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1 February 2022

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Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 10TH FEBRUARY, 2022 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To confirm the Minutes of the previous meeting of the Committee held on 13 January 2022. **3 - 12**
4. To consider any items that the Chairman agrees to take as urgent business.

#### **Items Recommended for Approval.**

5. DM/21/3785 - 6 Burma Close, Haywards Heath, West Sussex, RH16 3JE **13 - 16**

#### **Items Recommended for Refusal.**

6. DM/21/3763 - Cross Construction Development Site, Rocky Lane, Haywards Heath, West Sussex, RH16 4XL **17 - 60**

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*Working together for a better Mid Sussex*

## Other Matters.

None.

7. 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 Planning Committee:** Councillors G Marsh, P Coote, P Brown, R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee  
held on Thursday, 13th January, 2022  
from 4.00 - 6.25 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

R Cartwright  
J Dabell  
R Eggleston

B Forbes  
C Phillips  
M Pulfer

D Sweatman  
N Walker  
P Brown

**Absent:** Councillor E Coe-Gunnell White

**Also Present:** Councillor J Llewellyn-Burke

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Coe-Gunnell White.

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

In respect of Item 11 DM/20/3014, 80 Woodbury Avenue, East Grinstead, Councillor Dabell declared an interest as he lives in a nearby road. He said he would abstain from voting on the application.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 NOVEMBER 2021.**

The minutes of the meeting of the Planning Committees held on 11 November 2021 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

**5 DM/21/2688 - STONEROCKS FARM, CROSS COLWOOD LANE, BOLNEY, WEST SUSSEX, RH17 5RY.**

Steve King, Planning Team Leader Applications, introduced the application which sought permission for the proposed siting of three luxury glamping pods together with associated landscaping and car parking. He drew Member's attention to the Agenda Update Sheet with regards to refuse collection.

The Planning Applications Team Leader noted that the site is situated on the northern side of Cross Colwood Lane, within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). He confirmed that the site rises up to

the area where the timber structure pods would be situated, and that the nearest residential property is 'The Yards' to the east of the site. Additional landscaping is proposed on the site adjacent to the hard standing area which would become the car park, along with additional tree planting around the pods. He drew Member's attention to the main issues as set out in the report noting that District Plan Policy (DP) 12 does allow development in the countryside where it maintains or enhances rural landscape. The application is also supported by DP14 and DP19 and Policy BOLE1 and 2 from the Bolney Neighbourhood Plan. In the Officer's opinion the proposals are for modest structures which will blend into the environment and will be set 240m from the nearest residential property. The proposal has no objections from the West Sussex County Council Highways department relating to the access or volume of traffic. It is also not in a designated nature conservation site and does not require an ecological study, for the reasons set out in the report.

Parish Councillor Baron von Thunderclap and Zoe Brown spoke in objection to the application. Patrick Griffin spoke in support of the application.

Councillor Lewellyn-Burke spoke in objection to the application as Ward Member for Bolney. She declared a personal interest as she lives adjacent to the site but confirmed that a dispensation had been given by the Solicitor to the Council as she spoke on behalf of the residents of Bolney. She noted that the application was for 3 permanent buildings in an area of outstanding natural beauty which will change the character of the landscape as they will not be situated near the existing buildings, but at the highest point on the land, visible to walkers who enjoy the area. She commented that it is not a sustainable location as it will require a car journey to the nearest shops and pubs which are over a mile away. She also noted that it will increase waste and carbon emissions on the site which will cause damage to the ecosystem. There is no proposal for the owner to be on site and therefore no way to regulate activities.

Due to the declaration of interest, Councillor Llewellyn-Burke left the meeting at 4.26pm to allow the debate to take place.

The Chairman sought clarification on a point raised by a public speaker, that the owner could use the site for camping for 56 days of the year. The Planning Applications Team Leader confirmed that it could only be used for 28 days under permitted development rights. Rights had been extended to 56 days during the pandemic but had now been reduced back to the original timeframe. The Chairman also clarified that other examples of glamping in the District had different circumstances such as the owners being on site, and shops provided nearby.

A Member sought clarification on how the pods will be managed daily, whether there was a condition for the timings of refuse collection, fire issues with cooking and whether parking is available near the pods. He noted that the Water and Access Manager had commented that the fire hydrant was too far away at 780m and the entrance to the site is not wide enough for a fire engine.

The Planning Applications Team Leader confirmed that the advice from the Water and Access Manager is the same as the Fire Brigade and will be dealt with under Building Regulations. Regarding utilities, the provision of infrastructure such as electricity and water supply is not a planning issue. Regarding the refuse collection, a condition could be put in place to regulate the collection times so as not to be at unsociable hours. There is no parking proposed adjacent to the pods. Parking would be at the entrance to the site and users of the pods would need to walk up to the pods. He also confirmed that the management of the site is for the applicant to

determine and there is no requirement under planning policy for a management plan for this proposal.

A number of Members expressed concern over the potential fire risk and the inability of the fire brigade to adequately access the site. It was also noted that there was nothing to stop residents driving up to the pods from the carpark.

A Member noted that the application does not appear to support sustainable growth of the rural economy as, for example it is not a working farm diversifying its business. In his opinion the design also does not meet DP26 to reflect the outstanding natural environment that they would be situated in.

A Member expressed concern at the precedent it would set to approve the application as 3 pods may not prove economical and so a request for more may come forward, along with a need for a manager's house. The Planning Applications Team Leader advised the Committee that the application has to be considered on its own merits and not on what may happen in the future.

A number of Members expressed concern regarding the lack of on-site management as there was nothing to regulate the parking, use of BBQ's and campfires and disposal of rubbish. Concern was also expressed that the pods were permanent structures and the impact that would have on the countryside. A Member felt it was an unacceptable commercial development in the AONB.

The Vice Chair proposed that the application be refused on the grounds of it being a detriment to the High Weald Area of Outstanding Natural Beauty. This was seconded by Councillor Eggleston.

The Chairman took Members to a vote on the recommendation to refuse the application which was agreed unanimously.

## **RESOLVED**

That the planning application be refused on the grounds of it being harmful to the character and appearance of the High Weald Area of Outstanding Natural Beauty. (Exact wording to be determined by the Planning Officer in consultation with the Chairman and Vice Chair.)

### **6 DM/21/2992 - 78 LONDON ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 1EP.**

Steve King, Planning Team Leader Applications introduced the application which seeks permission for the conversion of the upper floors to provide 2 x 1 bedroom and 8 x 2 bedroom flats including roof extensions and alterations, cycle storage, refuse provision and associated works. He drew Member's attention to the amendment to the conditions contained in the Agenda Update Sheet. He noted that the history of the site is important as planning permission was resolved to be approved in 2018 for the demolition of the first and second floor and 11 flats on site. Following a lengthy process to complete the legal agreement, this planning permission was issued in 2020 and was therefore extant and could still be implemented. This previous planning permission was for a larger development than that now proposed. The new proposal remains a car free scheme as per the previously approved scheme and has one less unit. The site is in the built-up area of East Grinstead and the design is considered to be acceptable and will preserve the setting of the nearby listed

building. There are also no objections from the West Sussex County Council Highways department.

Jacque Andrews spoke in support of the application.

A Member expressed concern that the new proposal was for more units than an original proposal which was for 7 flats with a loss of retail space and feature windows and therefore recommended to refuse the application.

The Planning Applications Team Leader noted that the first application for 7 flats was in 2016 but there was a more recent extant permission, approved in 2020 for 11 flats. The new proposal is for 10 flats and has a lower build height than the previously approved scheme.

A Member noted that the new roof modelling makes it a more attractive development and reduces the impact on St Swithan's Church. He was pleased that the retailer (Superdrug) will remain and acknowledged that Superdrug had previously commented that a reduced retail space is more financially economical for them.

A Member requested that the heating arrangements be environmentally friendly and queried the parking arrangements for visitors. It was noted that there is a car park nearby and that buyers need to be aware that there is no provision on site.

The Chairman took Members to a vote on the recommendations as set out in the report including the amendments in the Agenda Update Sheet. This was proposed by the Vice Chair, seconded by Councillor Walker and approved with 10 in favour and 1 against.

## **RESOLVED**

That planning permission be granted subject to the recommendations below and the amended conditions set out in the Agenda Update Sheet:

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SMM and SANG contributions and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

If by 13 April 2022, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reasons:

'The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 55 and 57 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and

Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 181 of the National Planning Policy Framework.'

**7 DM/21/3534 - TOWER CAR SALES, TOWER CLOSE, EAST GRINSTEAD, WEST SUSSEX, RH19 3RT.**

Steve King, Planning Applications Team Leader introduced the application which seeks the demolition of the car sales office and workshop and the erection of a part 2, part 3 storey building comprising 8 apartments with 8 parking spaces. 'Amended plans received 11 November showing a revised design of the proposed building and one additional flat (9 in total)'.

