	11.03.2021
Proposed Floor Plans	20001/PA/014	B	10.03.2021
Proposed Elevations	20001/PA/015	A	22.02.2021
Proposed Roof Plan	20001/PA/016	A	22.02.2021
Landscaping	20001/PA/017	A	22.02.2021
Proposed Elevations	20001/PA/018	A	22.02.2021
Proposed Elevations	20001/PA/019	A	22.02.2021
Proposed Elevations	20001/PA/020	A	22.02.2021
Proposed Sections	20001/PA/021	A	22.02.2021
General	20001/PA/022	B	10.03.2021
Other	20001/PA/023	A	22.02.2021
Other	20001/PA/024	A	22.02.2021
Existing Elevations	20001/PA/025		28.09.2020
Existing Floor Plans	20001/PA/026		28.09.2020

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Town Council SUPPORTS this application but does have concerns relating to the number of on-site parking spaces provided. The Town Council requests that any permission granted is subject to compliance with the following conditions:

1. in order to protect resident amenity, works of construction or demolition (including the use of plant and machinery, and deliveries or collection of plant, equipment or materials) shall be limited to the following times:

Monday to Friday 08:00'18:00 hours;

Saturday 09:00'13:00 hours;

Sunday and Bank/Public Holidays No work permitted;

2. developer Section 106 contributions should be directed to provide a new cycleway from the rear of Clair Hall and the Premier Inn Hotel up towards The Orchards Shopping Centre via Heath Road and Church Road (the cycleway to be lit);

3. in the interests of sustainability and to accord with Policies DP39 and DP40 of the Mid Sussex District Plan 2014-2031, electric vehicle charging points should be provided and there should be provision for future-proofing so that additional points can be added in the future without undue disruption to the development.

### Parish Consultation

The Town Council again SUPPORTED the application and welcomed the reduction in dwellings and the increase of electric charging points to nine. However, the Town Council would like it noted that concern was raised in relation to the Urban Designers comments and recommendations regarding a red brick façade. This is not supported by the Town Council. It is felt that a change from such would be a positive move for the Town and help to address past mistakes regarding design in the Town.

## **WSCC Highways Authority**

### *Update*

WSCC are satisfied the car parking spaces will be created in line with manual for streets guidance. All spaces are useable.

Furthermore, the provision of 9 EVC points conforms with the current EVC car parking policy in new residential developments for a minimum of 20%. The remaining spaces should be provided in a passive capacity for connection later. Cycle parking has not changed and WSCC are supportive of the level of cycle parking offered, within this highly sustainable location.

Therefore, as per the NPPF paragraph 109, WSCC do not consider there to be an unacceptable impact on highway safety, or that residual cumulative impacts on the road network would be severe, no objection is raised.

### *Amended*

This is a re-consultation of full planning application DC/3516/20 for the demolition of an existing office building and the provision of 54 apartments with associated parking and landscaping. Note there has been a reduction in the number of dwellings previously submitted from 56 to 54.

**More information is required regarding parking space dimensions and the level of EVC points. Cycle parking could also be reviewed.**

### 1. Background

The site is in Haywards Heath Town Centre on Boltro Road; a 30mph road with a mix of residential dwellings and public buildings. The site is currently a vacant office, which was originally a Victorian house. Adjacent to this is a single residential dwelling which will be demolished to create the development.

### 2. Access

The site is served by an existing access onto Boltro Road. No changes will be made, and the current width and visibility is in line with guidance set out in manual for streets of 2.4m x 43m in both directions. This will lead into a car parking area with 28 spaces. (see section 5 for more details regarding this number).

## WSCC County Planning Officer

### Summary of Contributions

<b>Education</b>				
School Planning Area	Haywards Heath/Cuckfield			
Population Adjustment	96.8			
	Primary	Secondary	6th Form	
Child Product	0.3424	0.3424	0.0000	
Total Places Required	2.3967	1.7119	0.0000	
<b>Library</b>				
Locality	Haywards Heath			
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0			
Contribution towards Burgess Hill	£0			
Contribution towards East Grinstead/Haywards Heath	£16,114			
Population Adjustment	96.8			
Sqm per population	30/35			
<b>Waste</b>				
Adjusted Net. Households	56			
<b>Fire</b>				
No. Hydrants	TBC			
Population Adjustment	N/A			
£/head of additional population	N/A			
<b>TAD- Transport</b>				
Net Population Increase	96.8			
Net Parking Spaces	9			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£45,376
<b>Education - Secondary</b>	£48,837
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£16,114
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£76,617
<b>Total Contribution</b>	<b>£186,945</b>

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for 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 CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 56 net dwellings, and an additional 9 car parking spaces.

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

#### 5. Deed of Planning Obligations

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

The contributions generated by this proposal shall be spent on additional facilities at Harlands Primary School

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

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

The contributions generated by this proposal shall be spent on the South Road pedestrian improvement scheme and/or Commercial Square junction improvement.

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).

$\text{School Contributions} = \text{TPR} \times \text{cost multiplier}$

##### **a) TPR- Total Places Required:**

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



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

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 2020/2021, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,933 per child
- Secondary Schools: £28,528 per child
- Sixth Form Schools: £30,939 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 £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2020/2021 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.

$TAD = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$

#### a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2020/2021 is £1,450 per parking space.

$\text{Infrastructure contributions} = \text{Car parking spaces} \times \text{Cost multiplier}$

#### b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 724$

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

### **WSCC Lead Local Flood Authority**

Advice - No Objection

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage. The following are the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

### **Flood Risk Summary**

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

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

Ordinary watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses running across the site and or the site's boundaries.

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

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any surface water flooding within the site? No

Comments: We do not have any records of surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

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

The Drainage and Flood Risk Strategy for this application propose that sustainable drainage techniques (below ground attenuation) would be used to control the surface water run-off from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **MSDC Planning Policy**

The Mid Sussex District Plan was adopted in March 2018 and the Haywards Heath Neighbourhood Plan was made in December 2016.

The site is within the built-up area boundary of Haywards Heath as shown on the adopted Policies Map. The site does not fall within the defined Haywards Heath Town Centre.

The National Planning Policy Framework (NPPF) published in February 2019 sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80).

District Plan Policy 1: Sustainable Economic Development seeks the effective use of employment land and premises by protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use.

