

6 April 2021

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 15TH APRIL, 2021 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

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|----------------------------------|--|-----------------|
| 1. | Roll Call and Virtual Meeting Explanation. | |
| 2. | To receive apologies for absence. | |
| 3. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 4. | To confirm Minutes of the previous meeting of the District Planning Committee held on 14 January 2021. | 3 - 8 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |
| Recommended for Approval. | | |
| 6. | DM/20/2640 - Marylands Nursery Site, Cowfold Road, Bolney, RH17 5QR. | 9 - 82 |
| 7. | DM/20/3516 - Maxwellton House, 41-43 Boltro Road, Haywards Heath, RH16 1BJ. | 83 - 170 |

Recommended for Refusal.

None.

Other Matters

None.

8. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, J Dabell, A Eves, S Hatton, R Jackson, C Laband, G Marsh, A Peacock, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Thursday, 14th January, 2021
from 2.00 pm - 3.55 pm**

Present: R Salisbury (Chair)
D Sweatman (Vice-Chair)

R Bates
J Dabell
A Eves

S Hatton
R Jackson
C Laband

G Marsh
R Webb
R Whittaker

Absent: Councillors A Peacock

1. ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman commenced the roll call to confirm the Members present. Tom Clark, Head of Regulatory Services provided a virtual meeting explanation. The Chairman outlined the public speaking procedure.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Cllr Peacock.

3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Jackson declared a non pre-determined interest in Item 6 DM/20/2763 as he is a Member of Hurstpierpoint Parish Council.

4. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 17 DECEMBER 2020.

The Minutes of the Committee meeting held on 17 December 2020 were agreed as a correct record and signed electronically by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

6. DM/20/2763 - LAND TO THE SOUTH OF SCAMPS HILL, SCAYNES HILL ROAD, LINDFIELD, WEST SUSSEX, RH16 2QQ.

Steve Ashdown, Team Leader for Major Developments and Investigations introduced the report. He confirmed that Committee Members had received the agenda update sheet which detailed one additional representation, a change to condition two and five additional informatives all relating to condition clearance matters.

He advised that consent is sought for the reserved matters of layout, scale, appearance and landscaping associated with the erection of 200 dwellings associated with an outline planning permission, granted on appeal by the Secretary of State, in respect of application DM/15/4457 on land south of Scamps Hill, Lindfield. The outline planning permission allows for 200 dwellings, a 9.54 ha country park and land for a one form entry primary school. The application does not include the school site, which will need to be come forward under a separate application, but includes all other elements associated with the residential dwellings and country park.

The Team Leader confirmed that a signed Section 106 agreement had already been secured. He highlighted the topography of the site with dwellings to the west at the lowest point, a Country Park on the eastern side on the higher level, a new pedestrian / cycle link to join with the Heathwood Park development and Haywards Heath / Lindfield to the to west and south. The development included a mix of 1,2,3 4 and 5 bed dwellings, and 1-2 bed flats. He noted that the applicant is an affordable housing provider and the application provides 70 affordable units, an extra 10 units. The 3 storey buildings would be located on the lowest area of the site. Carp parking provision of 129 spaces will comprise garages, on-street spaces and visitor parking. He confirmed that 33% of spaces will have EVCPs and is secured by condition 1. He highlighted the landscaping and that part of the country park is a replacement for the informal recreation area adjacent to Heathwood Park, an orchard at the front of the site and a wetland walk area to the west. The maintenance of country park has been secured and will be managed by the Land Trust. The concerns of the Planning Inspector have been addressed by building in-line with adjacent properties and a strong landscape and built form. He noted that the blocks of flats are designed to replicate terrace housing.

Mr Gossage, resident of Walstead spoke in objection to the application.

Mr Kennedy, Chairman of Lindfield Preservation Society spoke in objection to the application.

Mrs Ashton, the applicant's agent, spoke in support of the application.

The Chairman drew Members' attention to the conditions that apply from the original application and Planning Inspector's report. He confirmed that the agenda update sheet detailed some conditions that had been discharged, and informative 8 on drainage and levels should read "these details cannot be agreed until such time as any Land Drainage Consents has been received from the Environment Agency for the proposed outfalls to the main river". The freehold of the land for the provision of a school will be transferred to West Sussex and any application for the site will be received at a later date. A Section 106 agreement has been agreed and signed for the Country Park.

Tom Clark, Head of Regulatory Services confirmed that land for the Country Park has been secured as part of the outline condition, is secured under Section106 and it will be run by the Land Trust.

Members welcomed the comprehensive report and discussed access to the site, speed restrictions, layout, permeability, links with adjacent developments and how the country park would be managed. Several Members expressed concern over the contemporary design of the site and the housing mix.

The Chairman advised that a balanced view is required with regards to permeability of the site, West Sussex Highways had no objection following their road safety audit and the access arrangements have been approved at Secretary of State level.

The Head of Regulatory Services noted that the Land Trust is a major national group and a registered charitable organisation and with the purpose of managing public open spaces.

The Team Leader highlighted the informative on conditions 3 and 4 and advised that a drainage engineer was satisfied with the submitted application. Land drainage consent was outstanding for outfalls from the attenuation ponds to Northlands Brook, and once these had been received from the Environment Agency the drainage details will be approved. The Parish Council comments had been noted and the lighting scheme has been designed to comply to The Institute of Lighting Professionals guidance low district brightness zone, which is appropriate for a village or relatively dark outer suburban locations such as this.

He confirmed that the Urban Designer and Mid Sussex Review Panel supported the scheme. He noted that with larger urban schemes there was the potential to introduce different characters. The design approach for the site is traditional roof forms and materials which have been used in a contemporary way, except the limited cladding in the central area which is not open to wider views. The site is an opportunity to create a new style which responds to landscape context and topography in accordance with the Design Guide. As a whole the design is of high quality and worthy of support.

Members also discussed the future proofing of the site for the provision of electric vehicle charging points (EVCP), affordable housing provision, provision of disabled housing, disabled access to the country park, bio-diversity of the site, the removal of a hedgerow and provision for cycling.

The Chairman advised that the Committee must provide specifics if the design is to be criticised and asked for comment on the housing mix which included 4 and 5 bed dwellings.

The Team Leader understood the Committee's concern and stated that the developer has completed market research. The housing mix proposed reflects the District's need, the housing mix must be accepted unless it doesn't comply with Council's policy. He confirmed that the wheelchair accessible units were as set out in the legal agreement and only applied to the affordable housing element. This had been agreed at outline stage, and the Council's housing officer was content. Unless there is a known requirement for 4 bed units, smaller units are generally required for affordable housing provision. He noted that the existing pedestrian link to the public open space is not fully accessible to all and he has received complaints. The proposed link will be wider and allow full mobility access into the new development and country park. Topography issues will remain for the county park and mown paths are proposed.

The Chairman confirmed that there would be no gas boilers on the site and the Committee must consider all the District Planning Policies as a whole. The transport contribution in the Section 106 agreement had already been agreed and signed.

The Head of Regulatory Services noted that any extra affordable units provided by the developer were a gift and could not be guaranteed.

The Team Leader advised the Committee can only consider the application in relation to current policies and cannot seek a higher EVCP standard than the policy provided by West Sussex. The hedgerow to the site frontage would be removed to allow for the visibility splays for the new junction. The developer would be required to submit an ecology plan for the whole site.

The Chairman concluded that the principle of development had been established by the Secretary of State and as there were no further questions he took the Members to a vote. Councillor Laband proposed the motion and this was seconded by Councillor Webb.

The Solicitor took a named vote on the officer's recommendation with the changes in the agenda update sheet and the Committee voted 10 in favour of the motion with 1 against.

Councillor	For	Against	Abstained
Bates, R.	Y		
Dabell, J	Y		
Eves, A.	Y		
Hatton, S.	Y		
Jackson, R.	Y		
Laband, C.	Y		
Marsh, G	Y		
Salisbury, R.	Y		
Sweatman, D.	Y		
Webb, R.	Y		
Whittaker, R.		Y	

RESOLVED

That planning permission be approved subject to the recommendations and the conditions set in Appendix A and the Agenda update sheet.

7. DM/20/4178 - NORTHERN ARC.

The Chairman advised that it was unusual for a Section 106 to come to the Committee for changes but this report was before the Committee as it is a large scheme and there have been many changes. The report must be viewed against the Masterplan for the Northern Arc.

Louise Yandell, Northern Arc Manager introduced the report. She highlighted the Agenda Update Sheet and noted that the amendments relate to page 59 of the report. The Committee were advised that the agenda stated that the existing trigger for healthcare provision onsite or as a financial contribution was 6 months from occupation of the development, however the legal agreement states 6 months prior to occupation of the development.

The Northern Arc Manger confirmed that most of the changes were minor in nature but as there were a large number of changes it was appropriate for the District Planning Committee to consider them. The Committee were reminded that the Freeks Farm area was already under construction by a separate application. She highlighted that it is a complex application and it is not unusual to have changes.

The Northern Arc Manager outlined the phases of the development, and due to work by Homes England the delivery of the eastern area has been accelerated. The main changes to the legal agreement were noted and these included boundaries for open spaces and Primary and Secondary School parcels, transfer of ownership of open space land, timings for the delivery of community facilities and healthcare provision, agreement of some design elements and highway improvements. None of the amendments would result in unacceptable infrastructure delivery and the changes would led to an in improved delivery of the scheme.

The Chairman asked Members to comment.

The Members queried the changes to the name of the community facility for sport, the Adur Open Space and the responsibility for delivering the project as other developers would be involved.

The Northern Arc Manager advised that the Adur Open Space derives its name from the River Adur as the river bounds and runs through the land. The name of the sports facility had changed because a request was received from Mid Sussex District Council. She confirmed that the responsibility remained with Homes England as the land owner to deliver the infrastructure even though they would pass construction of the phases onto other developers.

As there were no further questions the Chairman took the Members to a vote.

The Solicitor took a named vote on the officer's recommendation with the changes in the update sheet and the Committee voted unanimously in favour of the motion.