He noted that the site is in the built-up area of East Grinstead with single story buildings on the south east side and the remainder given over to hard standing. The business left the site several years ago and there is an extensive planning history. Permission was granted for residential use in 2017 but this has now lapsed. There have been two refused applications which have been dismissed at appeal and a further appeal is ongoing. The proposed new block would cover the majority of the site. There are high level windows on the south east elevations but the design would not cause overlooking or a loss of daylight to properties on Moat Road due to the stepping back of the top floors. He confirmed that it is the Officer's opinion that the benefits in terms of a residential scheme in a sustainable location outweighs the loss of business floor space, and he noted that a prior, albeit lapsed proposal for a residential redevelopment of the site had been accepted in the past. He also noted that the design makes good use of the site and the layout has overcome past reasons for refusal. There will not be significant harm to neighbouring amenities and there is no objection from the Highways Department. The parking arrangements will include electric car charging points and there will be solar panels on the roof.

John Escott spoke in support of the application.

A Member sought clarification on why this was not a car free development, although he was pleased to see that electric charging points had been included, and that there was a reduced number of spaces available. He was also pleased to see solar panels included in the design. The Chairman noted that the site is situated on the outskirts of the town centre which is why parking is allowed. The Planning Applications Team Leader also confirmed that this site had a design challenge with regards to underground cabling which has led to the under-croft solution which makes best use of the site and is an acceptable level of parking provision.

Members commented that the new proposal was an improved design, noting that it adds to the Council's five-year housing land supply and makes good use of a brownfield site. A Member requested that sufficient space such as a pavement was allowed for around the perimeter of the site to give space between the adjacent buildings. Members discussed past contamination issues on surrounding areas and it was confirmed that conditions 5 and 6 covers this.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by Councillor Walker seconded by Councillor Sweatman and agreed unanimously.

## **RESOLVED**

That planning permission be granted subject to the following recommendations:

### **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 Ashdown Forest mitigation 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 Ashdown Forest mitigation by the 10th March 2022, 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 proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031 and policy EG16 of the East Grinstead Neighbourhood Plan.

2. The proposal fails to provide the required infrastructure contributions necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan 2014-2031.

The meeting adjourned between 5.40pm and 5.45pm.

## **8 DM/21/3607 - OTE HALL FARM SHOP, OTE HALL FARM, JANES LANE, BURGESS HILL, RH15 0SR.**

Joseph Swift, Senior Planning Officer DM introduced the report which sought permission for a farm shop and tea-room (amended plans received). He drew Member's attention to the Agenda Update Sheet which has additional comments from the Highways department and Conservation Officer, as well as an additional letter of support. He also noted that permission has already been granted but the new proposal reduces the building size in order to make it more affordable to build. As the layout remains similar and the smaller building has less impact on the surroundings, it is the Officer's recommendation to approve subject to the recommendations.

Carola Godwin Irvine spoke in support of the application.

The Chairman noted that there have been no letters of objection to this proposal and noted the wish for farms to diversify their business. A number of Members voiced support for the application.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair, seconded by Councillor Cartwright and agreed unanimously.

## **RESOLVED**

That planning permission be granted subject to the following recommendations:



### **Recommendation A:**

It is recommended that planning permission be approved subject to the conditions set in Appendix A and to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

### **Recommendation B:**

It is recommended that if the applicants have not submitted a satisfactory signed Unilateral Undertaking securing the Travel Plan Monitoring fees by 13th April 2022, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application Fails to comply with Policy DP21 of the Mid Sussex District Plan and the requirements of the NPPF to promote sustainable transport modes.

## **9 DM/21/4145 - CROUDACE DEVELOPMENT SITE, FORMER KEYMER BRICKWORKS (PHASE 2), NYE ROAD, BURGESS HILL.**

Steve Ashdown, Planning Team Leader-Major Development & Enforcement introduced the report which sought permission for a change of use of the existing open space to external community use linked to the proposed community centre and part retrospective planning application for alterations to the approved boundary treatment, hard and soft landscaping for land at Wyvern Way. He noted that it is before the Committee as it is on land owned by Mid Sussex District Council. An element of the application is retrospective as a gateway has been created and the area fenced using the same fencing as the adjacent play area and multi-use area to the south. He confirmed that Planning Officers are content with the proposed use as it still available for community use in conjunction with the community building. It is not considered that it would give rise to issues with residential amenity given that it is similar to the playgrounds nearby.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by Councillor Eggleston, seconded by Councillor Cartwright and agreed unanimously.

### **RESOLVED**

That planning permission be approved subject to the conditions outlined at Appendix A.

## **10 DM/21/4173 - COMMUNITY CENTRE, 124 WYVERN WAY, BURGESS HILL, WEST SUSSEX, RH15 0GB.**

Steve Ashdown, Planning Team Leader - Major Development & Enforcement introduced the report which sought permission for a change of use of the existing civic space to a car park at land to the east of the Kings Weald Community Centre. He noted it is the same site as the previous application, on Council owned land, and the car park would be specifically for use by the community building. There is already parking on the east and southern side and the intention is to allow access from the southern side where the bollards will be removed as there is a dropped curb already there. Potentially 7 cars could park at the front of the building or the area could be used for drop-off. In terms of visual amenity there are no changes to the site so this is acceptable. As there is existing car parking around the site there is no impact to

residential amenity and there is no highways impact as it will involve a low number of spaces with low speed entering and exiting the area.

The Chairman noted Burgess Hill Town Council's comments that it would be desirable to have covered bike racks and electronic charging points. This was reiterated by a Member of the committee. The Planning Team Leader noted that there is sufficient space to place cycle racks and these would not require planning permission. The Member was encouraged to contact the Portfolio Holder to put forward the request for cycle parking. It was agreed that the Planning Team Leader would also write to the applicant to express desire for cycle parking on site to be taken forward. As the building is in Council ownership it would be something for the Council as Landlord to consider separately.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair, seconded by Councillor Eggleston and agreed unanimously.

### **RESOLVED**

That planning permission be approved subject to the conditions outlined at Appendix A.

#### **11 DM/20/3014 - 80 WOODBURY AVENUE, EAST GRINSTEAD, WEST SUSSEX, RH19 3UX.**

Deborah Lynn, Planning Officer DM introduced the report which sought permission to refuse the retrospective application for the installation of 2 second floor front facing dormer windows and change in colour of roof tiles to a dark grey from brown. She noted that the original proposal was for one second floor front facing dormer and change in roof tile colour but that during the course of the application the construction was carried out which was not compliant with the plans received. The plans were subsequently amended. The site is in the built-up area of East Grinstead with woodland to the rear designated as the High Weald Area of Outstanding Natural Beauty.

The Planning Officer noted that to the rear of the property is a large dormer window which was built under permitted development rights with a lawful development certificate granted in 2020. The original application for the front of the property proposed a well set back dormer with casement windows that sits subserviently within the roof slope. However, the dormer windows constructed are wider, taller and deeper than the previously approved single dormer, with sash windows out of keeping with the rest of the windows in the property. She noted that the street scene does include other properties with dormer windows, however the scale and siting of the dormer windows as constructed appear obtrusive, and are detrimental to the character of the area. The Officer's recommendation is that the application be refused with a view to taking enforcement action.

Luke Mardle spoke in favour of the permission being granted.

The Chairman sought clarification on whether the first front dormer was constructed according to agreed plans. The Planning Officer confirmed that it was not. She also confirmed that there was no Officer objection to the principle of a second dormer based on the original drawings but that the style and size changed once they were built.

Members expressed sympathy with the applicant but noted that planning rules exist to be upheld, and the build had proceeded differently to the plans submitted. The windows were also different to the rest of the property in size and style and were overbearing.

A Member agreed that the dormers aren't subservient to the roof scape but felt the design was reasonable and would cause more harm to the adjoining property if building work was required to take it down.

The Chairman took Members to a vote on the recommendations as set out in the report. This was proposed by the Vice Chair and seconded by Councillor Sweatman. 9 Members voted in favour of refusal, one member voted against and one Member abstained due to a declaration of interest, therefore the application was refused.

The Chairman noted that the applicant would receive a letter from Officers explaining the next action required.

**RESOLVED**

That planning permission be refused for the reason set out in Appendix A.

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

None.