It is noted that prior approval has been granted for the change of use of Maxwellton House from Use Class B1 Offices to Use Class C3 Dwellings (nine flats) (DM/20/1854).

Mid Sussex District Council published its Site Allocations DPD for Regulation 18 consultation in October-November 2019 and the Regulation 19 consultation in August-September 2020. The submission of the Site Allocations DPD for Examination is anticipated in Winter 2020.

Emerging Policy SA34: Existing Employment Sites supplements District Plan Policy DP1 by protecting certain existing employment sites. The site subject to this planning application is not identified as an existing employment site for the purposes of emerging Policy SA34.

There are other District Plan and Neighbourhood Plan policies relevant to this planning application including District Plan Policies DP20: Securing Infrastructure, DP26: Character and Design, and DP31: Affordable Housing.

### **MSDC Urban Designer**

The current proposal has evolved through several modifications both during the pre-application and application stages; these changes have responded positively to the Design Review Panel (DRP) and my feedback resulting in a well-designed building that has been carefully articulated to reduce its scale and provide underlying order as well as visual interest.

While the overall height and massing has been reduced, the proposal is still significantly bigger than the buildings it replaces and those surrounding it.

However, chapter 5 of the Adopted Design Guide SPD recognises that increasing the intensity of development in the most accessible locations will help to deliver much needed homes and employment space in the most sustainable places reducing both the need to travel and the pressure to build on the countryside. The Guide also states: towns form the centres of activity within the District and are the focus for shops, community and employment uses. These centres offer the potential for intensification to provide much needed homes and jobs in the most accessible and sustainable locations. The Design Guide defines this site as being within the urban area that is characterised as being coarse grain and where there are opportunities to promote a greater concentration of development.

Principle DG32 in the Design Guide states that: Increased height and massing within the town centre intensification areas must be carefully managed as part of a coherent and comprehensive vision which establishes a more urban form composed of street blocks and spaces with typical building heights of four to six storeys ... Development that exceeds this height risks being unduly prominent and/or out of scale with the surrounding streets and buildings.

The front elevation has been carefully articulated to reduce its apparent scale. This has been achieved by a design that fulfils the principles set out in DG39 (Deliver appropriately scaled buildings) of the Design Guide. Firstly, it subdivides the street frontage into a series of vertically proportioned bays that are punctuated by 210mm deep shadow gaps and by replicating each bay in terms of its height and width and overall detailing it allows the building to read as if it could be a run of terraced houses which also provides the façade underlying harmony and rhythm. Secondly, the two upper floors are articulated as recessive element employing set-backs on both floors that gives the roofline a ziggurat profile; the fourth (second from top) floor is organised so that it conforms to the bay widths and sits 2+m behind a parapet/solid balustrade that helps to screen it while the top/fifth floor is restricted to just two flats and occupies only a small proportion of the building's footprint and is set back 6+m from the street frontage. At the base of the building the lower ground floor is mostly below street level. So, while the building rises to 7 storeys overall, it reads more like a 4+1/2 storey frontage from its immediate street view because the top and bottom floors will be mostly screened.

The rear/east elevation also has a sub-divided frontage but is less consistently ordered and while the top floor is articulated with a different material, there is only a marginal set back that does less to disguise the bulk and height of the building. This is considered acceptable as this elevation is not easily visible from the surrounding public realm other than the railway station platforms where its height is consistent with other large buildings that back on to the railway line on the Perrymount Road side.

Although the DRP supported the scheme overall this was subject to the satisfactory resolution of a number of issues:

The DRP raised concerns (which I share) about the building's height and proximity to Winkfield Court and suggested this might be helped by dropping the end bay by one storey to allow this relationship to work better. After a subsequent officer meeting with the architects it was agreed that the idea of a replicated terrace would be compromised by lowering the brick parapet by one storey; the architect has instead significantly reduced the two top floors so they will be less visible on the northern approach along Boltro Road. This has involved setting back the fourth floor by one bay width from the northern flank and setting back the fifth/top floor by two bay widths from this flank. These measures will not only improve the juxtaposition with Winkfield Court but they will also reduce the apparent scale of this flank where it risks being especially prominent because of the topography and the comparatively low roof line of Winkfield Court.

The revised drawings have carefully articulated this flank (and the less prominent south flank) with brick detailing and high-level windows that give this façade visual interest while the windows have been appropriately designed to avoid overlooking into Winkfield Court.

I will defer to Emily Wade in respect of the scheme's impact on the Muster Green Conservation Area, and the listed building at 2 Muster Green North. In terms of the longer views, no verified Visual Impact Assessment has been provided but the proposed building should have minimal impact because of its position adjacent to the railway line and because it is mostly screened / softened by existing mature trees.

Detailed drawings show brick detailing and deep window reveals. The DRP have stated that the reveals are a critical element of the design that not only enable the frontage to be read as a vertically subdivided frontage, but also provide important visual interest through the play of light and shade. A condition is considered helpful to ensure this is achieved along with the insulation requirements and the crisp detailing.

This part of Boltro Road is characterised by its verdant frontages, and the DRP have raised the need for suitably sized large trees along the Boltro Road frontage. A condition is therefore recommended to secure this and the rest of the soft and hard landscaping.

The DRP were concerned about the detailed roof treatment and the positioning of the solar PV panels on the roof, so conditions are also recommended which cover this.

The DRP also raised issues in respect of the lack of natural light reaching the lower ground floor as well as the parking provision and the size of the bin store. As these are principally Development Management issues, I defer them to the case officer to consider the revisions that have been made in this respect.

Notwithstanding this, I agree with the DRP that this a well-designed scheme that in other respects now satisfactorily accords with District Plan policy DP26 and the design principles in the adopted Design Guide SPD. I therefore raise no objections, but to secure the quality of the design and ensure that the DRP's concerns are addressed, I would recommend conditions requiring the approval of further drawings/information that show the following:

- Detailed hard and soft landscaping including boundary treatment;
- 1:20 scale section and elevation (vignettes) drawings of the following:
  - The 210mm deep shadow gap and typical window on the front elevation that also shows the level of insulation required by Building Regulations;
  - The flat roof canopy on the fourth and fifth floors;
  - The fourth-floor brick parapet also showing the glazed balustrading;
  - The typical balustrading employed on the balconies on the lower floors;
  - The brick detailing on the side elevations
- The rainwater discharge arrangement
- The facing materials (this should respond to the red brick facades that predominate in the local area rather than the colour that features on the elevation drawings).