Councillor	For	Against	Abstained
Bates, R.	Y		
Dabell, J	Y		
Eves, A.	Y		
Hatton, S.	Y		
Jackson, R.	Y		
Laband, C.	Y		
Marsh, G	Y		
Salisbury, R.	Y		
Sweatman, D.	Y		
Webb, R.	Y		

RESOLVED

That the District Planning Committee approved the proposed variations to the Legal Agreement.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 3.55 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

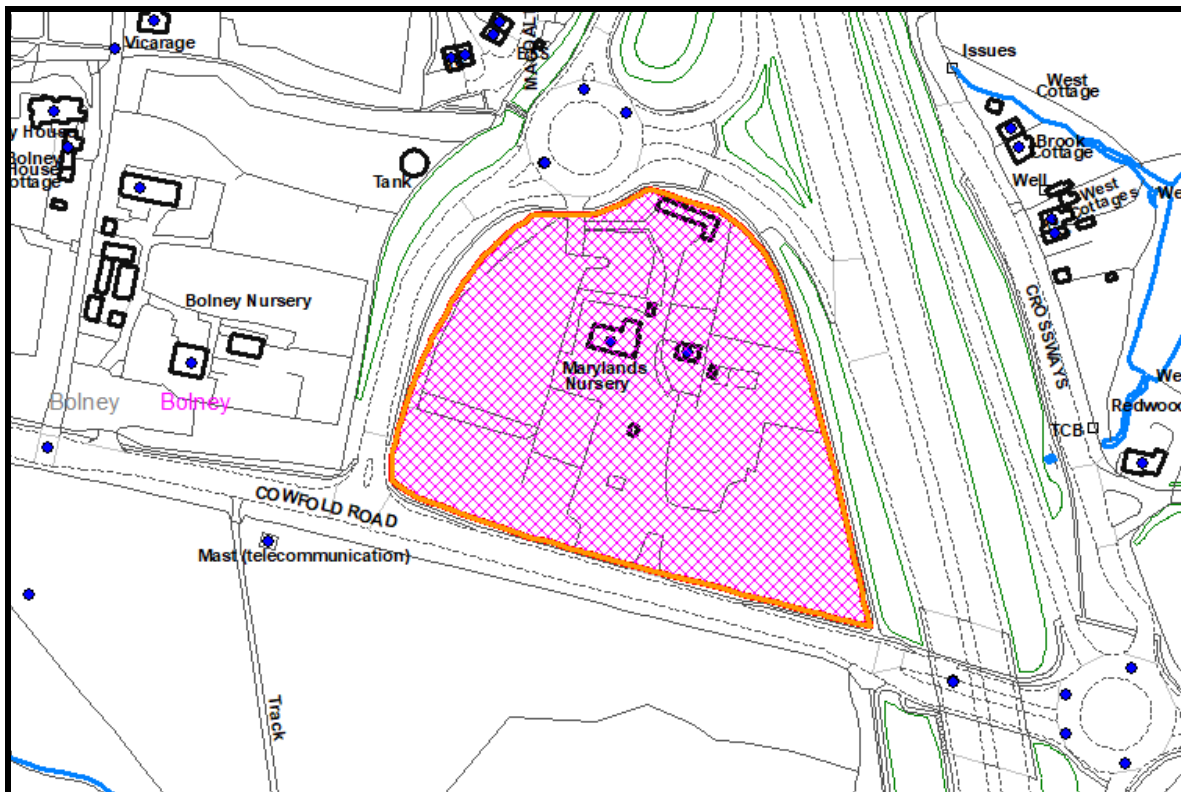
District Wide Committee

15 APR 2021

RECOMMENDED FOR PERMISSION

Bolney

DM/20/2640



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**MARYLANDS NURSERY SITE COWFOLD ROAD BOLNEY WEST SUSSEX
DEMOLITION OF SINGLE DWELLING AND OUTBUILDINGS AND
ERECTION OF B8 FLOORSPACE (INCLUDING ANCILLARY OFFICE
SPACE) ACROSS 3 BUILDINGS, WITH HARD AND SOFT LANDSCAPING,
PARKING AND SERVICING. ALTERED ACCESS TO BE PROVIDED
FROM A272/A23 WESTERN ROUNDABOUT WITH EXISTING COWFOLD
ROAD VEHICULAR ACCESS CLOSED. REVISED PLANS RECEIVED
16/12/2020 SHOWING REVISED POSITION AND HEIGHT OF UNIT 1,
JOINING UNITS 2 AND 3 TOGETHER AND ADDITIONAL PLANTING TO
SOUTHERN BOUNDARY. ADDITIONAL HIGHWAY INFORMATION
RECEIVED 03/03/2021 INCLUDING UPDATED NOISE ASSESSMENT.
MR ROBIN BARTON**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Smallscale Major Manufacturing

13 WEEK DATE: 27th January 2021

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

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 a single dwelling, outbuildings and existing yard area and the erection of two commercial buildings providing some 9,894 sqm of B8 floorspace (storage and distribution) including ancillary office space and associated open commercial areas or service yards with hard and soft landscaping and parking; as well as an altered access to be provided from the A272/A23 Western Roundabout with existing Cowfold Road vehicular access closed at Marylands Nursery, Cowfold Road, Bolney.

The proposal would also provide off site highway works including a 1.8 metre footpath, an uncontrolled pedestrian crossing off the site access arm to the existing roundabout with tactile paving and a central refuge island, an enhanced left turn flare on the London Road arm of the junction, re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction with the A272.

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.

Although the proposal is in conflict with the Policy DP12 (which seeks to protect and enhance the countryside) as it is neither necessary for the purposes of agriculture

nor is supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan (which relates to sustainable economic development) requires the provision for new employment land and premises to be made through the allocation of further sites with the Site Allocations DPD. Policy SA6 of the Site Allocation DPD proposes the allocation of this site for B8 (Storage and Distribution) employment uses. In line with Paragraph 48 of the NPPF local planning authorities can give weight to policies of emerging plans depending on the stage of preparation of the emerging plan; the extent of unresolved objections; and the degree of consistency of the relevant policies to the NPPF. The Site Allocations DPD is at an advanced stage having been submitted for Examination. In addition, only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application. Finally, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. Therefore, significant weight can be given to the emerging plan as it relates to this site.

Turning to the impact of the proposals, Policy DP12 indicates that development within the countryside must maintain or where possible enhance the quality of the rural landscape character. In this respect regard must be had to both the site's context (which is bounded on all sides by major roads of the A23 and A272) and to its existing character (which is commercial). As such it is considered that this site does not currently enhance the character and beauty of the countryside. However, the proposal is of a high-quality design and layout with comprehensive landscaping which would both create an appropriate setting and landscaped context for the development as well as mitigating the impact on the surrounding area and maintain the character of the countryside.

The redevelopment of the existing commercial site would provide economic and social benefits through the provision of employment during both the construction period and the formation of employment following the construction of the new business units. This would assist in supporting economic growth and proactively supporting sustainable economic development within the District.

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

Although the principle of the application does not comply with Policy DP12, there are other material considerations which outweigh this conflict. The application is considered to comply with policies DP1, DP20, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 of the District Plan, the design principles of the adopted Mid Sussex Design Guide, policies BOLE1, BOLE2, BOLD1 and BOLT1 Bolney Neighbourhood Plan, Policy SA6 of the Submission Draft Site Allocation DPD, and the relevant provisions of the NPPF.

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 the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 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 policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

1 letter of OBJECTION from Twineham Parish Council concerning the following points:

'The A272 is the only east/west route in this part of Sussex. Traffic driving north on the A23, wishing to access the A272 to drive to the west have a very difficult turning when they arrive at the bottom of the slip road on to the A272. Because this junction is so appalling, traffic now exits the A23 at Hickstead, making "rat runs" of Hickstead Lane and Bolney Chapel Road, arriving at the A272 by the garage. This causes considerable inconvenience for local residents down narrow lanes. The construction and implementation of the DPD depot at Burgess Hill has seriously exacerbated the situation. The construction of the Northern Arc in Burgess Hill will add to the pressure on this junction.

Twineham Parish Council has grave concerns about the proposed development of the site, with over 100 parking spaces. The junction at the A23/A272 is woefully inadequate in its present configuration. Although we understand that traffic signals could be installed as part of the Burgess Hill Northern Arc development, we consider this to be unsatisfactory. Even when temporary lights are installed on the A272, traffic jams frequently occur.

It would appear that the only way to resolve this problem is the construction of a roundabout at the bottom of the slip road, with plenty of visibility in all directions for drivers.'

SUMMARY OF CONSULTATIONS

Highways England

Recommend that conditions should be attached to any planning permission that may be granted.

WSCC Highways Authority

No objection subject to conditions

WSCC County Planning Officer

Summary of contributions:

TAD - £56,320

WSCC Flood Risk

No objection.

WSCC Minerals and Waste

No objection.

WSCC Water and Access

Advice.

MSDC Planning Policy

No objection.

MSDC Landscape Consultant

No objection subject to conditions.

MSDC Urban Designer

Comments.

MSDC Drainage Engineer

No objection subject to conditions

Ecologist

No objection. Condition.

MSDC Environmental Protection

Comments - suggested conditions.

MSDC Contaminated Land Officer

Approve with conditions.

MSDC Street Name and Numbering Officer

Informative.

Southern Water

Comments and suggested informative.

Environment Agency

No comments.

Bolney Parish Council

Amended

The Parish Council objects to the revised plans as they represent over-development of the site and do not allow sufficient space for landscape mitigation to both the A272 and the London Road. The revised drawings do not show how the buildings will fit into the contours of the land so further elevation drawings that take into account the topography of the site should be provided. We are very concerned that the slope of the land will increase the bulk and height of the development. We would like to see a condition limiting the hours of use of the site. A noise and light management plan should also be made a condition to protect the setting of the Grade 1 listed Church and the nearby residential properties.

The Parish Council continues to be concerned about traffic management at the A272/London Road junction. Although we note that an extra lane has now been included on the London Road, we stand by our view that a roundabout is the best solution for this junction.

Original

Bolney Parish Council is supportive of the development at the Marylands site, but does have reservations about the impact the increased traffic associated with this development will have on the London Road/A272 junction which is already operating over capacity. In addition, we have concerns about visibility at the entrance to the site with regard to vehicles exiting the A23 northbound on to the roundabout and potential accidents with traffic having just pulled out of the site.

We met virtually with the developers to discuss these concerns and our preference to have a roundabout at the London Road/A272 junction which was in the original

plan by the developer. We feel that this is the ONLY acceptable solution, however this idea has now been replaced with signalisation of the junction which has been put forward as part of the Northern Arc Development proposals. The Parish Council was never consulted on this and if we had been would have expressed our preference for a roundabout which, in our view, would keep the traffic flowing better at peak times and would avoid the queuing traffic adversely impacting on the Air Quality in the area. A roundabout would have the added advantage of being cheaper to operate without the need for electricity or maintenance. Signalising the junction will increase queuing in every direction, resulting in drivers taking alternative routes through the village to avoid the resultant queues. The village roads are residential and there are no pedestrian pavements. The rural roads surrounding the village are narrow and unsuitable for heavy traffic. Residents have already reported an increase in traffic on Bolney Chapel Road by delivery drivers from the new development at Goddard Green using Bolney Chapel Road as a 'rat run' from the A2300 to avoid the junction of the A23 and A272. Our concern is for the safety of pedestrians, particularly school children walking to the village school or to a school bus stop in peak hours, competing for road space with commuter traffic cutting through the back roads in and around the village to avoid the queues at the traffic lights.

We understand that Highways England rejected the roundabout suggestion so we have asked to meet with them to discuss it further and would request that this suggestion is re-considered based on the comments above.

The developer has agreed to donate land at this junction and carry out road improvements and as something the Parish Council has been campaigning for over many years this is the ideal time to make improvements before the capacity at that junction worsens. The reports from Highways England already show that the junction operates over its' capacity and we understand from the Northern Arc documentation that the signalisation is only due to be completed 'prior to the occupation of the 400th dwelling'. It could easily be a few years before this is delivered if this option is chosen which is completely unacceptable.

With regard to our concern about visibility from the site entrance the developer has confirmed that they have engaged an arboricultural consultant and are proposing to remove some trees to improve visibility of the site access from the northbound off slip road. We request that this is made a condition.