The meeting finished at 6.25 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

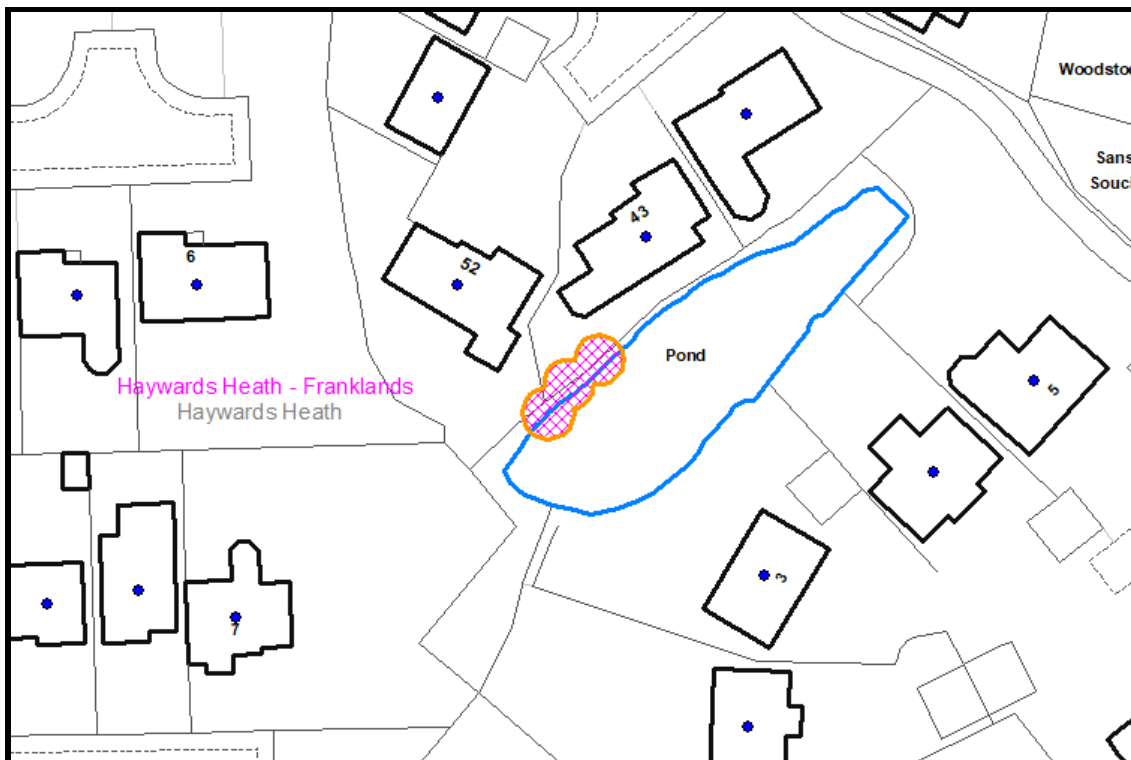
Planning Committee

**10 FEB 2022**

RECOMMENDED FOR PERMISSION

## Haywards Heath

**DM/21/3785**



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**6 BURMA CLOSE HAYWARDS HEATH WEST SUSSEX RH16 3JE  
MATURE OAK TREE, REMOVE LOWEST LIMB OVER POND BACK TO  
TRUNK AND REDUCE PREVIOUSLY REDUCED GROWTH ONLY, BACK  
TO PREVIOUS CUT POINTS. HORNBEAM, REDUCE LOWER CROWN  
ONLY BY UP TO 2M. YEW TREE, REDUCE GROWTH OVERHANGING  
POND BY UP TO 2M AND HAZEL, COPPICE TO BASE.  
MICHAEL PULFER**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area  
Boundary / Planning Agreement / Planning Obligation / Aerodrome  
Safeguarding (CAA) / Trees subject to a planning condition

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Irene Fletcher

### **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**

Permission is being sought for works to a number of trees at 6 Burma Close, Haywards Heath. This application is before Committee as the applicant is a District Councillor.

The trees are located around a wildlife pond, set well back from the property itself and with little/no public visibility. The rear gardens of other properties surround the rest of the pond, along with other protected trees. Trees in the vicinity include a number of native species, all of which contribute greatly to the biodiversity of this unique space.

The works, as amended, are considered appropriate to allow more light to reach the pond without undue harm to the health or amenity value of the trees, and as such it is considered that the proposals comply with policy DP37 of the Mid Sussex District Plan.

### **SUMMARY OF REPRESENTATIONS**

None received

### **HAYWARDS HEATH TOWN COUNCIL**

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

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### **INTRODUCTION**

Permission is being sought for works to a number of trees at 6 Burma Close, Haywards Heath. This application is before Committee as the applicant is a District Councillor.

## **PLANNING POLICY**

### **Mid Sussex District Plan**

Policy DP37 - Trees, Woodland and Hedgerows

### **Haywards Heath Neighbourhood Plan**

The plan was made on 15th December 2016 and forms part of the Development Plan for the District and policies should be afforded full weight.

There are no relevant policies

## **ASSESSMENT**

The trees are located around a wildlife pond, set well back from the property itself and with little/no public visibility. The rear gardens of other properties surround the rest of the pond, along with other protected trees. Trees in the vicinity include a number of native species, all of which contribute greatly to the biodiversity of this unique space.

This application has been substantially amended, with the agreement of the applicant to lesser and more appropriate works

It would appear, on further investigation by officers following the submission of the application, that only the Oak tree is subject to a TPO (ref HH/6/TPO/1988), whilst others are protected by a planning condition (restricting the removal of, and work too, trees on the site at the time of the application) associated to the original development of the property (CU/172/75 and CU/305/77 refer). It should be noted that historical conditions that seek to protect trees/hedges in this way would not normally attract the need for a formal application, however, given that they were included within the description, and for the sake of transparency, the assessment has considered all the requested works.

Policy DP37 sets out (amongst other things) that proposals that damage or lead to the loss of trees that contribute either individually, or as group, to the visual amenity value or character of the area, or have wildlife importance, will not normally be permitted. In this case it is recognised that previous work has taken place to the trees to allow light to the pond, but unfortunately, due to the vegetation growth, leaves are again shading the water. It is considered that the proposed are acceptable and comply with policy DP37 of Mid Sussex District Plan.

## **CONCLUSION**

The works, as amended, are considered appropriate to allow more light to reach the pond without undue harm to the health or amenity value of the trees, and as such it is considered that the proposals comply with policy DP37 of the Mid Sussex District Plan.

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## APPENDIX A – RECOMMENDED CONDITIONS

None

### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Site Plan			05.11.2021

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.



MID SUSSEX DISTRICT COUNCIL

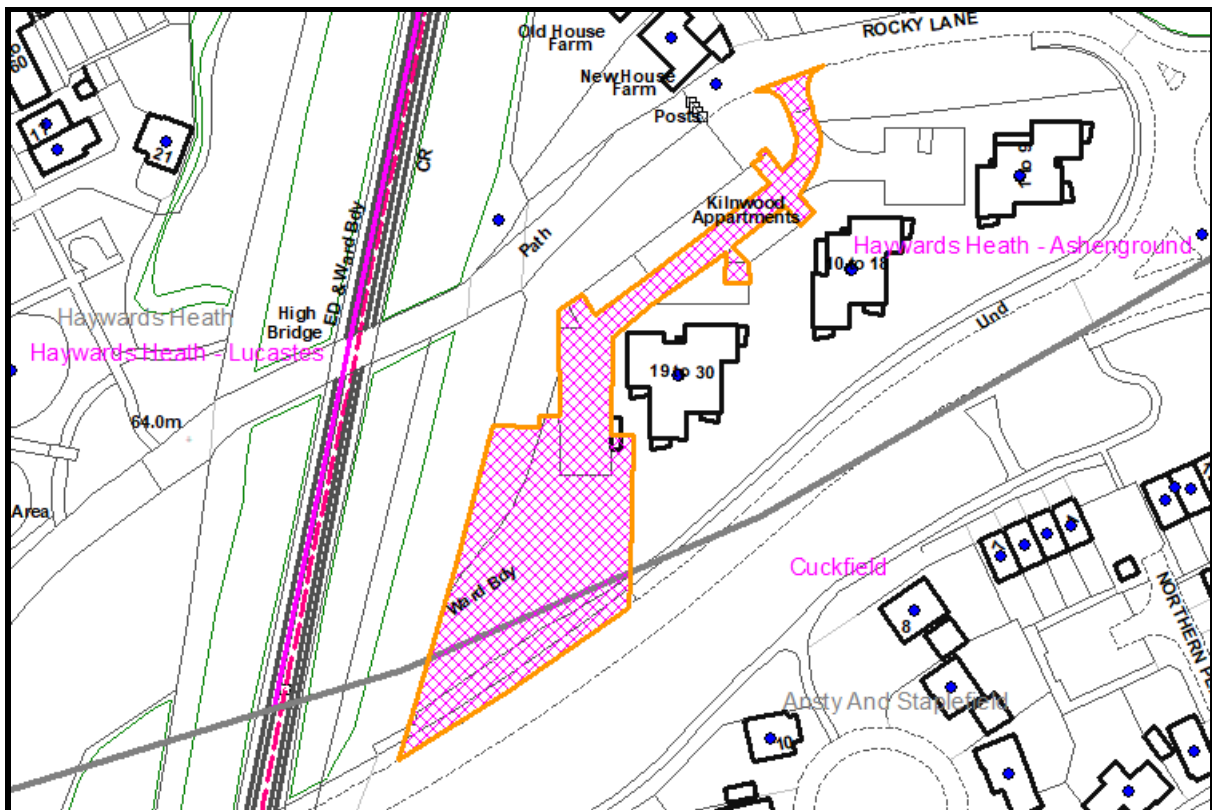
Planning Committee

10 FEB 2022

RECOMMENDED FOR REFUSAL

## Haywards Heath

DM/21/3763



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### **CROSS CONSTRUCTION DEVELOPMENT SITE ROCKY LANE HAYWARDS HEATH WEST SUSSEX**

**THE PROPOSAL IS TO ERECT 9 APARTMENTS WITHIN A SINGLE  
THREE STOREY BUILDING, ALONG WITH ACCESS, PARKING AND  
LANDSCAPING. (REVISED PLANS SHOWING CORRECTED RED LINE  
BOUNDARY RECEIVED 15.12.2021)  
MR ROBIN CROSS**

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified  
Roads - 20m buffer / Informal Open Space / Planning Agreement /

Planning Obligation/ Aerodrome Safeguarding (CAA) / Tree Preservation Order / Highways and Planning Agreement (WSSC) / Minerals Local Plan Safeguarding (WSSC)

ODPM CODE: Minor Dwellings

8 WEEK DATE: 9th February 2022

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Caroline Grist

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks planning permission to erect a three storey block of flats, containing 9 dwellings, with associated access, parking and landscaping on an area of land to the west of Kilnwood Apartments that is within the built up area boundary of Haywards Heath. It follows the refusal of a similar application for 9 dwellings in April 2021 (DM/20/3456).