### **MSDC Design Review Panel**

Overall the DRP agreed that this is potentially a lovely design, and the consistent building line works well with the modulation and layering of the frontage provided by the vertical shadow gaps, deep window reveals and set-back top floors.

The scheme is a significant improvement upon the pre-application proposal and the scale of the building is appropriate given its highly accessible location and the modelling of the frontage that has reduced its apparent scale. The generous landscaping at the front should also help to soften the development. The commitment to reducing CO2 beyond Building Regulations requirement was commended too but will need to be secured through condition.

There were nevertheless the following concerns about the scheme:

- While the overall scale of the building is considered acceptable, there are still issues in terms of the building's height and proximity to Winkfield Court that need further consideration. This might be helped by dropping the end bay by one storey to allow this relationship to work better.
- The perspective images show deep reveals (of a brick length) for the vertical shadow gaps, however this does not appear to be reflected in the floor plans. This is a critical element of the design that enables the frontage to be read as a vertically subdivided frontage (rather than a single long façade), and there is a risk that unless full consideration is given early in the design process to creating a deep enough wall to facilitate this and the insulation requirements, then this feature might be lost. It is

therefore important that detailed section drawings are provided as part of the application (and not left as a condition) to demonstrate the depth of the gaps achieve the appearance of the illustrated drawings.

- The 3D images also show deep window reveals which provide important visual interest through the play of light and shade. For the same reason as above, detailed drawings at the application stage will be needed to secure this feature. Brick slips might need to be considered.
- As the main part of the elevation is all brick, care needs to be taken over the choice of bricks and the subtle variations of colour between the different bays. Consideration might be given to introducing projecting brick pattern detail on the flank elevations to provide more interest here.
- The choice of specimen trees should be reconsidered. The illustrated drawings suggest trees that have a strong form and provide an appropriate size and foil for this large building. This will not be achieved with silver birch and rowans which have a wispy form. Equally the trees will need to allow enough light penetration to the flats otherwise there will be at risk of future reduction. The advice of the Council's Tree Officer should be sought; Hornbeam and Field Maple were nevertheless suggested. There will also need to be enough space and soil volume for the trees.
- The top roof is full of solar PV's allowing little space for safe walkways. There is additional space on the lower roof which could be utilised, although a green roof might preferably be considered here.
- The top floor(s) might also benefit from a projecting/floating flat roof canopy to help terminate the roofline.

The lower ground floor layout is similar to the "alternative" scheme that was included in the pre-application submission. However, as the DRP was principally focused on the "preferred scheme", the following points are still considered relevant:

- The single aspect flats on the lower ground floor in the middle of the building provide limited natural light into the deep living rooms and kitchens given their sunken position and planted frontage.
- The bin store looks small for such a large building and is an inconvenient distance for some of the flats.
- The undercroft parking spaces at the southern end provides insufficient manoeuvring space and do not comply with Highway standards. Given the sites proximity to public transport and facilities, it was felt that fewer spaces might be considered acceptable, and this space could provide an additional bin storage (although the distance from the collection point may be too great).

### Overall Assessment

The DRP support this scheme subject to the above issues being satisfactorily resolved. Especially because this is a large building, it is essential that the design quality of the Boltro Road frontage is not compromised and therefore additional detailed drawings will be needed to demonstrate this at the application stage.

### **MSDC Conservation**

#### *Amended*

Further comments on the above application in light of revised plans received. Please read these in conjunction with my earlier comments on the scheme as originally submitted, repeated below.

The proposed new building has been revised in order to reduce its bulk at high level. However, as the majority of the changes in this respect have been made at the northern end of the building, which faces away from the Conservation Area, the impact of these alterations on the appearance of the new block in views from the Conservation Area will be minimal. My previous comments in respect of the impact of the proposal on the setting of the Conservation Area and views from it, including the level of less than substantial harm caused, remain relevant.

### *Original*

The application site is an unlisted building located to the north of Muster Green on Boltro Road. The boundary of Muster Green Conservation Area lies a short distance to the south. A Grade II listed building (The Old House) is situated opposite Muster Green on the corner of Boltro Road and Muster Green North.

The existing building on the site is an extended and altered early-mid 19th century semi-detached villa pair, now in use as offices. Although altered, it is in fact one of the older buildings in the area, which was not extensively developed until the late 19th/early 20th centuries. The building retains a number of period features, and has a moderate degree of heritage value in the local context, although given the degree of alteration I would not regard it as suitable for inclusion on a Local List, or as a potential non-designated heritage asset. Nonetheless, the building is a positive feature of the street scene.

The boundary of the Muster Green Conservation Area is located a short distance to the south of the site. This Conservation Area is centred on the Green itself, a large open space surrounded by trees and encircled by road with residential development of a variety of periods and styles, as well as a Grade II listed former public house, now a restaurant. The Council's document 'Conservation Areas in Mid Sussex' gives the following brief assessment of the character of the Area:

'The area is characterised by substantial Victorian and Edwardian houses set in large mature gardens, to the north and south of a wedge of tree lined open space which retains the character of a village green. At the western end of the Green lies one of the area's two listed buildings, The Dolphin public house (now a Miller & Carter Steakhouse Restaurant). This is a well known landmark and forms the focus of the Conservation Area.

The following features, in particular, contribute to the character of the Conservation Area:

- the attractive grouping of buildings around the tree lined Green;
- the variety of buildings of different ages and styles, in particular those which date from the town's 'railway age';
- the presence of trees and hedges around and between buildings;
- the predominant use of natural and traditional building materials;
- the important grouping of trees in the eastern section of the Conservation Area; and
- its two listed buildings (The Old House and The Dolphin Public House), believed to date from the sixteenth century.'

As above, Maxwellton House is of a similar age and architectural style to several of the older buildings in the Area makes a modest positive contribution to its setting, in particular in relation to the approach to the Conservation Area along Boltro Road. The building's roof is just visible in views looking north along Boltro Road- although the existing building itself is not a significant contributor to these views, the relatively low scale and spacious character of development along Boltro Road does contribute to a sense of spaciousness within and surrounding the area.