INTRODUCTION

This application seeks planning permission for the demolition of a single dwelling and outbuildings and the erection of B8 floorspace (including ancillary office space), with hard and soft landscaping, parking and servicing; an altered access is to be provided from A272/A23 Western Roundabout with the existing Cowfold Road vehicular access closed at Marylands Nursery, Cowfold Road, Bolney.

RELEVANT PLANNING HISTORY

The site has a detailed history. The most recent history is set out below:

11/01156/FUL - Nursery with ancillary facilities and retail sales; agricultural workers bungalow; six stables, hay barn and tack room; horse paddocks. APPROVED.

13/01257/COU - Use of land as a woodyard; including storage, processing, drying and sale of logs. APPROVED.

DM/15/1968 - Provision of a welfare facility, hardstanding and turning area for use by drivers for duration of the works at Rampion 'offshore' windfarm, to be removed on completion of works. APPROVED.

SITE AND SURROUNDINGS

The site is currently used as a horticultural nursery and woodyard with access from the A272 Cowfold Road. There is a single dwelling set within the site with various horticultural structures and sheds. To the west and north of the site is a former paddock area with stable buildings. There is dense vegetation on the southern boundary of the site with trees and vegetation on the northern, eastern and western boundaries.

The site is bordered on three sides by the A272 and slip road servicing the main A23 trunk road. To the north of the site is an existing access off a roundabout. The land is surrounded by post and rail timber fencing and vegetation and trees.

The site is located within the countryside as defined in the Mid Sussex District Plan and the Bolney Neighbourhood Plan. The built up area boundary of Bolney does, however, lie to the north-west of the site on the opposite side of the roundabout and London Road.

APPLICATION DETAILS

The application was originally submitted for three separate buildings within the site. However, during the course of the development, and to address concerns raised by your Officers as well as that of the Councils Landscape Consultant and Highway England, revised plans have been received amending the position and height of Unit 1, joining Units 2 and 3 together and providing enhanced planting to the southern boundary. Additional highway mitigation works are proposed of an enhanced left turn flare on the London Road arm of the A272 junction as well as the re-provision of the existing footpath and new dropped kerbs and tactile paving on the London Road junction. Access to the site would be taken from the A23 Western Roundabout to the north of the site with the existing Cowfold Road vehicular access closed.

The proposal is to comprise of two large buildings forming 3no commercial B8 buildings with ancillary office accommodation.

Building 1 is to be situated to the west of the site and measure some 51.8 metres in width, some 72.6 metres length. The building would have a double barrelled roof with

an eaves height of some 10 metres and an overall ridge height of some 12.2 metres. In addition to this to the northern end elevation the building would have a two storey glazed and clad flat roofed element providing a reception, office area and toilets. This is to measure some 41.8 metres in width (with a roof overhang either end of approximately 1 metre), 8.1 metres in depth (with a roof overhang of approximately an additional 1 metre) and an overall height of some 8.4 metres. The building would have a total floor area of 4,319 sqm. On the eastern side elevation would be 3 service doors and 2 dock leveller doors with roller shutters. The building would be set a minimum of some 5.8 metres and a maximum of some 10.5 metres with the eastern boundary and a minimum of some 8 metres and a maximum of some 31 metres from the southern boundary.

Units 2 and 3 are to form a single building which is to be situated to the east of the site and measure some 37 metres in width, some 134.3 metres in length. The building is to have an eaves height of some 10.4 metres and an overall ridge height of some 13.1 metres. On the northern end of the building, there would be a two storey glazed and clad flat roofed element providing a reception, office area and toilets to Unit 2. A similar two storey glazed, clad and flat roofed element is also proposed to the western end of the building to serve Unit 3 with similar accommodation. These two storey elements are measure some 25.4 metres in width (with a roof overhang either end of approximately 1 metre), 7.9 metres in depth (with a roof overhang of approximately an additional 1 metre) and an overall height of some 8.4 metres. Each of these two units are to have a total floor area of some 2,787 sqm. On the western side elevation would be 6 service doors with roller shutters (3 serving each unit). The building would be set a minimum of some 3.8 metres and a maximum of some 12.7 metres with the western boundary and a minimum of some 11 metres and a maximum of some 15 metres from the southern boundary.

The buildings will feature a barrel vault roof design with full height steel cladding panels installed horizontally and vertically. The colour of the panels will comprise juniper and olive greens, and grey. The roof will be coloured a moorland green. Entrance areas will be glazed with feature aluminium flashing and flat roofs.

To the north and centre of the site is to be areas of hardstanding comprising of car parking and the service yard. The proposal is to provide 103 car parking spaces within the site which includes 12 electric charging vehicle points (4 per unit), 7 mobility impaired bays and 9 car sharing bays. There would be 32 cycle parking spaces provided. In addition, each unit is to have its own service yard to accommodate HGVs. Within the car parking area are to be trees and vegetation to soften the hardsurfacing.

As part of the application, the existing vehicular access onto Cowfold Road would be closed off and the access for the site would be from the A23 / London Road roundabout from the north of the site. The proposal would also provide off site highway works including a 1.8 metre footpath, an uncontrolled pedestrian crossing off the site access arm to the existing roundabout with tactile paving and a central refuge island, an enhanced left turn flare on the London Road arm of the junction, re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction with the A272.

A landscape masterplan has been submitted which shows that the existing boundary vegetation is to be enhanced with additional tree planting, hedging and understorey planting mitigate the impact of the development from the highway.

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

- A Design and Access Statement;
- A Planning Statement;
- A Sustainability Statement;
- A Transport Assessment;
- A draft Travel Plan;
- A Stage 1 Road Safety Audit;
- A Transport Modelling Note;
- A Transport Technical Note;
- A Flood Risk Assessment and Conceptual; Drainage Strategy;
- An Ecological Impact Assessment;
- A Tree Survey;
- A Landscape and Visual Impact Assessment;
- An Environmental Noise Impact Assessment Report;
- A Phase 1 Desk Study Risk Assessment and Geotechnical Assessment; 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 Bolney Neighbourhood Plan.

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:

DP1: Sustainable Economic Development
DP12: Protection and Enhancement of Countryside
DP20 Securing Infrastructure
DP21: Transport
DP26: Character and Design
DP28: Accessibility
DP29: Noise, Air and Light Pollution
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Bolney Neighbourhood Plan

The Neighbourhood Plan was made in September 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:

BOLE1 - Protect and Enhance Biodiversity
BOLE2 - Protect and Enhance the Countryside
BOLD1 - Design of New Development and Conservation
BOLT1 - Transport Impact of Development

Development Infrastructure and Contributions 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.

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. In addition, Policy SA6 seeks to allocate this site (Marylands Nursery, Cowfold Road) for storage and distribution employment uses.

The Site Allocations DPD is at an advanced stage having been submitted for Examination. This document currently has some weight in the determination of planning applications, although further consideration is given below to the weight to be assigned to policy SA6 in particular. Once adopted this document will form part of the Development Plan 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.

Assessment

The main issues for consideration are:

- Principle of development;
- Impact on the character of the area and design;
- Access, parking and highway safety;
- Residential Amenity;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of development

Policy DP12 relates to the protection and enhancement of the countryside. In part it states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where

possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The proposal conflicts with the Policy DP12 as it is neither necessary for the purposes of agriculture nor is it supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan. However, there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan relates to Sustainable Economic Development and states in part:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- *Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- *Supporting existing businesses, and allowing them room to expand;*
- *Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

Provision for new employment land and premises will be made by:

- *Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of*
- *Allocating further sites within the Site Allocations DPD;*
- *Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and*
- *Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).'*

In addition it states:

'Effective use of employment land and premises will be made by:

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*

- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'*

Policy DP1 states that there is a requirement for 543 jobs per annum. The District Plan evidence base (EP36 (Burgess Hill Employments Site Study Update) and EP37 (Science & Technology Park: Potential Locations Assessment) of the District Plan examination library) equated this to 25ha of employment land. Policy DP1 states that this will be met through the allocation of 25 hectares of land at The Hub in Burgess Hill as well as allocating further sites through a Sites Allocations DPD.

Updated employment forecast prepared to inform the Sites DPD indicates an increased employment requirement of around 35 to 40 hectares up to 2031. The Submission Draft Sites DPD therefore seeks to allocate 8 employment sites as well as land for a Science and Technology Park. The District Plan together with the Sites DPD makes sufficient allocations to meet the identified employment need to 2031.

Policy SA6 of the Submission Draft Sites DPD seeks to allocate Marylands Nursery for B8 (Storage and Distribution) employment uses. The site is considered suitable for allocation having been through the site selection process and Sustainability Appraisal. The Sites DPD was submitted for examination in December 2020, with hearing anticipated in Spring 2021. During the Regulation 19 consultation two representations were received in relation to this site. One from a developer promoting an alternative site and the other from Bolney Parish Council raising matters relating to light pollution and to highway matters.

In relation to the weight to emerging plans, para 48 of the NPPF states:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

The Site Allocations DPD is at an advanced stage having been submitted for Examination 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. In addition only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application as discussed elsewhere in this report. In addition, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. It is

therefore, considered that this application is consistent with the policy criteria set out in Policy SA6 as set out further in this report. Therefore it is considered that significant weight can be given to Policy SA6 of the emerging plan as it relates to this site.

Policy SA6 of the emerging Site Allocations DPD sets out the following site specific requirements:

- *'Access should only be achieved using the existing access from the northern roundabout. Proposals should ensure no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.'*
- *'Proposals that include enabling non-business use classes in addition to business use will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment, that proposals for only business uses (B8) are not economically viable.'*
- *'Development must be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'*
- *'A site-specific Flood Risk Assessment will be undertaken to inform the site layout and any appropriate mitigation measures that may be necessary.'*

As set out further below it is your Officers opinion that the proposal complies with the above site specific requirements.

It is considered that in this instance, for the reasons given above, due to the emerging policy support, the current commercial nature of the site and the location being close to the main highway network, the principle of the re-development of the site in accordance with SA6 is considered acceptable

Impact on the character of the area and design

The site falls within the countryside. It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy BOLE2 of the Neighbourhood Plan seeks to protect and enhance the countryside. It states:

'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.'

Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest.'

There is thus an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is also found in the NPPF at para 170 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

As part of Policy SA6 of the Draft Site Allocations DPD, there is a requirement for the:

'development to be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'

Policy DP26 of the District Plan relates to character and design considerations and states:

'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.'*

Policy BOLD1 of the Neighbourhood Plan relates to the design of new development and conservation. It states:

'Planning permission for new development will ordinarily be permitted subject to the following criteria:

It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;

- *height, scale, spacing, layout, orientation, design and materials of buildings, and*
- *the scale, design and materials of the public realm (highways, footways, open space and landscape); and*
- *It does not have an unacceptable impact on the setting of any heritage asset; and*
- *It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- *It creates a safe, accessible and well-connected environment that meets the needs of its users; and*
- *It will not result in unacceptable levels of light, noise, air or water pollution, and*
- *Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility.'*

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 users⁴⁶; 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 chapter 7 relates to business parks and employment areas. Design Principle DG43 seeks to deliver attractive and clearly laid out employment areas that are sensitive to their surrounds. It states that:

'because of their size and scale, care needs to be taken to ensure that new commercial buildings do not adversely impose upon their surrounds.'