The application is before committee as the decision is finely balanced.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan. The 'in accordance' determination is one in accordance with the development plan when read as a whole.

The NPPF 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 5-year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5-year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The development lies within the built up area of Haywards Heath where policy DP6 of the District Plan permits development subject to it being of appropriate nature and scale (with particular regard to DP26; character and design) and not cause harm to the character and function of the settlement. The development is thus acceptable in principle.

Whilst the block of flats would reflect the design of the existing buildings, it is to be sited in an area of landscaping associated with the existing development that was

also intended to soften its appearance and assist in creating a semi-rural appearance. This revised scheme would re-locate the apartment block further back within the site, however this part of the site has a more prominent position through its higher land level when viewed from Rocky Lane. As such, given the pattern of development and semi-rural character along Rocky Lane, the introduction of a further block of flats is considered to have a significantly harmful impact on the character and appearance of the surrounding area.

Landscaping has been proposed to the south of the flats and around the development. This would include the translocation of recently planted trees, which is harmful to their health and longevity, and the addition of further tree and shrub planting. This landscaping, however, cannot be guaranteed to remain in perpetuity and there are concerns that there would be future pressure on its retention as it grows to full maturity. As such it is considered that the landscaping would not mitigate the harm that has been identified.

Weighing in favour of the scheme is that the development would provide 9 no. residential units in a sustainable location, within the built up area, at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. Furthermore, three affordable housing units would be provided as well as relevant contributions to infrastructure. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

The proposal would result in the loss of existing car parking for the existing development, however concerns raised by local residents in respect of highways safety are not supported by the Local Highways Authority and therefore your officers do not consider that an objection should be raised to this development on highways grounds.

The development is considered to have a neutral impact in respect of a number of issues including on existing and future residential amenity, drainage and sustainability and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

A New Homes Bonus would also be received by the Council.

Whilst the proposed development is identified to bring a range of benefits, when considered in as a whole in the planning balance, it is considered to have a significantly harmful impact on the semi-rural character of the surrounding area and would have an adverse impact on existing trees.

For the above reasons the proposal fails to comply with policies DP26 and DP37 of the Mid Sussex Development Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD. Accordingly, the application is recommended for refusal.

## **RECOMMENDATION**

Recommend permission is refused for the reasons outlined at Appendix A.

## LETTERS OF REPRESENTATION

Fifteen representations were originally received in response to the application. Six of these responses are in support of the proposed development, noting that:

- This is a brownfield site,
- Within the built up area,
- Rocky Lane has been previously developed,
- This is a sleek and modern design,
- Well designed,
- Will compliment area and neighbouring townscape,
- Site can accommodate housing, and
- The development will provide more small and affordable houses.

The remaining responses, in summary, raised the following issues:

- Contrary to policies DP21 and DP26 of the Mid Sussex District Plan,
- Contrary to policies E9 and H8 of the Haywards Heath Neighbourhood Plan,
- No different from previous application on this site,
- Does not address the previous reason for refusal,
- Mid Sussex has a five year housing land supply,
- Overdevelopment of the area,
- Intrusion to the countryside,
- Harmful impact to the semi-rural character of the area,
- Further flats would be unnecessary and out of keeping with the area,
- Prominent location on high ground,
- Appear dominant in the landscape,
- Over development of the site,
- It is a small piece of land,
- Existing development is already crowded,
- Would appear cramped,
- A further block of flats would be detrimental for the site and aesthetically unsatisfactory,
- Be in front of the existing block,
- Too near to the road,
- Too near the railway line,
- It is an unsightly development,
- Loss of trees,
- Loss of landscaping,
- Development will impact views to the Downs,
- The building will have a significant overbearing impact on all properties facing Rocky Lane, and will cause a loss of outlook, removing a significant portion of light, sky, and nature for residents,
- Increase in dust, noise and disturbance to existing residents,

- Construction impact to residents,
- A further block close to the road would be noisy for the flats, especially given the proximity to the railway line,
- More light pollution,
- Loss of green space for existing residents,
- Construction phase will create noise and disruption to day-to-day life,
- Highway safety concerns regarding Old Rocky Lane which is already busy, has no footpath, and has had an accident,
- More road traffic and congestion to Rocky Lane,
- Not enough parking spaces,
- New parking spaces in a dangerous position,
- Shortcomings in the Transport Assessment,
- Loss of nature will have a negative impact on wildlife,
- Missing visualisations,
- Question supporting documents that have been supplied,
- Issues with previous construction process and the cutting down of protected trees, and
- Should have come through with the initial blocks.

It should be noted that validation requirements are not prescriptive in terms of visual supporting documents for this type of development. Complaints regarding the construction of the previous development should not affect the assessment of this application.

Following the closing of the consultation revised plans were submitted as there was an error identified with the position of the red line boundary. One further representation was received, stating that the change did not affect the previous objection raised.

## **SUMMARY OF CONSULTEES**

(Full responses from Consultees are included at the end of this report as Appendix B)

### **Network Rail**

No objection.

### **Southern Water**

No objection, informative recommended.

### **WSSC Highways Authority**

No objection, subject to conditions.

### **WSSC Minerals and Waste**

No comment.

## **WSCC Lead Local Flood Authority**

No comment.

## **WSCC Planning**

S106 contributions sought:

Library - £2,747

Primary Education - £9,241

Secondary Education - £9,946

TAD - £11,946

## **MSDC Street Naming and Numbering Officer**

No objection, informative recommended.

## **MSDC Contaminated Land Officer**

No objection, subject to conditions.

## **MSDC Drainage Engineer**

No objection, subject conditions.

## **MSDC Environmental Health Officer**

No objection, subject to conditions.

## **MSDC Urban Designer**

Object. A key element of the approved scheme was its relationship with the landscape, which as with DM/20/3456, is now undermined by the current proposal. The prominent ridge line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened so it: (a) sits comfortably within its immediate semi-rural context, and (b) does not inappropriately impede upon wider views of the South Downs along Rocky Lane. A key element of this is the inclusion of generous separation gaps between the blocks and around the boundaries which are relevant for any subsequent proposal. Unfortunately, this scheme intrudes upon the landscaped thresholds defined by the 2017 approval in the following respects:

- The current application inappropriately intrudes into the defined landscaped threshold areas around the apartment blocks that have been established by the 2017 consent. This arises from its proximity to the western boundary and to the existing apartment block C.
- It is uncomfortably close to the adjacent apartment block, and the two blocks are more likely to look conjoined as the separation gap is smaller and more hard-edged than the gaps between the approved apartment blocks.

- Looking south-westwards along Rocky Lane the proposal extends the length of the building frontage; while the impact from this vantage has been reduced (in relation to DM/20/3456) by the set-back building line, this still intrudes upon the view towards the South Downs.

Consequently, this proposal will have an inappropriately urbanising impact upon this semi-rural site.

Another sign that the scheme has been squeezed-in is the proximity of the cycle store to the balcony serving the ground floor flat at the rear of the proposed block; this exacerbates an already constrained outlook. With respect of the latter, the site plan drawing does not show a path/paved threshold on the west side of the store that is likely to be necessary to access the cycle store (as a grass threshold will become duntrodden and muddy in winter).

For these reasons, the scheme does not accord with DP26 of the District Plan or design principles DG3, DG7 and DG27 of the Mid Sussex Design Guide SPD. I therefore object to this planning application.

### **MSDC Tree Officer**

Object. I continue to object to this application.

I note that the proposed building has been set back further than previously proposed, however, I do not consider that it is in the spirit of DP37 or DP38.

There is no enhancement of tree cover or bio diversity. Again, I don't think it is appropriate to reuse approved landscaping plantings for another development and there is insufficient space to provide adequate landscaping/ planting for the proposed development.

Apart from that, my previous comments re grouping the trees closer together, in effect creating an almost wooded area which would not be appropriate for the tree selection, nor for residential amenity as there will be limited open space. I am also concerned that the planting to the rear will be placed under pressure, by the new build/car parking etc.

I would also not accept that all of the young trees are in good health. Further, transplant shock is likely to considerably slow the growth of even healthy specimens.

The development will be highly visible from Rocky Lane as it is so elevated, and there is insufficient space to provide adequate screening/softening. Again, I feel that the development will have a cramped feel with landscaping squeezed round about it.