The Old House, a Grade II listed building dating from the late 16th century, is located within the boundary of the Conservation Area a short distance to the south of the site. This building is well screened from both Boltro Road and Muster Green North so that the broader setting along Boltro Road will have only a limited impact on the special interest of the building and how this is appreciated. Given the lack of any obvious historical relationship between the site and the listed building, the existing character of the development around the listed building, and the lack of intervisibility, the site is considered to make a neutral contribution to the setting and special interest of the listed building.

The current proposal is for the demolition of the existing building on the site and the construction of a 6 storey apartment block, the top two storeys being recessed behind the principle 4 storey façade.

As above, Maxwellton House is considered because of its age and retained period features to have a degree of heritage value within the local context, and although I would not consider this sufficient for the building to be regarded as a non-designated heritage asset, it does make a modest positive contribution to the setting of the Muster Green Conservation Area and in particular the approach to it along Boltro Road. Its loss will therefore cause a degree of harm to the setting of the Area and the contribution this makes to the Area's significance.

I will not comment in any detail on the design quality of the replacement building as this is a matter for the Council's Urban Design Officer and the DRP. However, the significant increase in height and bulk of the proposed building will have some impact on views looking north along Boltro Road from the Muster Green Conservation Area. The upper floors of the building in particular will be higher and more visually prominent than the existing roof storey of the building and this increase in bulk will result in a sense of more intensive development within the setting of the Conservation Area and some loss of the current sense of spaciousness. This also will result in some degree of harm to the contribution that setting makes to the Conservation Area and views from within it.

I would therefore consider that the proposal is for reasons of the loss of the existing building and of the increased height and bulk of the replacement contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would consider that the harm caused to the Conservation Area by setting and views to be less than substantial, at the lower end of this scale.

In terms of the listed building, the demolition and replacement of Maxwellton House is not considered in principle to adversely affect its setting or special interest. The proposed replacement building will be significantly higher, bulkier and more visually prominent within that setting, but given the screening to the boundary of Old House is likely to still have only a very limited potential impact on views from or of the listed building. For these reasons the proposal is considered to have a neutral impact on the setting of the listed building, its special interest and the manner in which this is appreciated.

For these reasons the proposal would in terms of the impact on the listed building meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the listed building.

## **MSDC Drainage**

Recommendation - No objection subject to conditions

### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

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

### **SURFACE WATER DRAINAGE**

It is proposed that the development will attenuate surface water on site catering for the 1:100+40% event, with a controlled discharge to the existing surface water sewer network at 5 ls-1. This is a significant improvement over the existing brownfield arrangements.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

### **FOUL WATER DRAINAGE**

It is proposed that the development will utilise existing foul sewer arrangements.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

### **SUGGESTED CONDITIONS**

#### **C18F - MULTIPLE DWELLINGS/UNITS**

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

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

## **MSDC Leisure**

*Amended*

The revised housing mix would generate the need for the following contributions:

Play £27,707

Kickabout £23,274

Formal Sport £31,732

Community Buildings £24,697

### *Original*

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

Victoria Park, owned and managed by the Council, is the nearest locally equipped play area approximately 500m from the development site. This facility will face increased demand from the new development and a contribution of £59,848 is required to make improvements to play equipment (£32,526) and kickabout provision (£27,322) for older children.

#### FORMAL SPORT

In the case of this development, a financial contribution of £39,620 is required toward formal sport facilities at Haywards Heath Recreation Ground and/or Tim Farmer Recreation Ground.

#### COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £27,185 is required to increase capacity at The Yews community centre and / or Barn Cottage pavilion in Haywards Heath.

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.

#### **MSDC Tree Officer**

I think this scheme has the potential to contribute to the partially green frontage of Boltro Road in a positive way. However, lacking a detailed landscaping plan, it is difficult to fully assess.

I note new trees are to be planted to the rear and front and reference is made within the design and access statement that these may be native trees. In accordance with Policy DP37, these should certainly be native trees. The applicants have indicated that they wish a detailed landscaping plan to be subject of condition, but if this could be submitted prior to determination, I would have more scope to comment.

I am concerned about existing and proposed trees impacting on car parking areas and pressure on these trees to be consistently reduced. I am also concerned about trees to the side of the proposed building which would not appear to have sufficient space to develop without impacting on the building. Again, in the absence of a detailed scheme it is difficult to comment further.

I note that an AIA has been submitted (dated 23/7/20). Compliance with this should be conditioned if permission is granted.

## **Ecologist**

Given the findings of a bat roost in a tree which will be impacted by development, a licence will be required from Natural England to allow development to take place. To grant this, Natural England will need to be satisfied that there: is an overriding public interest in allowing the work to take place; no satisfactory alternative and that there will be no significant impact on the population. As the species identified is relatively common with stable populations in England and the roost appears to be an occasional one used by an individual bat, it would be assessed as having low conservation significance. Therefore, subject to MSDC being of the view that granting planning consent is in the public interest then I would expect a licence to be granted. In my opinion, there are no other biodiversity policy reasons for refusal or amendment of the proposals, subject to the following condition:

No development shall commence until a method statement and plan setting out the practical implementation of mitigation and enhancement recommendations (provided in the supporting ecological reports) has been submitted to, and approved by, the local planning authority. The approved method statement shall be implemented in full and a statement of compliance prepared by the project ecologist shall be submitted to the local planning authority for approval prior to occupation of any apartment.

## **MSDC Environmental Health**

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

A Noise and Vibration Assessment by Phlorum (ref: 9567 NV\_ v1 final), dated the 24th September 2020 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels.

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

Table 6.1 within Phlorum (ref: 9567 NV\_ v1 final) details the levels of sound reduction required in each area. It is important to note, as the report makes clear, that the sound reduction level required is not the same as the  $R_w$  level given by window manufacturers as it has not been corrected for low frequency traffic, and because the  $R_w$  value is obtained under laboratory. Paragraph 6.8 within the report outlines that a 35dB  $R_w$  window would be required to achieve the required 30 $R_w$ +Ctr.

Additionally as BS8233:2014 standards cannot be met with the windows open, alternative suitable ventilation will need to be installed to habitable rooms that does not compromise.