It requires that new buildings should be set within appropriate landscaping with native trees and shrubs defining the street environment and pedestrian realm. In addition, it requires parking and servicing to be softened / screened with vegetation and located where it has less impact on the public realm.

Principle DG44 of the Design Guide relates to the design of commercial buildings. This requires buildings to *'respond positively to the character and architectural traditions of the District in terms of scale, mass, form, materials and detailing'*. It states that *'the landscape and public realm should form the dominant feature within employment areas with the buildings forming a more neutral background. As such, the design of simple, rectilinear buildings within the landscape is promoted.'*

Whilst such a scale of the development would normally conflict with the Policy DP12, regard is made to the sites context. The site sits within a hard edged plot as it is surrounded by the highway network of the A23 and the A272 on all sides. Due to the existing commercial nature of the site and the proximity of the site with the surrounding highway network, it is considered that the character of the countryside in this location is not of a high value. As such the proposal would maintain the quality of the rural and landscape character in this part of Mid Sussex.

The site would provide a comprehensive redevelopment seeking to improve the character of the area. The buildings have been laid out to make an effective use of the topography and landscaping to mitigate the impact of the development, with the main built form at the lower end of the site or against existing dense vegetation, and hardsurfacing to the north and centre of the site. The longer building to the east of the site would be seen in context with the A23 which sits at a higher level than the site with dense tree screening between the site and the highway. Due to the intended use of the buildings these are to be large in scale, however, through the palette of materials and the barrelled roofs the appearance of the buildings would be minimised. The chosen colours of the elevations and roof seek to blend in with the surrounding trees and vegetation. In addition, it is considered that the design of the buildings seek to provide articulation and subdivision of the façade through the use of different materials to break up their mass and scale. The buildings would also provide reception and office space which would contribute positively to the surveillance of entrance areas and forecourts. As such it is considered that the proposal provides a high quality design and layout within the site appropriate to its context.

The proposal would provide enhanced planting of trees and vegetation particularly on the western and southern boundaries to soften the development further and reduce its visual impact along the Cowfold Road. In addition to tree planting to the site boundaries, areas of tree planting within the site will be provided to break up the hard surfacing. The landscaping within the site would also seek to further soften the development. As such it is considered that whilst within the countryside that the proposal would maintain the character of the rural and landscape character in the locality.

The Council's Landscape Consultant has considered the proposal and supports the scheme. She considers that:

'proposal to plant the landscape buffers with mixed native understorey shrubs and trees is supported. This and the proposed hedge would ensure that views into the site from Cowfold Road would be adequately mitigated.'

In addition she states that the:

'Landscape Strategy includes proposals for hard landscape materials and boundary fencing. The selected materials are of a high quality and should help to ensure successful integration of the proposed development into the local landscape.'

Concerns have been raised by the Parish Council who consider that the proposal would form an overdevelopment of the site and does not allow sufficient space for landscape mitigation to both the A272 and the London Road. Whilst these concerns are noted, as set out above, it is considered that the proposal sits well within the site providing suitable separation between the buildings and boundaries with appropriate landscape buffers on the boundaries of the site.

In light of the above, the proposal is considered to comply with Policy DP26 of the District Plan, the design principles of the Mid Sussex Design Guide, the site specific requirements of emerging Policy SA6 of the Submission Draft Site Allocation DPD,

policies BOLE1 and BOLD1 of the Neighbourhood Plan and para's 8, 127 and 170 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 BOLT1 of the Neighbourhood Plan states:

'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and*
- c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village.'*

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.'*

As part of Policy SA6 of the Draft Site Allocations DPD, there is a requirement for the development on the site to have access from the northern roundabout and also to ensure that the proposal would result in no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.

As part of the application, the existing vehicular access onto Cowfold Road would be closed off and the access for the site would be from the A23 / London Road roundabout from the north of the site. Following consultation with Highways England, the proposal would also provide an enhanced left turn flare on the London Road arm of the A272 / London Road junction, pending the full signalisation of the junction in association with the Northern Arc development in Burgess Hill. This would also include re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction.

The proposal is to provide 103 car parking spaces within the site which includes 12 electric charging vehicle points (4 per unit), 7 mobility impaired bays and 9 car sharing bays. There would be 32 cycle parking spaces provided. In addition, each unit is to have its own service yard to accommodate HGVs.

A Transport Assessment has been submitted with the application. It states that a *'junction capacity assessment exercise has been carried out for the A23 northbound / London Road / Site Access roundabout, the A23 southbound / A272 Bolney Road / A272 Cowfold Road / Crossways roundabout and the A272 Cowfold Road / London Road priority junction in accordance with the Planning Practice Guidance (2014) to assess the development impact on the local highway network. This has concluded that the proposed development would result in no 'severe' capacity impacts'*.

In addition, a draft Travel Plan accompanies the application to incentivise and promote the use of sustainable transport modes amongst employees and visitors. It indicates that *'staff will be made aware of all travel choices and will be provided with accurate and up-to-date information as soon as they commence occupation to encourage a culture of sustainable travel.'* It also set out that measures to encourage car sharing would be instigated with dedicated car parking spaces for those who do undertake car sharing.

The proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). It is to provide a suitable level of parking within the site as well as provide alternative options for travel.

The Highways Authority has considered the proposal and raise no objection subject to conditions. They advise that the *'developer has also made reference to the proposed signalisation of the A272/London Road junction that would come forward as part of the permitted 'Northern Arc' development. WSCC have considered the proposed development and associated London Road widening against the committed signalisation works; a combination of these works is understood to be incorporated within the 2031 Do Something scenario that includes the Northern Arc. WSCC are satisfied that the widening works proposed as part of the current development would not compromise the operation or delivery of the 'Northern Arc' traffic signals.'* As such they consider that the proposal would not result in *'a 'Severe' impact on the A272 junction.'*

Following additional highway information in relation to the creation of the left turn flare on the London Road arm of the junction, Highways England has raised no objection to the proposal subject to conditions. They consider that the *'the proposed development will not materially impact the reliability, operation or safety of the Strategic Road Network'*.

Both Bolney and Twineham Parish Councils raise concerns in relation to the future traffic signalisation of the A272 / A23 junction. They consider that a roundabout at this junction is the best solution to alleviate traffic queuing. Whilst this is noted, this solution does not form part of the current planning application and is not for consideration. As part of the highway modelling for the Northern Arc development,

traffic signalisation was put forward and agreed to come forward to address highway capacity issues.

Both the Highways Authority and Highways England are satisfied with the future proposed traffic signalisation of this junction which is due to come forward as part of the permitted 'Northern Arc' development.

In addition, it should be noted that in the preparation of the Site Allocations DPD the Council commissioned transport consultants Systra to undertake highways modelling of the proposed allocations. It is important to note that the Systra work took into account the mitigation measures which had been approved as part of the Northern Arc planning permission and therefore would have taken into account the proposed traffic lights at the A272/Cowfold Road junction. The Systra work was validated by Highways England (HE). As this site is a proposed allocation in the Sites DPD, the highways implications arising from this allocation were also considered by Systra in their modelling work. No strategic highways implications were identified at the plan making stage of the impact of this proposed development on the highway network.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policy BOLT1 of the Neighbourhood Plan, the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD, 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. In part this states:

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

Noise pollution:

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

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

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*

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

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'*

The site is set some distance away from residential properties. The nearest properties are at Magdalene Rise which is set some 70 metres to the north-west and Bolney Nursery Bungalow which is set some 127 metres to the west. These properties are separated from the site through the A272 and A23 link arm and dense tree and vegetation screening. In addition there are properties to the east of the site however they are separated from the site by the A23.

An Environmental Noise Impact Assessment Report has been submitted with the application. It indicates that the scheme will incorporate 3 metre high acoustic barriers along the northern perimeter of the loading and unloading areas to provide noise attenuation. It concludes that the proposed use of the site will not generate high noise levels and will not attract a significant number of vehicle movements to and from the Site. The proximity of the A23 Trunk Road results in predicted noise levels being lower than existing background noise levels.

The Council's Environmental Protection Officer has considered the proposal and raises no objection subject to conditions. He considers that subject to the mitigation measures of acoustic barriers and a condition *'prohibiting any deliveries or collections between midnight and 5am on any day (this is the quietest part of the night when traffic noise from the A23 will not provide as much "masking" so site noise will be more intrusive) except for Sundays where it will be 7am. The noise assessment demonstrates that these measures are suitable to avoid any significant adverse impact upon residential amenity.'*

In light of the proposed mitigation acoustic barriers, the distance of the residential properties and the existing background noise levels of the surrounding highway network, it is considered that the proposed development would not result in significant detriment to the amenities of nearby residential properties.

In respect of lighting, no details have been provided in respect of the type of lighting to be installed as part of the development. This can be controlled by a condition requiring such details. However, due to the context of the site with lighting on the adjacent highways networks, and the proposed enhanced screening on the boundaries of the site, it is not considered that there would be significant detriment to the amenities of nearby residential properties.

The proposal is thereby considered to comply with Policies DP26 and DP29 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'*

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 a Sustainability Statement. This sets out a range of sustainability measures to be incorporated into the design of the development to improve the overall environmental performance. It sets out that this will be sought through building fabric improving on the minimum requirements of Part L of the Building Regulations as well as on the windows. It is submitted that air source heat pumps will be used to provide efficient and cost effective heating. In addition, energy efficient lighting is proposed and water use is to be limited through water efficient fittings and using suitable planting which does not require irrigation systems.

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

The site is situated close to the A23. Near to the site is a bus stop as well as a cycle route (National Cycle Route 20). There is a continuous footway which is lit outside of the site and to the north along the Old London Road as well as to the south and west along Cowfold Road to the village of Bolney. A draft Travel Plan has been submitted with the application which would be made available to staff on the site. The draft Travel Plan sets out a number of measures will be implemented to encourage sustainable means of travel. The site would provide 37 covered cycle parking spaces. In addition car sharing would be encouraged with 9 priority spaces allocated for those who car share to the site. The proposal would also provide 12 active ultra low emission vehicle charging bays throughout the site (4 per unit).

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District 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.

A Flood Risk Assessment (FRA) has been submitted with the application which states that there is surface water flood risk on surrounding public highways, however it concludes that water depths are a maximum of 300mm and the overall surface water flood risk is low. The submitted FRA considers that the completion of the development will not increase flood risk on or off the site.

A surface water drainage piped system, with petrol interceptors, permeable paving and storage tanks is proposed to manage drainage on site. In addition, it is proposed

that the development will discharge foul water sewage to an existing public foul sewer located beneath Cowfold Road.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition concerning details of the proposed foul and surface water drainage and means of disposal. 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 and the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD.

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.

Policy BOLE1 of the Neighbourhood Plan has a similar ethos to the above.

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 reasons⁵⁸ and a suitable compensation strategy exists'*. In addition it considers that *"development whose primary objective is to conserve or enhance biodiversity should be supported"*.