## **MSDC Leisure**

S106 Contributions Sought:

Play - £6,624

Kickabout - £5,564

Formal Sport - £7,587

Community Buildings - £4,623

## **MSDC Housing**

I understand that 3 affordable housing units (30%) are to be provided as required as part of this application. I can confirm that we will be requiring 3 on site affordable units in the form of 3 x 2B flats for rent on one floor. This will enable separate floors to be provided for different tenures.

## **Haywards Heath Town Council**

In spite of the offer of three units of affordable housing, the Town Council **OBJECTS** to this application for the following reasons:

- it would give rise to an overdevelopment of the site;
- it would reduce agreed landscape amenity and green space for existing residents and would result in parking congestion issues that would spill over on to the public space outside in the roadway;
- the building would result in an overbearing form of development which would be too near the A272 relief road and a monstrous feature at one of the key entry points into the town.

In the event that the application is granted permission, the Town Council requests that it be subject to the following conditions:

1. in view of the likely increase in vehicle movements to and from the apartments, the short stretch of Old Rocky Lane leading from the roundabout on the A272 relief road to the development must be upgraded so that it provides a proper continuous pavement for pedestrians as far as the footpath to Bolnore Village. At present, the pavement ceases shortly after exiting the A272, compelling motorists and pedestrians to use the same part of the highway, which is potentially hazardous and detrimental to highway safety;
2. street lighting provision along the short stretch of Old Rocky Lane should be improved for the benefit of pedestrians and highway safety in general. Care must be taken to ensure that any scheme does not cause undue light pollution for nearby residents;
3. the number of proposed on-site car parking spaces is inadequate and must be increased to ensure that parking does not spill out of the development on to Old Rocky Lane;



4. the design of the apartments should incorporate a scheme for solar panels (as unobtrusive as possible);

Reason: to accord with Policy DP39 of the Mid Sussex District Plan (MSDP) 2014-2031;

5. electric vehicle charging points should be provided in the allocated parking area and ducting should be laid in order for any remaining parking spaces to be upgraded in the future;

Reason: in the interests of sustainability and as a result of the Government's 'Road to Zero' strategy, and to accord with Policy DP39 of the MSDP 2014-2031;

6. developer Section 106 contributions for local community infrastructure are allocated towards the proposed Country Park on land off Hurstwood Lane.

Finally, the Town Council asks that Mid Sussex District Council review the ecological status of the site, given its previous status first as a reptile receptor site and then as a site from which reptiles - mainly slow worm and common lizard - were translocated.

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## **INTRODUCTION**

Planning permission is sought to construct nine apartments within a single three storey building with associated access, parking and landscaping.

## **RELEVANT PLANNING HISTORY**

DM/15/5107 - Outline application including access details for the development of up to 30 residential dwellings including vehicular access, open space, sustainable urban drainage systems; and associated landscaping, infrastructure and earthworks. Permitted.

DM/16/5547 - Reserved Matters application for 30 residential units including details of appearance, landscaping, layout and scale. Permitted.

DM/16/5543 - Discharge of planning conditions, including landscaping, relating to planning application DM/15/5107.

DM/17/2583 - Variation of Condition 2 relating to planning application DM/16/5547 to substitute plan drawings to provide 14 no. additional parking spaces. Permitted.

DM/19/4731 - Erection of 5 no. three storey dwellings along with associated access, landscaping and parking. Refused.

DM/20/3456 - Erection of 9 apartments within a single three storey building, along with access, parking and landscaping. Refused.

Reason for refusal:

The development would have a significantly harmful impact on the semi-rural character of the area, through the urbanisation of a prominent location that also impedes views to the South Downs along Rocky Lane. The scheme would also result in the loss of agreed landscaping that formed part of the Kilnwood Apartments development. The proposal therefore fails to accord with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

## **SITE AND SURROUNDINGS**

The application relates to an area of land, 0.2 hectares in size, located to the west of Kilnwood Apartments. It is within the built up area of Haywards Heath, as defined by the Mid Sussex District Plan, and forms part of the original site for the adjacent apartments.

To the south of the site is the A272, with the London-Brighton railway line to the west. To the north is the Old Rocky Lane alignment, which also serves a small cluster of dwellings opposite the site. These dwellings include the Grade II listed Old House Cottages; however, due to the position of the proposed development, it is considered that the setting of the listed building would not be affected. Beyond the A272, to the south, is a recent residential development known as 'The Beeches'.

The site slopes to the south/southwest and trees along the northern boundary of the site, to the west of the access and from Old Rocky Lane, are subject to a Tree Preservation Order (TP/15/0009). The site lies approximately 1km from Haywards Heath town centre.

## **APPLICATION DETAILS**

Planning permission is sought to erect nine, one and two bedroom apartments, as well as associated access, parking and landscaping works. The site predominantly differs from DM/20/3456 in that the apartment block would be sited 4.7 metres north.

The apartments have been designed to replicate the scale and appearance of the existing buildings. They are to be three stories in height, with a low pitched roof and a contemporary finish, using brick as the main facing material alongside aluminium finishing to the windows and balconies. Three apartments are to be located on each floor, with the ground floor containing the single one bed flat. The units on the ground floor of the building are to be for affordable housing.

In terms of parking the proposed site plan shows 14 vehicular parking spaces across the site and 22 bicycle spaces. Thirteen parking vehicle spaces are to be retained for the existing affordable housing and 28 for the remainder of the flats.

Landscaping is proposed to the south of the apartment block and further landscaping is proposed within the site.

## **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.

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:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP21 - Transport
- DP26 - Character and Design

DP27 - Dwelling Space Standards  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP37 - Trees, Woodland and Hedgerows  
DP39 - Sustainable Design and Construction  
DP40 - Renewable Energy schemes  
DP41 - Flood Risk and Drainage

## **Haywards Heath Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan was made in December 2016.

Relevant policies:

Policy E7 - Flooding and Drainage

Policy E9 - Design

Policy H8 - Housing Development within the Built up Area Boundary

Policy T3 - Car Parking

*West Sussex County Council Parking Calculator*

*Mid Sussex Design Guide Supplementary Planning Document*

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.

*National Planning Policy Framework*

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 that is well designed, beautiful and safe, 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.

Paragraph 134 of the NPPF states:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

*National Planning Policy Guidance*

*Ministerial Statement and National 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**

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

- The principle of development;

- Design and impact on the character of the area;
- Impact on the amenities of neighbouring properties;
- Space standards;
- Highway impact and parking provision;
- Ashdown Forest;
- Sustainability;
- Drainage;
- Affordable Housing;
- Infrastructure; and
- Planning Balance and Conclusion.

### **Principle of Development**

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

As the proposed development is within the built up area of Hayward Heath, a Category 1 settlement, 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.'*

*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

*The developer will need to satisfy the Council that:*

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

As such the principle of development is considered to be acceptable subject to compliance with policy DP26.

## **Design and impact on the character of the area**

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy DP37 of the Mid Sussex District Plan supports the protection and enhancement of trees, woodland and hedgerows and, in particular, ancient woodland will be protected

Policy E9 of the Haywards Heath Neighbourhood Plan states:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*

- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development. 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.'*

Policy H8 of the Neighbourhood Plan states:

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

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

In terms of the Mid Sussex Design Guide SPD, principle DG3 relates to working with a site's natural features and resources. It sets out that:

*'The landscape characteristics should be considered from the outset of the design process. The existing natural landscape informs the existing character of most sites. It should be retained as much as possible so that it shapes the form of new development and is incorporated to enhance its setting while reducing its impact on the wider landscape. This includes the consideration of the topography, trees and vegetation, orientation, landform, geology, watercourses / drainage, field patterns, boundaries and ecology.*

*The integration of the natural features provides the basis for a green infrastructure network that should underlie new schemes and enable them to contribute positively to the sustainability agenda and give them a sense of place, while also reducing the impact of the built form on the wider landscape.*

*The provision of green infrastructure is increasingly important in addressing the effects of climate change as it can help mitigate flooding, maintain biodiversity and play a role in reducing urban air temperatures. Green infrastructure also encourage healthy lifestyles by enabling outdoor activities.'*



Principle DG7 is considered to be relevant and states:

*'Views across the open countryside from elevated locations in the District, especially in the High Weald and South Downs National Park, are an important part of the District's character and must be retained. Developments, particularly at a larger scale, must be carefully managed to minimise adverse impacts. New buildings should not obscure or cause adverse impact on these existing views and attention must be given to reduce the impact of development against the skyline or ridgelines of hills.'*

*Development proposals should soften their appearance within the landscape by minimising their visual impact through integrating them within the existing landform and with the careful siting of buildings and landscape.*

*Applicants should identify important views into and out of their site. This may include long distance views to landscape features or buildings or shorter distance views to attractive or distinctive townscape. Where appropriate development should be laid out so that these views are retained and where possible enhanced to improve legibility whilst ensuring that new development is appropriately screened so as not to impact on views towards the site.'*

Principle DG38 sets out key considerations in terms of building design:

*'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.'*

*The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.*

*Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

In terms of tree planning and soft landscaping principle DG27 is also relevant and states:

*'Trees and soft landscape make an important contribution to the character of an area by providing both physical and visual amenity, improving biodiversity and enhancing*

*sense of place. They have a strong impact on people's well-being, soften the impact of buildings and structures, and indicate the passage of the seasons through their growth and change through the year, and should therefore be incorporated throughout new development.*

*From the outset, there should be a clear landscape strategy that is an integral part of the design of new development covering all streets and public spaces while accounting for the growing process. Consideration must also be given to the future maintenance of trees and plants in the design. Native trees and shrubs and longer-lived species should be selected where possible and appropriate as they support a greater variety of wildlife, are often more suited to local conditions and better reflect the character of the wider countryside'.*

It then sets out that trees and soft landscaping should be selected and located according to a range of features including the growing space available, the final height and spread, existing species in the locality, the character of the area, ensuring overlooking of shared spaces and minimising overshadowing.