I do note that the outdoor noise levels for the balconies will be slightly above BS8233:2014 requirements of 55dB. However the noise level has been reduced to as low as possible while still allowing for a balcony. Future residents are likely to still want an outside area even if it does exceed guidance levels slightly and therefore I have no objection to the balconies.

It is noted that Phlorums report (ref: 9567 NV\_ v1 final) also covered potential vibration issues and that no unacceptable vibration impact is expected to be present due to the operation of the adjacent train station.

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

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

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

Recommendation: Approve with conditions

1. Glazing and ventilation installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Phlorum (ref: 9567 NV\_ v1 final), dated the 24th September 2020.

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

4. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

### **MSDC Environmental Health - Contaminated Land**

I have checked out contaminated land records and I have no comment to make in regards to potential contamination in relation to the proposed application.

### **MSDC Housing**

The applicant is proposing a development of 54 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (17 units). The proposal is for a 100% flatted development consisting of 1 and 2 bed flats and the affordable units will comprise 7 x 1 Bed flats and 10 x 2 Bed flats. Two of the 1B/2P flats in the scheme are proposed to be fully wheelchair accessible flats at 70m<sup>2</sup> and will be required to meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 and to have wet rooms in place of bathrooms. According to plan no 2001/PA/022B the remaining 1B/2P affordable flats will have floor areas of 50m<sup>2</sup>, 53m<sup>2</sup> and 65m<sup>2</sup> and the 2B/4P affordable flats will have floor areas of 70m<sup>2</sup> or 73m<sup>2</sup>. These units will meet our occupancy and minimum floor area requirements and we will require 13 of the flats to be for affordable rent and 4 to be for shared ownership. The affordable units will all be accessed by stairs and a lift from a separate dedicated core as required, and due to the proposed layout we would suggest that the 3 x 2B/4P flats on level 3 and the 1 x 1B/2P flat on level 4 are those for shared ownership. Two disabled car parking spaces are proposed which should be allocated to the 2 wheelchair accessible units and six dedicated car parking spaces should also be provided for the remaining affordable units out of the proposed total of 28 car parking spaces (30%)

### **MSDC Street Name and Numbering Officer**

#### **Informative.**

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

### **Sussex Police**

#### *Amended*

Thank you for your correspondence of 23rd February, advising me of a planning application for the demolition of existing office building and provision of 54 apartments with associated parking and landscaping. AMENDED PLANS received 22nd February 2021 reducing the number of flats to 54, addressing comments from the Design Review Panel including revising the scale of the building and the parking layout, the submission of a Daylight/Sunlight Report and a revised Sustainability Report at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security

- Dwellings), that recommends a minimum standard of security using proven, tested and accredited products.

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 always be considered.

Whilst the number of dwellings for this development has been reduced from 56 apartments to 54 apartments, I have concluded that there is no material change in the design and layout that warrants further crime prevention advice. All my previous comments and advice within correspondence PE/MID/20/12/A dated 28/10/2020 remain extant.

#### *Original*

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The proposed development is for 4 full storeys above ground primarily facing west, two top floors which incrementally step back from the primary frontage, and a partially concealed lower ground floor level comprising apartments at the front and under-croft parking at the rear. The design and layout consists of two vertical circulation cores each with their own front and rear entrances.

I would like to direct the applicant or their agent to our website at [www.securedbydesign.com](http://www.securedbydesign.com) where the SBD Homes 2019 V2 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

There is good demarcation and defensive planting to the development's front elevation. However, robust perimeter fencing must be incorporated into the design and layout to prevent unauthorised access from the sides and rear of the development.

From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal door-sets should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control

access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication (preferably colour) between the occupant and the visitor. With respect to developments with more than 25, apartments, bedsits or bedrooms see SBD homes 2019 V2 para 27.24. Compartmentalisation should also be considered with larger developments. See SBD Homes V2 Para 27.29.

I recommend the postal arrangements for the flats is 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. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes V2 para 32.

Whilst I acknowledge the findings of West Sussex Highways Department on the acceptance of 28 parking spaces at the above development, which states;

*During the Public Consultation concerns were raised about this number and generally it was felt that a parking ratio of 1:1 would be preferable (i.e. around 56 parking spaces on site). At the time of the Public Consultation discussions with West Sussex Highways Department were in their infancy. However, subsequently, the Highways department have indicated that 28 car parking spaces will be acceptable on the basis of the following;*

- *Census data shows that for existing 1-bed and 2-bed households in this region of Haywards Heath only 50% have a car.*
- *A study has shown that on-street car parking spaces are available close to the site at key times.*

*It therefore appears that a substantial proportion of 1-bed and 2-bed units in this very central location appeal to people who cannot, or do not wish to own a car, and therefore the lower ratio of parking spaces to dwellings is acceptable to West Sussex Highways Department.*

It is not the quantity of the parking, it is the allocation of the proposed parking bays that raises concerns with me. My concern is; will these be allocated to individuals or used on a first come basis and what measures are going to be undertaken to manage any rogue parking from outside the development. Without any clarification, this has the potential to create unauthorised and illegal / rogue parking, obstruction of emergency vehicles and routes and resident disharmony.

Advice on secure cycle parking and refuse stores can be found within SBD Homes 2019 V2 para 57. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013, especially within the under-croft parking areas. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Where there are any development boundaries that impact upon Network Rail land, I recommend that the applicant seek consultation with Network Rail to ensure adequate and fit for purpose boundary treatments have been agreed and are acceptable.



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

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

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

### **Sussex Police - Infrastructure Contributions**

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning application DM/20/3516 seeking outline planning permission for 56 residential units on former Maxwellton House site in Haywards Heath.

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically the district of Mid Sussex will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is a brownfield plot comprising of a vacant office building, and once built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's town and cities without the support from the

planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the districts.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (**Appendix 1**). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices).

The principle of developer contributions towards Surrey Police has recently been upheld by the Secretary of State in the called-in appeal decision concerning the development of 1800 homes at Dunsfold Park in Waverley (Appeal ref: APP/R3650/V/17/3171287 - **Appendix 2**).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

## 1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/20/3516 makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the Community Infrastructure Levy (CIL). This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to

meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the NPPF and within Paragraph 58 of the NPPF which states that one of the planning systems roles is to *"create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*.