An Ecological Impact Assessment has been submitted with the application. This concludes that the *'existing buildings/structures and trees within the site are deemed to have 'negligible' potential for roosting bats due to poor suitability and lack of roosting features for bats.'* In addition it considers that the *'site was found to be of 'negligible' value to amphibians and reptiles.'* The assessment acknowledges that areas *'of grassland and hedgerow will be lost through the proposals; these areas shall be replaced through the new planting of boundary vegetation. Once avoidance, mitigation and compensation measures have been taken into account, the impact of the proposed development upon protected species will be negligible.'*

The Council's Ecology Consultant has commented on the proposal and advises that *'there are no biodiversity policy reasons for refusal or amendment of the proposals'*. He recommends that if permission is granted that a condition is attached to the permission to ensure that the recommendations for mitigation and enhancement set

out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full.

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, Policy BOLE1 of the Neighbourhood 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.'*

A Tree Survey has been submitted as part of the application. This relates to the trees on the boundaries of the site. It identifies that there are no trees of particular merit on the site including Leyland Cypress, Ash, Sycamore, Hawthorn and mixed tree groups. Whilst there are trees and shrubs within the site which would be removed, these are identified in the tree constraints plan as saplings.

A Landscape Design Strategy has been submitted with the application. This identifies that the existing established trees along the boundaries of the site would be retained and protected with suitable provision for the Root Protection Areas (RPA's). Additional tree planting is proposed along the boundaries with native tree planting and hedgerows to soften the development and improve ecological connectivity. A Landscape Masterplan has been included which shows the location of the additional planting along the boundaries which shows enhancements on the southern and western boundaries with the Cowfold Road and link road to the A23.

The landscape strategy aims to maintain and reinforce the soft edges of the site and provide visual separation between the site and the adjacent roads. Plans show that Unit 1 is to be set off the western and southern boundaries to allow for a suitable landscape buffer. In addition, Unit 3 is to be set off the southern boundary with replacement of the existing poor quality trees with mixed native species and understorey planting. The proposed landscaping and planting will enhance the site and provide improvements on the existing vegetation with native trees and shrubs.

Policy SA6 of the Submission Draft Site Allocation DPD has a requirement that any development should provide *'a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'* It is considered that the landscape strategy and masterplan submitted as part of the application shows that the development would be set within a landscaped setting to minimise the impact of the development on the immediate area and surrounding highway network.

In light of the above, it is considered that the proposal would thereby comply with Policy DP37 of the District Plan and the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD.

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.'

Within the above policy, the pooling restrictions on 5 or more obligations is no longer relevant and has been removed under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Notwithstanding this, the above policy is relevant in respect of requiring applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact.

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

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

- b) An Affordable Housing SPD
- c) A Development Viability SPD

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

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

and:

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

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

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

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

County Council Contributions

TAD: £56,320

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

The above contribution is required to mitigate the impacts of the proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development. 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.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 is identified as an employment allocation in the Submission Draft Site Allocations DPD (Policy SA6). The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Planning Balance and Conclusion

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.

Although the proposal is in conflict with the Policy DP12 (which seeks to protect and enhance the countryside) as it is neither necessary for the purposes of agriculture nor is supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan (which relates to sustainable economic development) requires the provision for new employment land and premises to be made through the allocation of further sites with the Site Allocations DPD. Policy SA6 of the Site Allocation DPD proposes the allocation of this site for B8 (Storage and Distribution) employment uses. In line with Paragraph 48 of the NPPF local planning authorities can give weight to policies of emerging plans depending on the stage of preparation of the emerging plan; the extent of unresolved objections; and the degree of consistency of the relevant policies to the NPPF. The Site Allocations DPD is at an advanced stage having been submitted for Examination. In addition, only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application. Finally, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. Therefore, significant weight can be given to the emerging plan as it relates to this site.

Turning to the impact of the proposals, Policy DP12 indicates that development within the countryside must maintain or where possible enhance the quality of the rural landscape character. In this respect regard must be had to both the site's context (which is bounded on all sides by major roads of the A23 and A272) and to its existing character (which is commercial). As such it is argued that this site does not currently enhance the character and beauty of the countryside. However, the proposal is of a high-quality design and layout with comprehensive landscaping which would both create an appropriate setting and landscaped context for the

development as well as mitigating the impact on the surrounding area and maintain the character of the countryside.

The redevelopment of the existing commercial site would provide economic and social benefits through the provision of employment during both the construction period and the formation of employment following the construction of the new business units. This would assist in supporting economic growth and proactively supporting sustainable economic development within the District.

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

Although the principle of the application does not comply with Policy DP12, there are other material considerations which outweigh this conflict. The application is considered to comply with policies DP1, DP20, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 of the District Plan, the design principles of the adopted Mid Sussex Design Guide, policies BOLE1, BOLE2, BOLD1 and BOLT1 Bolney Neighbourhood Plan, Policy SA6 of the Submission Draft Site Allocation DPD, and the relevant provisions 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. Accordingly the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-Commencement conditions

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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 works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping on the A23 and London Road facing sides of the site have been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. No part of the development hereby permitted (including site preparation or clearance) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority (who shall consult Highways England). 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: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and 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.

7. No storm water run-off that may arise due to the development hereby permitted will be accepted into the highway or highway drainage systems, and there shall be no connections into those highway drainage systems from the development and its drainage systems.

Reason: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

8. No part of the development site shall be accessed (either temporary or permanently) to or from the A23.

Reason: To ensure the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. Prior to the commencement of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

Construction Phase

10. 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.

11. The works shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (1416-KC-XX-YTREE-TCP01Rev0) received 22nd 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.

12. The recommendations for mitigation and enhancement set out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full unless otherwise agreed in writing by the local planning authority and a statement of compliance signed by the appointed ecologist / wildlife consultant shall be submitted to, and approved by, the local planning authority prior to use of the completed development.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and policy 175 of the NPPF.

13. No external materials shall be used other than those specified on the approved drawings P110 rev H and P141 (received 16th December 2020) without the prior written approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan

Pre-occupation conditions

14. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-03 P3. 'PROPOSED JUNCTION ADJUSTMENTS' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

15. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-02 P2. 'PROPOSED ACCESS ROUNDABOUT' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety 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 the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

17. 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.

18. 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.

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

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

20. Prior to the occupation of the development, hard and soft landscaping shall be carried out in accordance with the details set out in the Landscape Masterplan (drwg ref LLD1912-LAN-DWG-010 Rev 04 - received 16th December 2020) and the Landscape Design Strategy (rev 03 - received 16th December 2020). 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.

Post construction / Management

21. No deliveries or collections shall take place until details/specification of the acoustic barriers have been submitted to, and approved in writing by, the LPA, and the barriers are in place. The barriers shall be suitably maintained thereafter.

Reason: In the interest to protect residential amenities from noise and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

22. Deliveries and Collections Deliveries and collections of goods, materials or waste shall not be permitted Between midnight and 05:00 Monday to Saturday and midnight to 7am Sundays

Reason: In the interest to protect residential amenities from noise and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

23. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

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

24. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be carried out in accordance with the approved details.

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

25. The development hereby permitted, shall be used for storage and distribution purposes only falling within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), as shown on the approved plans, and for no other purpose (except for any other purpose in the same Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable suitable employment use for which the site is allocated for and to accord with Policies DP1 and DP12 of the Mid Sussex District Plan 2014 - 2031 and Policy SA6 of the Mid Sussex Submission Draft Sites DPD.

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 relation to condition 5 in respect of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site, the scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.
3. In relation to condition 9 regarding air quality, in order to ensure approval, we strongly recommend that the above mitigation scheme is agreed in advance with the Council's Air Quality Officer.
4. Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email planningse@highwaysengland.co.uk

5. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. A formal application for connection to the public sewerage system is required in order to service this Development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements
7. 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 or by phone on 01444 477175.
8. 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.

9. 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 Plan	P400	B	22.03.2021
Existing Site Plan	P401	B	22.03.2021
Proposed Site Plan	P402	L	22.03.2021
Proposed Floor Plans	P110	H	16.12.2020
Proposed Elevations	P110	H	16.12.2020
Proposed Roof Plan	P112	A	22.07.2020
Existing Floor and Elevations Plan	190:02	A	22.07.2020
Existing Elevations	190927 ELE		22.07.2020
Planning Layout	P405	H	22.03.2021
Planning Layout	P404	J	22.03.2021
Landscaping Details	P403	J	22.03.2021
Tree Survey	1416-KC-XX-YTREE-TCP01	0	22.07.2020
Landscaping Details	LLD1912-LAN-DWG-010	04	16.12.2020
Access Plan	14202-H-02	P2	28.07.2020
Access Plan	P406	B	22.03.2021
Sections	P407	B	22.03.2021
Levels	P408		22.03.2021
Highways Plans	H-03	P3	03.03.2021
Proposed Floor Plans	P140		16.12.2020
Proposed Elevations	P141		16.12.2020
Proposed Roof Plan	P142		16.12.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council objects to the revised plans as they represent over-development of the site and do not allow sufficient space for landscape mitigation to both the A272 and the London Road. The revised drawings do not show how the buildings will fit into the contours of the land so further elevation drawings that take into account the topography of the site should be provided. We are very concerned that the slope of the land will increase the bulk and height of the development. We would like to see a condition limiting the hours of use of the site. A noise and light management plan should also be made a condition to protect the setting of the Grade 1 listed Church and the nearby residential properties.

The Parish Council continues to be concerned about traffic management at the A272/London Road junction. Although we note that an extra lane has now been included on the London Road, we stand by our view that a roundabout is the best solution for this junction.

Highways England

Amended

Referring to the planning application referenced above received by Highways England on 31st July 2020, in the vicinity of the A23 at Bolney, West Sussex that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Highways Act Section 175B (covering new access to the SRN) is relevant to this application.

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i. informed Highways England; and
- ii. consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Annex A - Highways England recommended Planning Conditions

Having assessed application DM/20/2640, Highways England recommends that the following conditions be attached to any planning permission granted:

Pre-Commencement Condition: Landscaping on A23 and London Road Facing Boundaries

1. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping on the A23 and London Road facing sides of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Pre-Commencement Condition: Geotech

2. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: The scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.

Pre-Commencement Condition: Construction Management Plan

3. No part of the development hereby permitted (including site preparation or clearance) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Action 1980.

Pre-Commencement Condition: Surface Water drainage

4. No storm water run-off that may arise due to the development hereby permitted will be accepted into the highway or highway drainage systems, and there shall be no connections into those highways drainage systems from the development and its drainage systems.

Reason: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

Access

5. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-02 P2. 'PROPOSED

ACCESS ROUNDABOUT' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

6. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-03 P3. 'PROPOSED JUNCTION ADJUSTMENTS' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

7. No part of the development site shall be accessed (either temporary or permanently) to or from the A23.

Reason: To ensure the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: Works affecting the Public Highway

Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email planningse@highwaysengland.co.uk

Original

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the A23.