Also of relevance are paragraphs 134 and 135 of the NPPF. As set out above, paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design guidance.

Paragraph 135 goes on to state that:

*'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)'.*

The application site relates to an area of land to the west of Kilwood Apartments, which formed part of that development site. It currently forms part of the landscaping for this development and sapling trees, for example, have been planted as part of this.

As reflected in the response from the Urban Designer, a key element of the Kilwood Apartments development was its relationship with surrounding landscape. Whilst now within the built up area boundary for Haywards Heath, the character of this area is not overly residential, with surrounding development set back and away from the A272 by landscaping, creating a semi-rural appearance. The prominent ridge-line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened so it sits comfortably in its immediate semi-rural context and not inappropriately impede upon wider views of the South Downs. The existing development was therefore intentionally designed to provide generous landscaping within the development. The Urban Designer has therefore advised that the current proposal would undermine the relationship of the existing development with the landscape.

Objection has been raised by the Urban Designer as the proposal would inappropriately intrude into the defined landscaped areas around the apartment blocks that were established by the 2017 permission. This issue arises from the

proximity of the development to the western boundary and to the existing apartment block C. It would therefore have an inappropriately urbanising impact upon this semi-rural site.

Concern was also raised regarding the position of the new block in relation to the adjacent building. This position was considered to be uncomfortably close and, as the spacing is smaller and more hard-edged, they are more likely to appear a joined buildings.

In terms of views it is advised that looking south westwards, along Rocky Lane from the roundabout junction with Old Rocky Lane, the proposal extends the length of the building frontage. Whilst it is noted that the impact has been reduced in relation to DM/20/3456, as the proposed block has been set back, it would still intrude upon views to the South Downs.

The proposal would therefore have an inappropriately urbanising impact upon this semi-rural site contrary to the aims of the policies of the District Plan outlined above and the Design Guide principles..

It has also been identified by the Urban Designer that the cycle store would be within close proximity to the balcony serving the ground floor flat at the rear of the proposed block. A path to this facility has not been shown. This further indicates a cramped development that would exacerbate and already constrained outlook.

Objection has also been raised by the Council's Tree Officer. It is noted that no enhancement of the tree cover or biodiversity has been proposed. With regards to landscaping it is considered inappropriate to reuse approved landscaping plantings for another development and there is insufficient space to provide adequate landscaping or planting for the proposed development. Furthermore the young trees on site are not viewed as being in good health and transporting them is likely to result in considerably slow growth. Repositioning is also considered to affect even healthy specimens

It also remains the view that grouping the trees close together, creating an almost wooded area, would not be appropriate or for tree selection or residential amenity as there would be limited open space. There is also concern that the planting to the rear would be placed under pressure by the new build and car parking.

Lastly it is advised that the development will be highly visible from Rocky Lane, due to its elevated position, and there is insufficient space to provide screening and softening. This development would have a cramped feel, with landscaping squeezed around it.

Responses have been submitted from the developer in response to the Tree Officer's comments which can be viewed on the planning file. It has been advised that this does not affect the original representation made by the Tree Officer.

Overall the proposed development is to be situated in an area of landscaping for the existing apartments that was to assist in softening its appearance and providing a cohesive scheme in the context of this semi-rural area. In terms of design it is

considered that, as the proposed block of flats would replicate the existing development, no objections on this matter are raised. In terms of the impact on the character and appearance of the surrounding area, it is noted that this development would position the block further back within the site. However the application site is still situated on a higher land level, when viewed from Rocky Lane, and given the height and position of the new block it is considered that it would have greater visual prominence and would appear dominant in views from Rocky Lane. Whilst it is acknowledged that there is now established development to the south of Rocky Lane, it is set away from the highway by a grassed area and at a lower level, thereby reducing its visual impact.

In terms of the landscaping proposed it would still result in the re-location of existing trees to accommodate the development. Whilst the set back of the development allows further landscaping to the south, planning conditions can only protect landscaping for the first five years of the development. It is also considered that conditioning the trees, so they are protected would have a limited benefit, as enforcement action can only be taken once they have been removed. Furthermore, there would likely be future pressure on the trees, as they grow to full maturity, and have greater impact on residents. The proposed site plan also indicates that existing trees would be positioned approximately 3.0 metres from the proposed development. As such it is considered that the landscaping proposed would not provide adequate mitigation to address the impacts of the proposed development on the character and appearance of the surrounding area. It is therefore concluded that the proposed development would not comply with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide.

### **Impact on the amenities of neighbouring properties**

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

Policy H8 states that proposals should "safeguarded" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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.

The proposed development is to be sited to the west of the existing block of flats, block C, and have a separation distance of some 14.0 metres. Furthermore, the proposed flats are to continue the staggered arrangement of the existing development. Given the position of the new flats in relation to the existing and the separation distance proposed it is considered that there would not be a significant impact in terms of loss of light or outlook to existing residents. In terms of overlooking, due to the arrangement of the blocks and the windows within, there would not be any significant loss of privacy to existing or future residents.

In terms of the amenity for future residents, concern has been raised by the Urban Designer regarding the outlook to the bike storage. The closest point would be the front balcony, where the distance between its nearest point would be some 4.8 metres. Whilst this demonstrate the constraints of the site, given the time and frequency of this facility being used it is considered that the harm would not be significant enough to warrant the refusal of this application.

Concern has been raised regarding the impact of the railway line and a road in relation to the new block of flats. A Noise and Vibration Assessment has been submitted as part of this application. No objection has been raised by the Environmental Protection Officer on this matter, providing a condition is attached to ensure that the recommendations set out in this report are complied with as well as stipulating that the internal noise levels meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

A number of representations have been made by residents regarding the impact of the building works on their amenity. Conditions have been recommended by the Environmental Protection Officer relating to construction and delivery hours as well as to prevent burning from taking place on site. A further condition has been proposed by the Highways Authority to secure a Construction Management Plan, which would also assist on this matter. It is therefore considered that these conditions would reasonably control the construction period of the proposed development, to ensure that there would not be an unreasonable impact to neighbours, and can be enforced against if necessary. It is therefore considered that, including the recommended conditions, the proposed development would comply with policy DP26 of the Mid Sussex District Plan and H8 of the Haywards Heath Neighbourhood Plan regarding the impact to existing and neighbouring residents.

### **Highway impact and parking provision**

Policy DP21 the Mid Sussex District Plan states that:

*'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.

In addition, 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 109 of the NPPF is relevant in respect of transport matters and states that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.'*

The Kilnwood Apartments development has 30 residential flats that, under DM/16/5547, originally had 41 car parking spaces secured. This level of parking was increased under DM/17/2583 and a further 14 car parking spaces were provided, bringing the total level to 55. This was based on 13 unallocated parking spaces for the 9 affordable two bedroom units and 42 allocated parking spaces for the 21 private market two bedroom units. There are therefore 4 spaces remaining for overspill/visitor parking to this site.

The submitted application is to allocate 14 spaces for the new development, leaving 13 parking spaces for the existing affordable housing and 28 for the remaining built flats. As part of the application, a supporting transport document has been supplied which states:

*'Using WSCC's own parking assessment calculations it is shown that if all the apartments are allocated 1 parking space each, the total parking demand (allocated and unallocated) is 42 spaces, which equates to an average of 1.4 parking spaces per flat. Applying this parking average to 39 residential units, made up of the 30 consented apartments and the proposed 9 additional apartments, requires an overall on-site parking provision of 55 spaces, which is shown on the submitted development layout.'*

The Local Highways Authority have reviewed this statement and have also concluded that the proposed 55 parking spaces would be sufficient for the development as a whole. As such no further parking is required for the new development.

No objections are raised by the Highways Authority on any other matters, including access and sustainability, and conditions are recommended in order to secure the cycle parking and a Construction Management Plan.

Given the response made by the Highways Authority, whilst it is noted that objections have been made relating to parking and highways safety, it is therefore concluded that the development would supply sufficient parking and would not result in any highways safety concerns. As such the proposal would accord with policy DP21 of the Mid Sussex District Plan and T3 of the Haywards Heath Neighbourhood Plan.