In the support of this request the following information is provided by Miranda Kadwell, Corporate Finance Manager at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

### National funding

Sussex Police receives 59% of its funding from central government and 41% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as central government grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of central government grant is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in Central Government Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed in to the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

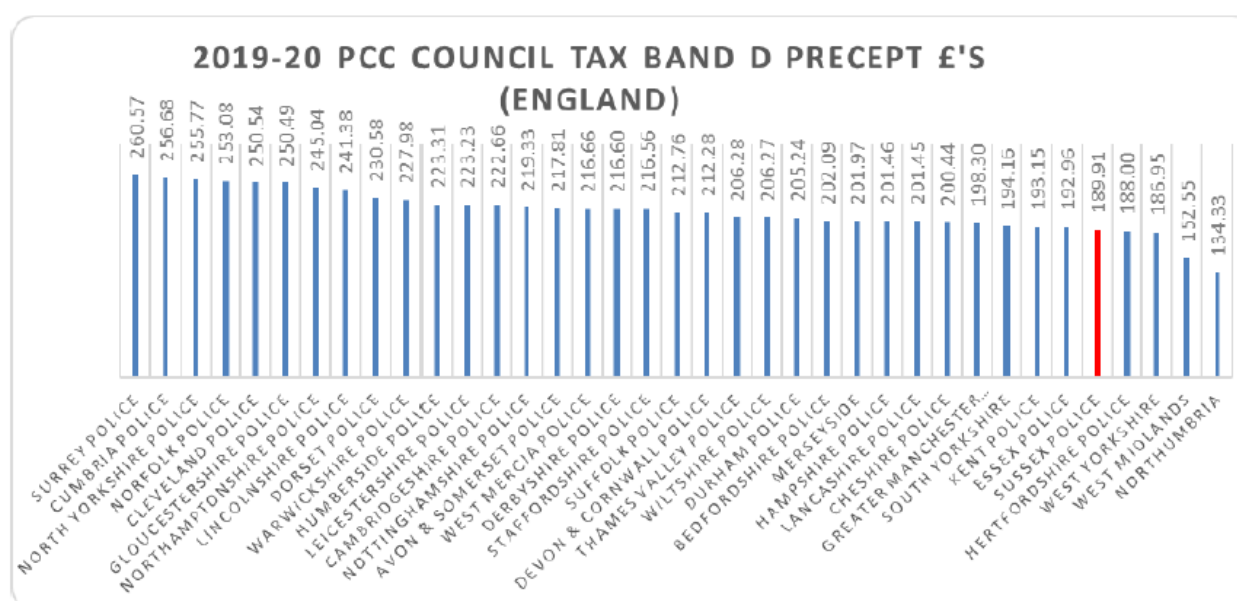
During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police to plan in an efficient way is his priority. Therefore, proposed changes to the funding formula will be revisited at the next Spending Review. Due to the uncertainty and range of possible outcomes, we have made no assumptions regarding a change to the funding formula in our current financial forecasts. This adds to the level of uncertainty over future government funding.

### Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council

tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently £12 per Band D property to maintain real terms funding. The cap on precept uplift was raised to £12 for all forces for the 2018/19 year. Following public consultation the Police and Crime Commissioner proposed an increase in the 2018/19 precept of £12. This was raised to £24 per year from the start of the 2019/20 financial year and £10 for the 2020/21 financial year.

During 2018/19 Sussex Police received the 5th lowest precept of any PCC in England and Wales. Sussex Police also had the 5th lowest precept of any PCC in England and Wales at £189.91 per Band D equivalent household. Sussex also have the 5th lowest funding per head of population at £165.85 in England and Wales.



#### MTFS - 10.8.2 - Comparison of PCC Council Tax Band D Precepts.

There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2018/2019 will reduce the severity of the Forces previous savings target. The savings target represents a funding gap between our existing budget requirements and current funding sources. However the latest Medium Term Financial Strategy indicates the PCC will still require a further £17m to be drawn from our reserves to support revenue costs associated with our Local Policing Program over the period to April 2020.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;

- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And, the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

### Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Over the last nine years Sussex Police have worked hard to deliver savings and have made £107m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the 'Sussex Police Medium Term Financial Strategy' (MTFS) identifies a net savings requirement in the region of £3m over the next four years. This is the "budget gap" i.e. the difference between funding and the cost of policing which will need to be met by savings. Savings of £3m in addition to using £17m of reserves will be required to meet the total in-year gaps over the life of the MTFS and it is anticipated the budget will be balanced at the end of the 2021/22 year.

### Capital Funding

Central Government funding for investment in capital infrastructure takes the form of a Home Office Grant. This grant makes up a small part of the overall funding for the Capital Programme and was reduced from 0.906m to £0.2m for the 2019/20 financial year. Our capital and investment program is funded firstly by our capital grant and capital receipts (building sales) and is then supported by reserves or revenue contributions.

Home office capital grant is cash limited and has been reduced in recent years due to austerity measures and the requirement to fund national projects such as the new National Police Air Support (NPAS) service and Police Live Services for digital data and technology capabilities. The grant is not affected by movement in the local population of CTB, therefore, any local capital investment creates an additional financial burden on Sussex Police which will be funded through reserves or borrowing. With diminishing reserves and the implications of borrowing both situations both alternative funding mechanisms are inadvisable.

### Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service has to deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional

funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

## 2. Assessment and Request

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of these district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the districts. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that "infrastructure" is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "infrastructure" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "includes" prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.

- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

### 3. Current Policing requirements in the districts of Mid Sussex

#### Sussex Police's existing estate

At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Any additional officers deployed within this area of the district will need to be based at Haywards Heath Police Station and additional floor space will be to be created through the alteration / adaption of the existing building.

#### Sussex Police's current policing requirements and projections

For the last year (2019/20) Sussex Police recorded 27,593 incidents in the district of Mid Sussex which accounted for 6% of the total number of incidents in the County (2018/19 incident records). The number of recorded crimes over this period was recorded as 7,180 crimes.

The 2011 census listed 57,400 households in the District of Mid Sussex and taking into account net completions since this has increased by 4,217 homes to the end of the 2016/17 financial year. MSDC housing completion records (Housing Land Supply - Completions 2017/18) indicate that 843 net completions were recorded for the 2017/18 year bringing the total number of homes in Mid Sussex to 62,460 homes. The 2011 census listed the population of Mid Sussex as 139,860 persons which represented an average household of 2.44 persons (139,860 / 57,400).