Having reviewed the documentation online supporting this application we consider that we require further information in order for us to make an informed decision in relation to the

potential impacts of the development on the Strategic Road Network. The following comments/requests should be considered by the applicant for response:

Traffic Impact

Highways England's consultant has undertaken a review of the junction modelling as attached, which raises a number of issues to be resolved for consideration and response by the applicant. It should also be noted in particular that Highways England's records show the north arm of the A272 Cowfold Road / London Road junction to be within Highways England's ownership as attached. As it stands, the modelling for this junction predicts that the junction will operate overcapacity in the 2031 AM peak and the development is adding additional trips resulting in an increase in delay of 22 seconds per vehicle. Therefore, further mitigation should be considered to mitigate this impact to 'nil detriment'.

Access

The access design has been subject to a design check and Stage 1 Road Safety Audit and is therefore in principle acceptable to Highways England. However, as outlined above, there are a number of queries raised in relation to the junction modelling, including for the roundabout junction from which the access is taken, and therefore the modelling still needs to demonstrate that the access and the development are acceptable.

Drainage Strategy

In relation to the drainage strategy, we note that the development proposes a foul water connection to the Cowfold Road sewer, while surface water runoff is proposed via infiltration if viable, with offsite discharge if not. With regard to the latter, the applicant should consider the requirements set out in DfT Circular 02/13 whereby Highways England does not permit stormwater runoff into its highway boundary or its drainage network, while if there is an existing storm water connection from the development site into Highways England's drainage network, Highways England may not allow continued discharge into its network following change of use of the site. As such, Highways England strongly advises that the ground infiltration/soakaway option is pursued, but if this is not practicable, and discharge into Highways England's drainage network is required, then the applicant will need to robustly demonstrate to Highways England that this is absolutely necessary, and even if this is acceptable, Highways England would seek to reduce the stormwater outflow into HE's network.

Landscape Masterplan/Boundary Treatment

We note that the landscape Masterplan and Boundary Treatments mainly involve planting and a perimeter fence. As shown on the attached plan, our records indicate Highways England owns the visibility splays for the northern arm of the A272 Cowfold Road / London Road junction. Therefore, the applicant should be mindful of the prescribed DMRB requirements in terms of these visibility splays and that they will need to be kept clear.

Construction Management Plan

We note that the Transport Assessment proposes that a Construction Traffic Management Plan is conditioned. As such, once Highways England is in a position to send a final response on this application, we will be recommending that a Construction Management Plan is conditioned. This will need to include details on construction mitigation measures to prevent the construction activity, materials, and vehicles from impacting the SRN. Measures include but are not limited to, wheel washing facilities, dust management, where contractors vehicles will be parked within site, pre-arranged site deliveries to avoid queuing, avoidance

of movements to and from the site during peak network hours where practicable, loading and unloading points (which shall not be on the SRN), storage of materials etc.

Until all the requested information is received, assessed and agreed, we are not in a position to confirm that the proposed development would not materially impact the reliability, operation or safety of the Strategic Road Network (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109). Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. If, in the meantime, your authority wishes to determine the application, please let us know and we will provide you with a formal response based on the information available at that time.

WSCC Highways Authority

Amended

Background

The Local Highway Authority (LHA) has been consulted on the above application by Mid-Sussex District Council (MSDC) to assess the highway safety and capacity implications of the development. The site accesses the A23/A272 Brighton Road slip road which is maintained at this point by Highways England (HE). The LHA has previously assessed this application on its potential impact on the A272 junction only. Our comments on this were submitted to MSDC in August 2020. The capacity impact on the A23 and surrounding roads has also been assessed by HE.

Latest Proposals

As part of this consultation we are now commenting on the principle of the developer enhancing the left hand turn lane on to the London Road junction with the A272, pending the full signalisation of the junction in association with the 'Northern Arc' development in Burgess Hill. The developer agreed on HE's request that a mitigation scheme will be required to satisfactorily accommodate the proposed development. The revisions have been submitted with a revised Technical Note (TN) dated December 2020.

The applicants proposed works are shown on drawing H-03 Rev 02 contained within the appendices of the TN. It should be noted that the area in which the enhancements are proposed are within WSCC's area of maintenance therefore consultation with WSCC's Highway Agreements Team will need to take place as part of an S278 works.

Comments and Conclusion

With regard to vehicular movements calculations are taken from Figures 0-2 and 0-3 in the appendices of the original Transport Assessment (TA) would still stand as no further adjustments are made to the site that would warrant a change in vehicular movements. A forecast total of 42 trips in the AM peak and 32 in the PM peak. Of these trips only 26 in the AM peak (14 arrivals and 12 departures) and 24 in the PM peak (4 arrivals and 20 departures) shall use the A272 Cowfold Road/London Road junction. Based on these increased traffic flows, formal modelling using industry accepted software has been undertaken for a future year scenario of 2031.

The future year modelling clearly demonstrates that the A272/London Road junction will operate above theoretical capacity in the future year scenario. The additional development proposed will consequently worsen performance. It is important to note that the

development is not the cause of the capacity issues, and that these are forecast to occur regardless of the development.

The developer has nevertheless proposed a scheme of improvements. This scheme widens the approach to the junction allowing for separate lanes for traffic turning left and right onto the A272. The modelling with the scheme of improvements (referred to as the Do Something scenario) demonstrates that the proposed improvements adequately mitigates the impact of the proposed development and that with the improvement there are no residual capacity impacts.

The proposed improvements have been the subject of a Stage 1 Road Safety Audit (RSA) has been carried out by the developer and signed by HE with all 3 problems addressed. It would have been advisable for WSCC to have countersigned the designers responses to those problems affecting the WSCC maintained highway network. Nevertheless, the LHA note the content of the Audit and are happy to accept things as they stand.

The developer has also made reference to the proposed signalisation of the A272/London Road junction that would come forward as part of the permitted 'Northern Arc' development. WSCC have considered the proposed development and associated London Road widening against the committed signalisation works; a combination of these works is understood to be incorporated within the 2031 Do Something scenario that includes the Northern Arc. WSCC are satisfied that the widening works proposed as part of the current development would not compromise the operation or delivery of the 'Northern Arc' traffic signals.

Conclusion

No objection to the proposals subject to the following Condition and Informative:

Access (Access to be provided prior to first occupation)

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

Reason: In the interests of road safety.

INFORMATIVE

Works within the Highway - Implementation Team

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

WSCC County Planning Officer

Amended

Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	80
Net Commercial Floor Space sqm	0
Total Access (commercial only)	0.0000
Number of fire hydrants	To be secured under Condition

Total TAD Contribution due

£56,320

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 in terms of demand on Highways and Sustainable 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.

All TAD (Total Access Demand) 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 additional 80 net 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>).

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 contribution towards the provision of Transport and Sustainable Infrastructure should be by reference to an appropriate index, preferably RICS BCIS All-In-TPI. This figure is subject to annual review.

The contribution shall be spent on safety improvements on roads and lanes within the Parish and the Strategic routes and junctions of the A272 and A23, as identified in the Bolney Neighbourhood Plan.

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 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, parking spaces, nature or tenure, may generate a different contribution requirement and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the altered figures are known and not be left until signing of the section 106 Agreement is imminent.

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.

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.

Should you require further information in relation to the calculation of the contributions, please see below:

TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x £1,450

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).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

Original

Summary of Contributions:

Net Population Increase	-1.9
Net Parking Spaces	93
Net Commercial Floor Space sqm	9894
Total Access (commercial only)	210.5106
Number of fire hydrants	To be secured under Condition

Total TAD Contribution due

£211,865

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 in terms of demand on Highways and Sustainable 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.

All TAD (Total Access Demand) 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 a decrease in 1 dwelling, and an increase in 9894sqm of Class B8 floor area, and an additional 93 net 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>).

Deed of Planning Obligations

- b) 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.
- e) The deed would provide for payment of the financial contribution upon commencement of the development.
- f) 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.
- g) Review of the contribution towards the provision of Transport and Sustainable Infrastructure should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contribution shall be spent on safety improvements on roads and lanes within the Parish and the Strategic routes and junctions of the A272 and A23, as identified in the Bolney Neighbourhood Plan.

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 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, parking spaces, nature or tenure, may generate a different contribution requirement and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the altered figures are known and not be left until signing of the section 106 Agreement is imminent.

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.

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.

Should you require further information in relation to the calculation of the contributions, please see below:

TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

c) 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.

Infrastructure contributions = Car parking spaces x £1,450

d) 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).

Sustainable transport contribution = (net car parking - occupancy) x 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 is 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 although higher risk does exist on the Cowfold Road to the south of the site.

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? Yes

Comments: Current Ordnance Survey mapping shows ordinary watercourses running near to the south east corner of the site.

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 flooding within the site? No

Comments: We do not have any records of surface 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 FRA and Drainage Strategy for this application propose that permeable paving and below ground attenuation with a restricted discharge to the main sewer would be used to control the surface water from this development.

In the spirit of SuDS implementation, betterment for surface water systems on developments could be sought. This could include retention at source through green/blue roofs, rain gardens, swales, bioretention systems or tree pits prior to disposal to reduce peak flows.

SuDS landscaping also significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

The District Council Drainage Engineer may want to review this application to identify if there are any site specific land use considerations that may affect surface water management and for a technical review of any drainage systems proposed.

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.

WSCC Minerals and Waste

Please be advised that the Minerals and Waste Planning Authority would offer No Objection to the proposed developments as per the subject line of this email.

Both applications are within the curtilage of an existing dwellings and would therefore meet consultation exemption criteria as per 2.4 of the Minerals and Waste Safeguarding Guidance (found here).

WSCC Water and Access

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.'

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

I refer to your consultation in respect of the above planning application and would provide the following comments:

1) Prior to the commencement of the development details showing the proposed location of [1] fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and

arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

MSDC Planning Policy

The Mid Sussex District Plan was adopted in March 2018 and the Bolney Neighbourhood Plan was made in September 2016.

The site is outside the built-up area boundary and falls within the defined countryside area as shown on the adopted Policies Map.

District Plan Policy DP1: Sustainable Economic Development sets out a commitment to allocate further employment sites within the Site Allocations DPD.

A material planning consideration to note is that the site is within the submission draft Site Allocations DPD. The National Planning Policy Framework (NPPF) (paragraph 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework. Mid Sussex District Council published its Site Allocations DPD for Regulation 18 consultation in October-November 2019. The Site Allocations DPD has therefore completed the first formal stage of preparation and carries weight, albeit limited. The Site Allocations DPD is now at the Regulation 19 stage and submission for Examination is anticipated in Winter 2020.

The submission draft Site Allocations DPD (Regulation 19) includes this site as a proposed employment allocation to meet residual Employment needs - SA6: Marylands Nursery, Cowfold Road, Bolney. There is also an emerging policy within the submission draft Site Allocations DPD, Policy SA GEN, which sets out the general principles for the site allocations. This includes principles for urban design; air quality, light, noise and amenity; biodiversity and green infrastructure; access and highways; flood risk and drainage; and sustainability.

The proposed site allocation is for 2.4Ha of employment land for use class B8 (Storage and Distribution) and emerging Policy SA6 supports proposals for this use. The proposed development comprises this use.