### **Standard of accommodation**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan seeks to ensure that Dwelling space

standards comply with The Government's Technical Housing Standards - Nationally Described Space Standards document, which sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

The plans show that the proposed scheme can achieve these standards and the application therefore complies with Policy DP27 of the Mid Sussex District Plan.

### **Affordable Housing**

Policy DP31 of the Mid Sussex District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

Whilst the proposed development would only provide nine new dwellings, consideration must be given to its context within the Kilnwood Apartment site and if these schemes should be aggregated.

Case Law establishes that the following criteria can be considered when considering if schemes can be aggregated:

- Ownership;
- Whether the areas of land could be considered to be a single site for planning purposes; and
- Whether the development should be treated as a single development.

These criteria are not mandatory or exhaustive, as there may be other relevant matters, and their consideration is a matter of planning judgement.

In terms of the development plan, whilst policy DP31 does not specifically reference aggregating sites, there are thresholds that set out when affordable housing will be sought for all residential developments. The phrase 'residential developments' is not defined, but the supporting text of DP31 does state that this would include '*any other developments where there is an increase in the number of residential units on the site*'. The word 'site' is again not defined and is not restricted, for instance, to an application site. It can therefore be considered that this application for further development is an increase in the number of residential units on the wider site area, having regard to the case law criteria above and any other relevant considerations.

In terms of the above criteria, the application site is within the same ownership as the larger application site and the proposed development would benefit from the existing infrastructure found there.

In terms of the site, it falls within the red line application site for the previous applications and was part of the same planning unit. There was never any physical barrier or separate access to the smaller application site area to suggest any separation or independence between the two areas. This 4th block is proposed to be constructed in an area of the original permission where there should be an extended and strengthened woodland belt and an informal woodland recreation area. Whilst the parties may not have intended to always include a fourth block, this is not



considered to be particularly relevant as it is clear that this area was always part of the wider site.

This smaller site would use the same access, internal road and parking. The building would look the same as the other buildings on the site and is set out in such a way that it appears to be a natural continuation of the buildings and the site. There is no physical barrier or separate access or alternative layout/design, such as the 5 dwellings applied for under DM/19/4731, that sets this building apart from the other blocks. It would appear to be part of the same development to anyone looking at it. Whilst the current blocks are complete and occupied, it is likely to be the same developer that will implement this permission and it is quite usual for development to be constructed in phases and for these to be completed and occupied at different times. There is significant interdependence with the remainder of the site for access and other infrastructure, including the landscaping elements. The proposed development would not be developed wholly independently.

It is therefore considered that the facts of the case point to this being a single site and, as such, affordable housing should be provided. The Housing Manager has confirmed that, in this instance, three on site affordable units will be required in the form of 3 x 2B flats for rent on one floor to enable separate floors to be provided for different tenures. It has since been further advised that, to allow the affordable housing to be retained on the ground floor, the units could be 2 x 2B and 1 x 1B flats.

The Applicants have confirmed agreement to providing affordable housing and works are progressing on the legal agreement. The proposal therefore complies with Policy DP31 of the Mid Sussex District Plan.

### **Infrastructure contributions**

Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing, which is dealt with under Policy DP31 of the Mid Sussex District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations;
- b) An Affordable Housing SPD; and
- 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 states:

*'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning 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 replicate 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 through a planning obligation.

#### *County Council Contributions*

Library: £2,747 - providing additional stock at Haywards Heath Library.  
Primary Education: £9,241 - additional facilities at Holy Trinity CE Primary School, Cuckfield.  
Secondary Education - £9,946 - additional facilities at Warden Park Secondary Academy.  
TAD: £11,946 - South Road pedestrian improvement scheme and/or Commercial Square junction improvement.

#### *District Council Contributions*

Play: £ 6,624 - Skylark and Sandy Vale locally equipped play areas.  
Kickabout: £5,564 - Skylark and Sandy Vale locally equipped play areas.  
Formal Sport: £ 7,587 - Victoria Park and / or Tim Farmer Recreation Ground.  
Community Buildings: £ 4,623 - Ashenground Community Centre and / or The Woodside Pavilion.  
Local Community Infrastructure: £5,169 - proposed Country Park on land off of Hurstwood Lane.

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

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.

### **Sustainability**

Policy DP39 of the Mid Sussex District Plan 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.'*

A statement has been submitted as part of this application setting out sustainability measures that include:

- Using a fabric first approach to maximise air tightness, provide high levels of insulation and optimise solar gains and natural ventilation;
- Reducing water usage to no more than 105 litres/person/day;
- High performance double glazing to be installed to reduce heat loss and unwanted heat gains;
- Energy efficient lighting;
- Cycle storage; and
- Measures to reduce surface water run off.

It is therefore considered that the proposal complies with the relevant criteria policy DP39 of the District Plan and the requirements of the NPPF, consequently the proposal is considered to be acceptable in sustainability terms.

## **Drainage**

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage Engineer has considered the submitted details and has raised no objection and considers that this matter can be suitably dealt with by condition, so there should be no conflict with this policy.

In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex Development 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 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. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The proposed development would result in nine new dwellings in a sustainable location, within the built up area of Haywards Heath; this would make a minor but

positive contribution to the District's housing supply. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

Whilst the proposal would result in the loss of existing car parking for the existing development, concerns raised by local residents in respect of highways safety are not supported by the Local Highways Authority and therefore your officers do not consider that an objection should be raised to this development on highways grounds.

The development is considered to have a neutral impact in respect of a number of issues including on existing and future residential amenity, drainage and sustainability and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

Whilst the block of flats would reflect the design of the existing buildings, it is to be sited in an area of landscaping associated with the existing development that was also intended to soften its appearance and assist in creating a semi-rural appearance. This revised scheme would re-locate the apartment block further back within the site, however this part of the site has a more prominent position through its higher land level when viewed from Rocky Lane. As such, given the pattern of development and semi-rural character along Rocky Lane, the introduction of a further block of flats is considered to have a significantly harmful impact on the character and appearance of the surrounding area.

Landscaping has been proposed to the south of the flats and around the development. This would include the translocation of recently planted trees, which is harmful to their health and longevity, and the addition of further tree and shrub planting. This landscaping, however, cannot be guaranteed to remain in perpetuity and there are concerns that there would be future pressure on its retention as it grows to full maturity. As such it is considered that the landscaping would not mitigate the harm that has been identified.

Whilst the proposed development is identified to bring a range of benefits, when considered in as a whole in the planning balance, it is considered to have a significantly harmful impact on the semi-rural character of the surrounding area and would have an adverse impact on existing trees. For this reason, the proposal fails to comply with policies DP26 and DP37 of the Mid Sussex Development Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD. Accordingly, the application is recommended for refusal.

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## APPENDIX A - REASON FOR REFUSAL

1. The development would have a significantly harmful impact on the semi-rural character of the area, through the urbanisation of a prominent location that also impedes views to the South Downs along Rocky Lane. The scheme would also result in the loss of agreed landscaping that formed part of the Kilnwood Apartments development, which was integral to mitigate its impact on the character of the surrounding area. The proposal therefore fails to accord with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

### 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	2004-P-100		22.10.2021
Existing Site Plan	2004-P-101		22.10.2021
Proposed Site Plan	2004-P-102		22.10.2021
Proposed Floor Plans	2004-P-103		22.10.2021
Proposed Elevations	2004-P-104		22.10.2021
Street Scene	2004-P-105		22.10.2021
Street Scene	2004-P-106	A	22.10.2021
Topographical Survey	2004-P-107		22.10.2021
Other	HBA/003	C	22.10.2021
Tree Survey	NJCL_959_01_051021		22.01.2021
Noise Impact Assessment/Sound			22.10.2021
Design and Access Statement			22.10.2021
Transport Assessment/Travel Plan			22.10.2021
Tree Survey	NJCL959_02_051021		22.10.2021

## APPENDIX B - CONSULTATIONS

### Network Rail

Thank you for consulting Network Rail on the above planning application, please see our formal comments below.

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed apartments to the railway cutting which supports the operational railway, Network Rail requests the applicant / developer

engages Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational 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/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

### **Southern Water**

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here: [gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

The supporting documents make reference to drainage using Sustainable 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:



[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://water.org.uk/sewerage-sector-guidance-approved-documents/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.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water 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.

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.

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

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **WSSC Highways Authority**

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for new apartment block comprising 8 x 2-bed and 1 x 1-bed flats.

The LHA previously provided highways comments under DM/15/5107 for outline approval of up to 30 x apartments at the site, to which no objection was raised. This new apartment building will be accessed from that approved access and will in effect be an extension of the permitted development.

The application is supported by technical drawings and a Technical Note (TN). The LHA does not wish to object, subject to following comments and advised conditions.

### *Access Arrangements*

Rocky Lane is not a through road for vehicles and the access as previously approved was assessed on this basis. Geometry and visibility was previously considered acceptable for the anticipated speeds and vehicles and this is anticipated to continue with the addition of 9 x apartments.

The LHA has reviewed data supplied to WSSC by Sussex Police over a period of the last five years. There have been recorded injury accidents on Rocky Lane, within vicinity of the site access. However, from an inspection of accident data it is clear that this was not due to any defect with the access or nearby road layout.