At present 62,460 households / 152,402 (62,460\*2.44) persons generates an annual total of 27,593 incidents that require a Police response. These are not necessarily all "crimes" but are calls to our contact centre which in turn all require a Police response/action, thereby placing a demand on our resources. It should be noted that the total number of crimes recorded in this period was 7,180 which is only 26% of all the recorded incidents

Taking into account the number of recorded incidents and the recorded number of existing households this results in 0.44 incidents per household or 0.18 incidents per person that require a police response in Mid Sussex each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. Sussex Police deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety or children, the elderly and those with special needs.

#### 4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of 56 new residential units would have a population of approximately 96.8 persons (see breakdown). Applying the current ratio of "incidents" to population then the development would generate an additional 17.42 incidents per year for Sussex Police to attend ( $0.18 \times 96.8$ ). These incidents are likely to result in 4.5 ( $17.42 \times 0.26$ ) additional recorded crimes per year attributed to this development.

#### Outline planning application – 56 dwellings

<b>Housing Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>No. of units</b>	16	40	0	0	<b>56</b>
<b>Expected occupancy</b>	1.3	1.9	2.5	2.9	
<b>Total</b>	20.8	76	0	0	<b>96.8</b>

#### 5. Current breakdown of policing delivered in Mid Sussex

A full strategic review of staffing has been undertaken for the purposes of this representation and is considered accurate to date.

Policing in Sussex is divided into three divisions; Brighton & Hove; West division (Adur & Worthing, Arun, Chichester, Crawley, Horsham & Mid Sussex); and East division (Eastbourne, Hastings, Lewes, Rother, Wealden). The SDNP is also covered by respective teams within each division that it overlaps. Sussex Police deliver policing to each 14 local authorities and departments can be categorised into Dedicated (District), Divisional or Forcewide policing roles.

Current statistics show that Sussex Police employ 2622 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood policing; divisional policing delivering specialist services such as response roles and investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Forcewide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

All of these functions are essential to the success of Sussex Police and will all be utilised in some capacity to deliver policing to the City. Sussex Police also employ 2237 support staff in



either dedicated, divisional or Forcewide roles. Staff (officer & support staff) delivering policing to the District of Mid Sussex are spread across the following functions.

In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

#### Police officers

- 88 dedicated uniformed Officers

Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.

- 14 divisional officers

The West Sussex division has 105 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 13.4% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 14 divisional officers to the Mid Sussex Districts.

- 49 Forcewide officers

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 821 officers Forcewide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 5.6% of all incidents managed by Sussex Police occur in Mid Sussex, 52.5 officers are required for the policing of these districts.

#### Police staff

Sussex Police currently employs 2237 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (i.e.: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Forcewide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above forcewide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 6 dedicated support staff

Police Enquiry officers, Facilities officers, Facilities Assistants

- 14 divisional support Staff

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroners Office and other essential roles. There are 99 divisional support staff within these departments. Again utilising the ratio of incidents in

West Sussex (13.8%), 13.6 support staff are required to support the existing population of Mid Sussex.

- 77 forcewide support staff

The majority of our support staff functions are delivered in a forcewide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 1202 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.4% of all incidents managed by Sussex Police occur in Mid Sussex, 77 support staff are currently required to support policing in Mid Sussex.

Type of employee	No. of employees	Departments
Dedicated officers	93	Investigations, Local Support Teams, Neighbourhood Policing Team (NPT), Response and SIU (Special Investigations Unit)
Divisional officers	14	Safer in the City – ASB Team, Performance, Licensing, Divisional Command.
Forcewide officers	49	Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles
<b>Total number of officers</b>	<b>156</b>	
Dedicated support Staff	6	Police Enquiry officers, Facilities officers
Divisional support staff	13.6	Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroners Office and other essential roles
Forcewide support Staff	77	Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service
<b>Total number of staff</b>	<b>97 (96.6)</b>	

Currently 27,593 incidents are attended by 156 officers per year in Mid Sussex which is a ratio of 176.88 incidents per officer, per year. To retain this current ratio of 176.88 incidents per officer per year, an additional 17.42 incidents per year would require 0.098 additional officers (9.8% of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 97 police staff are required to support policing to the 62,460 households in Mid Sussex. This is a ratio of 644 households per staff member. Therefore an additional 56 households would require 0.086 additional support staff to retain this existing ratio.

### Additional officers/staff required as a result of 56 additional homes

Total Additional Officers Required	0.098	17.42 (expected No. incidents arising from development) / 176.88 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.086	(56 / 635) (no. of new households / Existing no of support staff per household)

## 6. COSTS

In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to **£6,344.43**.

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the CIL Regulations and is no longer restricted to five individual contributions.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

### OFFICER SET UP

The basic set up costs of equipping staff are listed below. Following the start of the 2017/18 tax year we have reviewed and updated the start-up costs per officer which are now as follows:

OFFICER			
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33	0.098	£422.12
Start-up recruitment and training cost	£5,460	0.098	£535.08
<b>TOTAL COST</b>	<b>£9767.33</b>	<b>0.098</b>	<b>£957.20</b>

<b>SUPPORT STAFF</b>			
Start-up equipment (workstation, IT equipment)	£2,086	0.086	£179.40
Start-up recruitment cost	£1,060	0.086	£91
<b>TOTAL COST</b>	<b>£3,146</b>	<b>0.086</b>	<b>£270.56</b>

Sussex Police would utilise the contribution in the following manner;

- **£957.20** to be pooled towards the cost of 1 additional officer in the Bentswood NPT/NRT to deliver policing to the site and surrounding area to be based at Haywards Heath Police Station.
- **£270.56** to be pooled towards the cost of one additional support staff member to be based at Haywards Heath Police Station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

## PREMISES

At present policing within the Bentswood ward is delivered from Haywards Heath Police station. Haywards Heath is outlined to be retained in the existing 2018-2022 estates strategy and capacity improvements will be made to the existing Police Station.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Any additional officers deployed within this area of the district will need to be based at Haywards Heath Police Station and additional floor space will be to be created through the alteration / adaption of the existing building. These improvement works are likely to be carried out in various sections between the next three financial years depending on budgets and availability additional funding.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc). This bring the total space requirement to 8.93sqm.