Emerging Policy SA6 sets out several site-specific requirements:

- Access should only be achieved using the existing access from the northern roundabout. Proposals should ensure no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.
- Proposals that include enabling non-business use classes in addition to business use will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment, that proposals for only business uses (B8) are not economically viable.
- Development must be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.
- A site-specific Flood Risk Assessment will be undertaken to inform the site layout and any appropriate mitigation measures that may be necessary.

There are other District Plan and Neighbourhood Plan policies relevant to this planning application including District Plan Policy DP21: Transport and Neighbourhood Plan Policy BOLT1: Transport Impact of Development.

MSDC Landscape Consultant

Amended

1) Summary Recommendation

Recommend for approval

It is recommended that the proposed development can be supported subject to the imposition of conditions to ensure the full implementation of the proposed landscape masterplan and the long term management of the existing trees and landscaped areas.

2) Reasons for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:
'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2. A revised Landscape Design Strategy and Masterplan (Lizard Landscapes Dec. 2020) have been submitted to support the application.

3. The Landscape Strategy aims, amongst other things, to:

- Maintain and reinforce the soft edges of the site
- Provide visual separation between the site and adjacent roads

4. The revised site layout locates Unit 1 further into the site such that the landscape buffer in the south west corner of the site can be extended to a consistent width along the southern boundary. The gap between units 2 and 3 has been removed and this allows more space for the buffer planting on the southern boundary of these units.

5. The proposal to plant the landscape buffers with mixed native understorey shrubs and trees is supported. This and the proposed hedge would ensure that views into the site from Cowfold Road would be adequately mitigated.

6. The landscape masterplan proposes to retain existing native trees and shrubs around the boundaries of the site. It also proposes to replace inappropriate vegetation, such as conifers and laurel with native trees and shrubs. This is supported; however, it should be noted that there are quantities of ash trees on the boundaries which are affected by ash dieback. These would need to be removed and replaced with more suitable native species of tree.

7. The Landscape Strategy includes proposals for hard landscape materials and boundary fencing. The selected materials are of a high quality and should help to ensure successful integration of the proposed development into the local landscape.

8. The external building finishes and paint colours have been selected using the High Weald Colour Study and this is welcomed.

9. It is recommended that the proposed development can be supported subject to the imposition of conditions to ensure the full implementation of the proposed landscape masterplan and the long-term management of the existing trees and landscaped areas.

Original

1) Summary Recommendation

Recommend for refusal.

The principle of developing this site for business use is established in the Local Plan and a high quality development within a robust landscape masterplan could provide an opportunity to enhance landscape and visual amenity of this site.

The proposal would not comply with NPPF Section 15 policies for conserving and enhancing the natural environment. This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

2) Reasons for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

2. The Landscape and Visual Impact Assessment (LVIA), Lizard Landscapes July 2020, provides an accurate assessment of the baseline landscape and visual context of the site and surrounding area.

3. The conclusions of the LVIA are that the proposed development would have a negligible effect on local landscape character and views and in the longer term, as the proposed landscape mitigation matures, this would result in overall beneficial effects.

4. A Landscape Design Strategy and masterplan have been submitted to support the application. This aims amongst other things to :

- Maintain and reinforce the soft edges of the site
- Provide visual separation between the site and adjacent roads

5. The proposed boundary treatment is, at the widest point, 10m in depth on the western boundary of the proposed development. On the southern and eastern boundaries it is 5m or less in depth. The proposal to plant these areas with mixed native understorey shrubs and

trees is supported, however to provide an effective screen of large species trees, such as English oak, a wider landscape buffer would be required. At maturity oak has a canopy spread of over 8m and other suitable native trees such as field maple spread 4-8m. An effective planted buffer would need to be a minimum of 10m in depth to allow sufficient room for trees to spread and to provide an adequate depth of understorey planting.

6. The LVIA assessment concludes that the visual impacts from Cowfold Road and the NCN, which runs along the eastern boundary of the site, would be negligible and in the long term enhanced. This is considered to be an underestimate of the potential visual impacts. Unit 1 will be very prominent in views from Cowfold Road and Units 2 and 3 very dominant when viewed from the NCN. The parking area in the north east corner of the site will also encroach very close to the boundary and could compromise the roots of the trees to be retained.

7. The landscape masterplan proposes to retain existing native trees and shrubs around the boundaries of the site. It also proposes to replace inappropriate vegetation, such as conifers and laurel with native trees and shrubs. This is supported, however it should be noted that there are quantities of ash trees on the boundaries which are affected by ash dieback. These would need to be removed and replaced with more suitable native species of tree.

8. The principle of developing this site for business use is established in the Local Plan and a high quality development within a robust landscape masterplan could provide an opportunity to enhance landscape and visual amenity of this site.

9. It is recommended that the proposed development is not supported as it would represent over development of the site and would not allow sufficient space for effective landscape mitigation.

MSDC Urban Designer

Amended

The deeper buffer strip and additional planting along the Cowfold Road boundary is welcomed. However, it involves pushing unit 1 closer to the existing tree belt on the north west boundary that could undermine / require the loss of some of these trees and provide limited space for replacement planting. While I am also glad to see the reduction in the height of units 2+3, little else appears to have been done to give these very large buildings a more human scale which is not helped by conjoining them.

The drawings also need to demonstrate how the buildings deal with the topography as the 4m differential between the north and south boundary is not represented in the elevations which are all drawn as if they will be on flat land. The conjoining of units 2 and 3 also inhibits the scope to step down the slope. Contextual section drawings (north/south and east/west) are needed to show how the buildings will in fact sit on the site and their relationship with existing and proposed trees / buffers and in respect of the adjacent surrounding roads (with levels accurately plotted). This should show where there needs to be embanking and cuttings, which should also be represented on the site plan together with the contours.

The soft landscaping in the middle of the site is little changed; however as it appears to be principally a storage use (rather than office), and providing there is adequate tree screening around the site, this is not a significant issue.

Original

The main design issue is its impact upon the AONB. As such it is chiefly one for Virginia Pullen; and I note that she does not support it as it would represent overdevelopment of the

site and would not allow sufficient space for effective landscape mitigation. I would agree with her assessment as I believe the blocks are too large and imposing upon the surrounds. The draft Mid Sussex Design Guide may be adopted (anticipated adoption date 30/9/20) before this application is determined, and at the moment this scheme does not follow the draft guidance. In particular, I believe consideration needs to be given to: (a) incorporating a deeper soft landscaping buffer as per DG43; (b) more soft landscaping within the site to break-up the car parking as per DG43; (c) improvements to the building design to give them a more human scale as per DG44.

MSDC Drainage

Recommendation: No objection subject to conditions.

Flood risk

Due to the size of the site the applicant is supported by a Flood Risk Assessment and Conceptual Drainage Strategy (RGPL/19/D1826/FRA2.1, 12 May 2020).

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. The Flood Risk Assessment states that there is surface water flood risk on surrounding public highways, however it concludes that water depths are a maximum of 300mm and the overall surface water flood risk is low.

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

A surface water drainage piped system, with petrol interceptors, permeable paving and storage tanks is proposed to manage drainage on site.

However, the Flood Risk Assessment and Conceptual Drainage Strategy report also states that should infiltration not be possible then surface water shall discharge to the adjacent watercourse. Runoff rates from the site would be limited to 13.6l/s, and the report states this would result in no increase in runoff from the site.

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

We would advise the applicant that this development would be considered 'new build' in terms of drainage potential. Therefore, surface water drainage should be designed to manage the 1 in 100-year storm event, with an additional 30% allowance for climate change. We would also advise that any discharge from the site should be limited to the Greenfield QBar rate for the positively drained area.

We would also advise the applicant that potential contamination on site should be considered when undertaking the detailed drainage design.

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 discharge foul water sewage to an existing public foul sewer located beneath Cowfold Road.

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.

General drainage requirement guidance

SURFACE WATER DRAINAGE

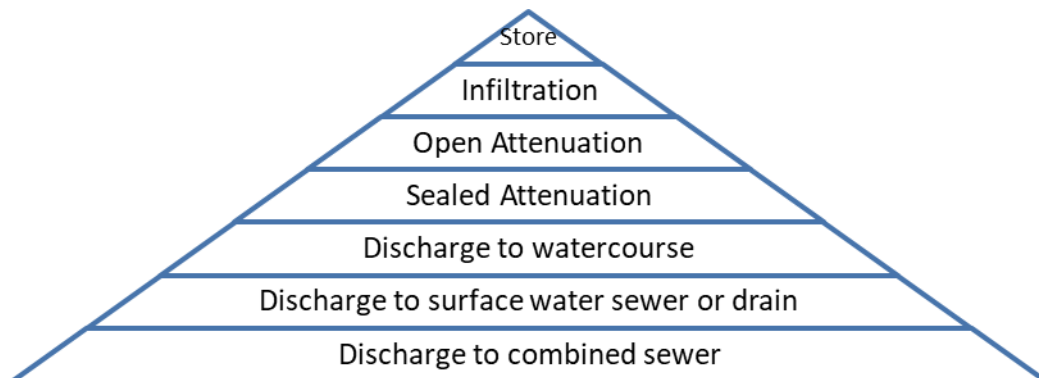
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

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

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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



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

FOUL WATER DRAINAGE

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

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

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

Flood Risk and Drainage Information for Planning Applications

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

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

Useful Links

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

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

Information Requirements

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

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.
<p>Multiple plot development</p>	<ul style="list-style-type: none"> A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.
<p>Public sewer under or adjacent to site</p>	<ul style="list-style-type: none"> Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

Information Requirements - Surface Water Drainage

<p>PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p>INFORMATION REQUIRED</p>
<p>Infiltration e.g. Soakaways</p>	<ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to public sewer	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>
SuDS and attenuation	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

Ecologist

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The recommendations for mitigation and enhancement set out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full unless otherwise agreed in writing by the local planning authority and a statement of

compliance signed by the appointed ecologist / wildlife consultant shall be submitted to, and approved by, the local planning authority prior to use of the completed development.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and policy 175 of the NPPF.

MSDC Environmental Health

Amended

The application is 3 no. B8 (storage, distribution etc) units along with parking and access for HGV's. There are residential premises around 70m from the site entrance so there is potential for residential amenity to be affected due to noise, particularly at night. The main noise sources will be goods vehicles arriving and departing with associated delivery noise, and plant noise (e.g. condenser units, boilers etc).

An updated environmental noise assessment has been submitted, which concludes that due to the distance from the residential premises and the already existing high background noise levels (from traffic on the A23, A272 and the slip road and roundabout) the operational activity on the application site will be low impact or barely audible during daytime hours.

However as 24 hour use is sought, some additional measures are proposed in order to avoid potential sleep disturbance to the properties NW of the entrance. Acoustic barriers will be installed along the northern boundary of the delivery areas and a condition has been agreed with the applicant prohibiting any deliveries or collections between midnight and 5am on any day (this is the quietest part of the night when traffic noise from the A23 will not provide as much "masking" so site noise will be more intrusive) except for Sundays where it will be 7am. The noise assessment demonstrates that these measures are suitable to avoid any significant adverse impact upon residential amenity.

Other issues I recommend conditions for include construction hours, lighting and air quality.