### *Trip Generation*

The TN states that 3 two-way vehicle movements in AM and PM peak hours respectively will be created (using trip rates from previous application). The LHA are in agreement that the additional vehicle movements from such a scale of development are not anticipated to result in operational capacity issue on nearby road network.

### *Parking*

Additional parking has previously been proposed on the site in addition to the originally approved 41 x spaces for the 30 x flats. An addition of 14 x spaces was approved by the Local Planning Authority (LPA). It is understood that a 2019 application for 5 x dwellings was refused by the LPA, including for reasons of insufficient parking. The LHA requested more information on the parking arrangements at that stage.

The site plan shows a total of 55 x car parking spaces across the development with 14 of these included within the red edge of the site and therefore assumed to be allocated to the development. WSSC Parking Guidance adopted in Sep 2020, advises for the 8 x 2-bed and 1 x 1-bed flats that 10 spaces are provided. On the basis that the existing flats are 2-bed units these would require 33 x spaces. In addition visitor parking should be provided at a rate of 0.2 space per unit (8). The total demand across the site is therefore 51 and thus the 55 x spaces provided are anticipated to meet the demands of the site.

The LPA may wish to secure some electric vehicle charging spaces to promote sustainable transport means. It is also advised that 5% of spaces (3) are suitable for disabled parking bays though the LPA should consider whether this is feasible to request across the existing parking provision and within the confines of the site.

### *Sustainable Transport*

The nearest bus stops on Rocky Lane are within a few minutes walk with services to East Grinstead, Haywards Heath, Hurstpierpoint and Brighton. Some local amenities such as grocery retail are within 15 minute walk of the site. Haywards Heath centre is a 2 mile cycle to the north. Bicycle parking should be provided in secure and sheltered facility, details of which can be secured by condition.

### *TAD Contributions*

In addition to these comments on behalf of West Sussex County Council (WSCC) as Highway Authority a separate consultation response shall be sent from WSCC detailing all of the S106 contributions that the authority is seeking as a result of this planning application. This may include a S106 financial contribution towards transport infrastructure to mitigate any severe or unacceptable impacts of this development as required by paragraph 111 of the NPPF. This consultation shall set out the Total Access Demand (TAD) which is the methodology that has been adopted to calculate the necessary transport contribution. Further details of this methodology can be found here

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#services-requiring-contributions>

### *Conclusion*

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

### *Construction plant and materials*

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

### *Car parking space (details approved)*

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

Reason: To provide car-parking space for the use

### *Cycle parking*

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

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

## **WSSC Minerals and Waste**

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link: <http://www2.westsussex.gov.uk/ssr/mwsfgrdnqprsntn.ppsx>. To hear the audio, view the slides as a 'slide show'

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

## **WSSC Lead Local Flood Authority**

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted with regards to surface water flood risk on the above proposed development.

Due to the scale of this development, we have no comments to submit for this application.

## **WSSC Planning**

S106 contributions sought:

Library - £2,747

Primary Education - £9,241

Secondary Education - £9,946

TAD - £11,946

## **MSDC Street Naming and Numbering Officer**

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

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

## **MSDC Contaminated Land Officer**

The site has had historical use as agricultural land, and as such may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination.

It is noted that some limited testing was carried out as part of application 12/00535/DCOND for the area proposed to be developed as part of this application, and that no contaminants above GAC levels for the proposed end use have were found.

However, it is still recommended that a discovery strategy should be attached to the proposal, so that in the event contamination is found during ground works, that works stop until such time that a further assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

- 1) 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 Drainage Engineer**

### **FLOOD RISK**

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

The application has been supported by a Drainage Strategy Briefing Note (Ardent, June 2020). This report states that infiltration testing was undertaken in July 2017 for the adjacent development which shows infiltration rates close to the development site to be  $1.2 \times 10^{-5}$  m/s. The proposed drainage strategy is based upon this infiltration rate.

We would advise the applicant that site specific infiltration testing should be utilised during the detailed drainage design to ensure accurate, up to date infiltration rates are used.

It is proposed that the development will manage surface water drainage using infiltration. Unlined permeable block paving is proposed for all vehicular areas. An attenuation / infiltration area is proposed beneath the permeable paving, located a minimum of 5m from all structural elements. It is proposed that the residential block would discharge to the attenuation / infiltration area.

The surface water drainage system has been designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. We would advise the applicant that infiltration devices should be sized to ensure a half drain time of 24-hours or less.

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 manage foul water drainage through a gravity fed connection to the public foul sewer located adjacent to the site. It is understood that qualifying foul drains will be offered for adoption.

We would advise the applicant that Southern Water generally require public sewers to be located away from any infiltration devices. We understand that they require sewers to be a minimum of 5m from any infiltration device. However, we would advise the applicant to confirm this with Southern Water.

## 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.

### PROTECTIVE MEASURES DURING CONSTRUCTION - EXISTING DRAINAGE / FLOOD MANAGEMENT FEATURES (INCLUDING SWALE)

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of any existing drainage or flood management features on site, including the identified swale, shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

### **MSDC Environmental Health Officer**

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 Ardent (ref: X275-01), dated August 2021 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. This includes ventilation specification as well as glazing specification, due to the fact that BS8233:2014 standards cannot be met with the windows open.

A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards

Additionally Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise and dust. Conditions are therefore recommended in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

1. Glazing and trickle vents installed within the build shall meet, or surpass, the requirements laid out in the Noise and Vibration Assessment by Ardent (ref: X275-01), dated August 2021.
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. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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



## **MSDC Urban Designer**

This scheme is similar to the refusal in April last year (DM/20/3456) which followed the 2017 approval (DM/16/5547) of the three adjacent apartment blocks designed by the same architect that I supported along with the Design Review Panel.

A key element of the approved scheme was its relationship with the landscape, which as with DM/20/3456, is now undermined by the current proposal. The prominent ridge line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened so it: (a) sits comfortably within its immediate semi-rural context, and (b) does not inappropriately impede upon wider views of the South Downs along Rocky Lane. A key element of this is the inclusion of generous separation gaps between the blocks and around the boundaries which are relevant for any subsequent proposal. Unfortunately, this scheme intrudes upon the landscaped thresholds defined by the 2017 approval in the following respects:

- The current application inappropriately intrudes into the defined landscaped threshold areas around the apartment blocks that have been established by the 2017 consent. This arises from its proximity to the western boundary and to the existing apartment block C.
- It is uncomfortably close to the adjacent apartment block, and the two blocks are more likely to look conjoined as the separation gap is smaller and more hard-edged than the gaps between the approved apartment blocks.
- Looking south-westwards along Rocky Lane the proposal extends the length of the building frontage; while the impact from this vantage has been reduced (in relation to DM/20/3456) by the set-back building line, this still intrudes upon the view towards the South Downs.

Consequently, this proposal will have an inappropriately urbanising impact upon this semi-rural site.

Another sign that the scheme has been squeezed-in is the proximity of the cycle store to the balcony serving the ground floor flat at the rear of the proposed block; this exacerbates an already constrained outlook. With respect of the latter, the site plan drawing does not show a path/paved threshold on the west side of the store that is likely to be necessary to access the cycle store (as a grass threshold will become duntrodden and muddy in winter).

For these reasons, the scheme does not accord with DP26 of the District Plan or design principles DG3, DG7 and DG27 of the Mid Sussex Design Guide SPD. I therefore object to this planning application.

## **MSDC Tree Officer**

I continue to object to this application.

I note that the proposed building has been set back further than previously proposed, however, I do not consider that it is in the spirit of DP37 or DP38.

There is no enhancement of tree cover or biodiversity. Again, I don't think it is appropriate to reuse approved landscaping plantings for another development and there is insufficient space to provide adequate landscaping/ planting for the proposed development.

Apart from that, my previous comments re grouping the trees closer together, in effect creating an almost wooded area which would not be appropriate for the tree selection, nor for residential amenity as there will be limited open space. I am also concerned that the planting to the rear will be placed under pressure, by the new build/car parking etc.

I would also not accept that all of the young trees are in good health. Further, transplant shock is likely to considerably slow the growth of even healthy specimens.

The development will be highly visible from Rocky Lane as it is so elevated, and there is insufficient space to provide adequate screening/softening. Again, I feel that the development will have a cramped feel with landscaping squeezed round about it.

## **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

### **CHILDRENS PLAYING SPACE**

Skylark and Sandy Vale, both owned and managed by the Council, are the nearest locally equipped play areas within walking distance of the development site. These facilities will face increased demand from the new development and a contribution of £12,189 is required to make improvements to play equipment (£6,624) and kickabout provision (£5,564) at one or both sites.

### **FORMAL SPORT**

In the case of this development, a financial contribution of £7,587 is required toward formal sport facilities at Victoria Park 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 £4,623 is required to make improvements to Ashenground Community Centre and / or The Woodside Pavilion.

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 and Infrastructure 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 Housing**

I understand that 3 affordable housing units (30%) are to be provided as part of this application. I can confirm that we will be requiring 3 x on site affordable units in the form of 3 x 2 bed flats for rent on one floor. This will enable separate floors to be provided for different tenures.

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