Sussex Police have previously used Saxon House in Newhaven as an example to estimate costings for a new build or extension/adaption of existing building. This facility is a new facility shared with East Sussex Fire and Rescue and Lewes District Council which replaced the old police station. For new buildings such as Saxon House [the cost was estimated to be between £2500-3000/sqm].

Following the start of the 2018/19 tax year, Sussex & Surrey Police will use the up to date BCIS costings index for all future S106 requests. The 01/08/2020 issue of the RICS BICS costs (**Appendix 5**) which lists the median cost for adaptations/conversion of police stations at £1,945 (Median) which would be considered the minimum cost appropriate to support the additional officers/staff at Haywards Heath Police Station.

The cost of accommodating a minimum of 0.184 additional officers/staff (which are required to police this development) would therefore be  $8.93 \times £1,945 \times 0.184 = \textbf{£3,195.87}$

## VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g. Scene of Crime Officers) vehicles, pursuit vehicles - 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 62,460 households) currently consists of 25 active divisional vehicles and 38 forcewide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to meet the additional policing needs this development will present, therefore investment towards increasing fleet capacity is sought from this development.

In total there are 25 divisional vehicles and 38 forcewide vehicles delivering policing to the district of Mid Sussex.

	Department	Number of vehicles
<b>Divisional</b>	Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations	25
<b>Forcewide</b>	Crime support command, Dogs section, Firearms, Intel, Licensing, Major investigations, Public protection, Traffic, Training.	38

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or 125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

### 63 vehicles at net value of £1,071,000

Existing number of households in Mid Sussex (62,460) = £17.15 per Household (1,071,000 / 61,617) x 56 Households x 2 = £1,920.80 to give 8-year life of provision.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the most recent appeal decision concerned contributions towards policing (Appendix 6 - APP/R1845/W/17/3173741) issued on the 18th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

It is vital to ensure fleet deployment is maintained in line with the existing population of Mid Sussex and therefore a financial contribution towards fleet capacity is essential to make this development acceptable in planning terms.

Vehicles are fundamental capital policing infrastructure to deliver community safety and address crime especially at neighbourhood level. Fleet deployment is related to the known policing demands of comparable developments in the locality.

The direct demand from the new development can be accurately forecast and delivering policing direct to this development will not be possible without additional vehicles to do so. Levels of demand and mitigations have been determined by the scale of the development and demonstrate only a proportion of a vehicle's time will be spent policing this development.

Sussex Police would utilise the contribution in the following manner;

- £1,920.80 to be pooled towards the cost of one additional vehicle in the Bentswood NPT/NRT.

### 7. Compliance with National Policy and CIL Regulations

Following the abolition of CIL regulation 123, the funding of infrastructure is no longer restricted to 5 separate developer contributions. Within Guildford the majority of policing is carried out by the APT/SNT teams, therefore Surrey Police would recommend funds received from Section 106 agreements should be spent directly on supporting these teams. Therefore, when contributions from new housing development are pooled it is sensible to do this based on NPT / or NRT team areas.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The funding sought towards the cost of training officers is included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as Appendix 2. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to "protective clothing, uniforms and bespoke training" and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

## 1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims "To support sustainable communities which are safe, healthy and inclusive".

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation.

The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police's infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (Appendix 4) stated:

*62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.*

*63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure levy Regulations 2010.*

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (Appendix 1) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

"The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose "*.. Directly from the new households occupying the proposed development*". Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions".

*"Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period."*

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

*11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages "sustainable development": see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters".'*

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (Appendix 2) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

*165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata*



*dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.*

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in *Police and Crime Commissioner for Leicestershire vs Blaby Council*. Paragraph 61 and 62 of the judgment state:

*61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.*

*62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.*

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

*44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs".*

In respect of the methodology used for this request the same Planning Inspector stated "47 - *I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP*".

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items

outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Mid Sussex safe.

## 2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

## 3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Sussex Police to maintain its current level of service in the District's. This infrastructure has been identified by Sussex Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, Appendix 2). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at para 29 of decision 2179844;

*The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.*

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

*Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries. Para 292*

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure

should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (2018);

Paragraph 20 (b) retains reference to 'security infrastructure' and advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

*b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).*

Paragraph 91 advises that planning policies should aim to achieve healthy, inclusive and safe places which:

*"are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*

Paragraph 95 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

- a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*
- b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*

The Glossary to the new NPPF includes an entry entitled 'Essential Local Worker'. It states *'these are public sector employees who provide frontline services in areas including health, education and community safety - such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers'*. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our office's request for infrastructure contributions relating to this re-development on the site at Maxwellton House, Haywards Heath.

## Part A

'What', 'where' and 'when' of Infrastructure requirements relevant to application reference to DM/20/3516

TOPIC	INFRASTRUCTURE REQUIREMENT	AREA	COST PER ITEM	QTY	TOTAL COST	TIMING OF DELIVERY (Occupations)
Policing	Officer start-up equipment cost, recruitment & training	Bentwood NPT/NRT	£9,767.33	0.098	£957.20	TBC
Policing	Staff start-up equipment cost & training	Haywards Heath Police Station	£3,146	0.086	£270.56	TBC
Policing	Premises	Haywards Heath Police Station	-	-	£3,195.87	TBC
Policing	Fleet	Bentwood NPT/NRT	£1,920.80	-	£1,920.80	TBC
Total					£6,344.43	

## Network Rail

Due to the close proximity of the proposed works to the railway cutting and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via

[AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. Our ASPRO team will ensure that the works can be completed safely without a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website:

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the attached Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

### Asset Protection Informatives for works in close proximity to Network Rail's infrastructure

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

#### Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

#### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

### Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

### Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

### Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

### Existing Rights

The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: [AssetProtectionAnglia@Networkrail.co.uk](mailto:AssetProtectionAnglia@Networkrail.co.uk)

Kent and Sussex: [AssetProtectionLondonSouthEast@NetworkRail.co.uk](mailto:AssetProtectionLondonSouthEast@NetworkRail.co.uk)

Wessex: [AssetProtectionWessex@NetworkRail.co.uk](mailto:AssetProtectionWessex@NetworkRail.co.uk)

To identify your route, please use the link: <https://www.networkrail.co.uk/running-the-railway/our-routes>