Accordingly, should planning permission be granted, recommended conditions are as follows:

Conditions:

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

- Plant & Machinery (operational): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Reason: To protect the amenity of local residents

- Operational Deliveries and Collections Deliveries and collections of goods, materials or waste shall not be permitted Between midnight and 05:00 Monday to Saturday and midnight to 7am Sundays
- Lighting: Prior to the installation of any external lighting on the site details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority.
- Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above mitigation scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

- Acoustic Barriers - No deliveries or collections shall take place until details/specification of the acoustic barriers have been submitted to, and approved in writing by, the LPA, and the barriers are in place. The barriers shall be suitably maintained thereafter.

Original

The application is for 3 no. B8 (storage, distribution etc) units along with parking and access for HGV's. There are residential premises around 70m from the site entrance so there is potential for residential amenity to be affected due to noise, particularly at night.

An environmental noise assessment has been submitted, which concludes that due to the distance from the residential premises and the already existing high background noise levels (from traffic on the A23, A272 and the slip road and roundabout) the operational activity on the application site will be low impact or barely audible.

For daytime use, I am minded to agree with this conclusion, however the acoustic report leaves some questions unanswered which could have an impact upon its conclusions for night-time disturbance:

- Hours of use - these are stated as unknown on the application form. On page 17 of the noise assessment vehicle trip rates are listed from 0500 hrs to 2100 hrs so it appears that only the impact of these hours has been assessed.
- Vehicle idling - Section 5.2 assumes no HGV idling during the night-time assessment. There is no explanation of this or how it can be ensured.
- Other noise sources - Noise from vehicle refrigeration units, reversing alarms, fork lift truck movements, vehicle door impacts, tailgate noise, scissor lifts etc does not seem to have been included in the assessment.
- BS4142 - "on-time" corrections have not been quantified or justified.

- BS4142 - rating corrections/penalties for tone, impulsivity and intermittency do not appear to have been considered.
- BS4142 - sources of uncertainty have not been commented on as required by the standard.
- Noise data - the noise source data (Table 3) does not make clear at what distance the measurements were made and what speed the HGV vehicle was travelling.

These issues may or may not make a significant difference to the outcome of the assessment. If the applicant would be willing to accept an hours of use condition say from 0700 to 2200 hrs Mon to Sat and 0800 hours to 200 hrs on Sundays then, in my view, these issues, which could affect the sleep of residents during the night, would not be significant. However, if the applicant seeks longer hours then I recommend that clarification on these points is sought.

Other issues I recommend conditions for, include construction hours, lighting and air quality.

Accordingly, should planning permission be granted, recommended conditions are as follows:

Conditions:

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: to protect the amenity of local residents.

- Hours of Use (operational): Hours of use of the units shall be limited to the following times:

Monday to Saturday: 07:00 - 22:00 hrs

Sunday: 08:00 - 22:00 hrs

Sunday & Public/Bank holidays: None permitted

- Plant & Machinery (operational): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents

- Lighting - Prior to the installation of any external lighting on the site details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority.

- **Air Quality:** Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

MSDC Environmental Health - Contaminated Land

I have read the Phase 1 Desktop Study by Compass Geotechnical, reference 19-2845e, dated March 2020.

I agree that based on the findings further investigation of the site is required in order to ensure that the site is safe or made safe for its intended end use. This should therefore be conditioned.

Further, it is suggested that a discovery strategy also be conditioned, so that in the event unplanned for contamination is discovered during ground works, works stop until further assessment has taken place and the LPA informed.

Recommendation: Approve with the following conditions.

1) The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the Phase 1 Desktop Study by Compass Geotechnical, reference 19-2845e, dated March 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

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

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 or by phone on 01444 477175

Southern Water

The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 225mm diameter gravity foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our

website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents/

www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptor.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

Website: www.southernwater.co.uk by email at:
SouthernWaterPlanning@southernwater.co.uk

Environment Agency

We do not have any comments to make on this application as it falls outside our External Consultation Checklist.

MID SUSSEX DISTRICT COUNCIL

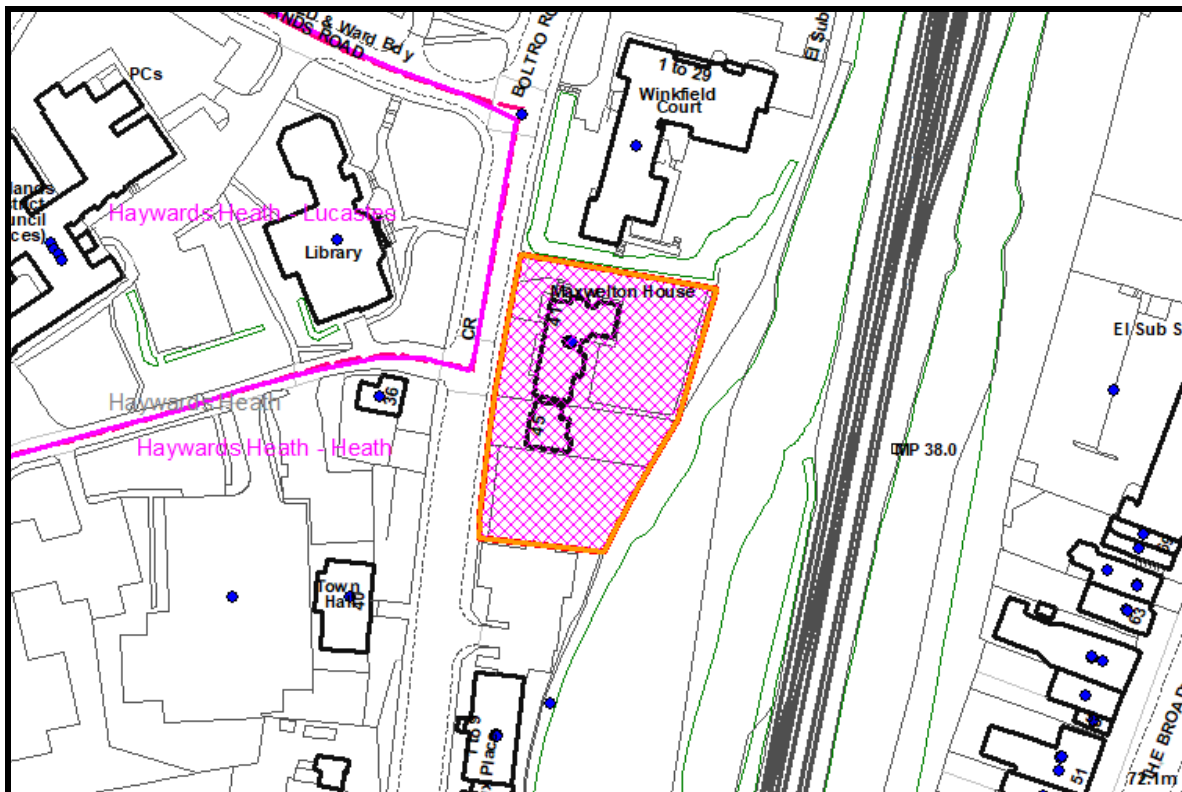
District Wide Committee

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.

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 users⁴⁶; 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) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

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 floorspace¹⁴ of more than 1,000m²;*
- 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.

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 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 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

Education			
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
Library			
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		
Waste			
Adjusted Net. Households	56		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
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
Education - Primary	£45,376
Education - Secondary	£48,837
Education - 6th Form	No contribution
Libraries	£16,114
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£76,617
Total Contribution	£186,945

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).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

TPR = (No of year groups) x (child product)

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 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:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSSC 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 = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

Sustainable transport contribution = (net car parking - occupancy) x 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 is 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 Rw level given by window manufacturers as it has not be corrected for low frequency traffic, and because the RW value is obtained under laboratory. Paragraph 6.8 within the report outlines that a 35dB Rw window would required to achieve the required 30Rw+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 70m² 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 50m², 53m² and 65m² and the 2B/4P affordable flats will have floor areas of 70m² or 73m². 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 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

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.

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 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.

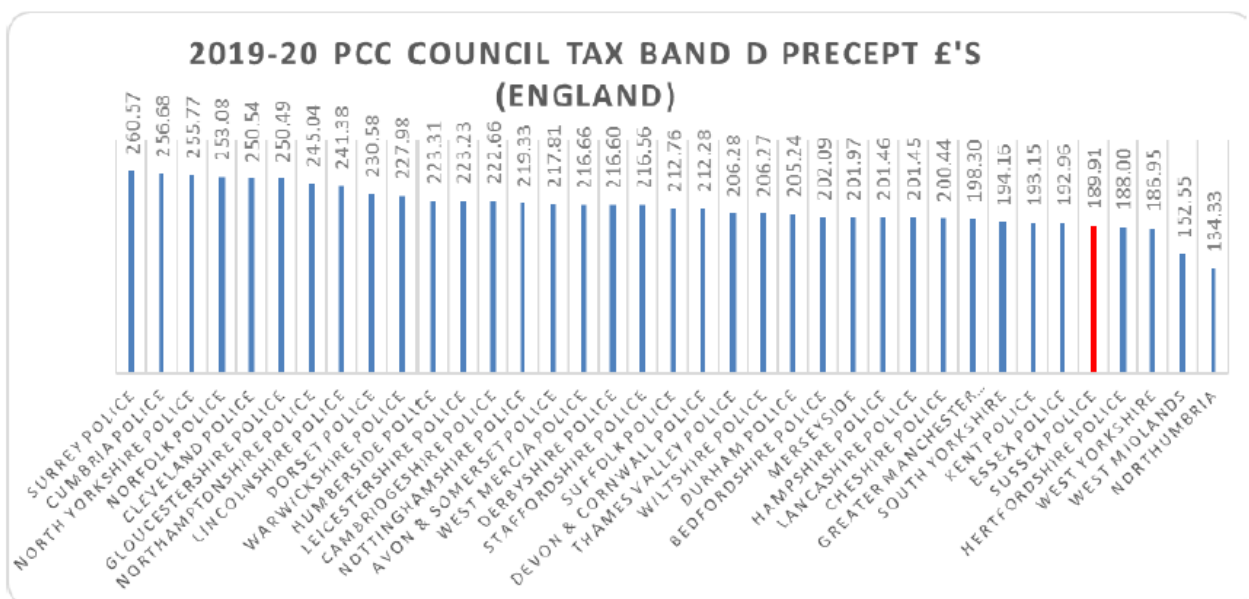
During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police 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 receive 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 x 96.8). These incidents are likely to result in 4.5 (17.42 x 0.26) additional recorded crimes per year attributed to this development.

Outline planning application – 56 dwellings

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

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
Total number of officers	156	
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
Total number of staff	97 (96.6)	

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
TOTAL COST	£9767.33	0.098	£957.20

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

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 $8.93 \times £1,945 \times 0.184 = \mathbf{£3,195.87}$

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
Divisional	Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations	25
Forcewide	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	Bentswood 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	Bentswood 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 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

Kent and Sussex: AssetProtectionLondonSouthEast@NetworkRail.co.uk

Wessex: AssetProtectionWessex@NetworkRail.co.uk

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

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