

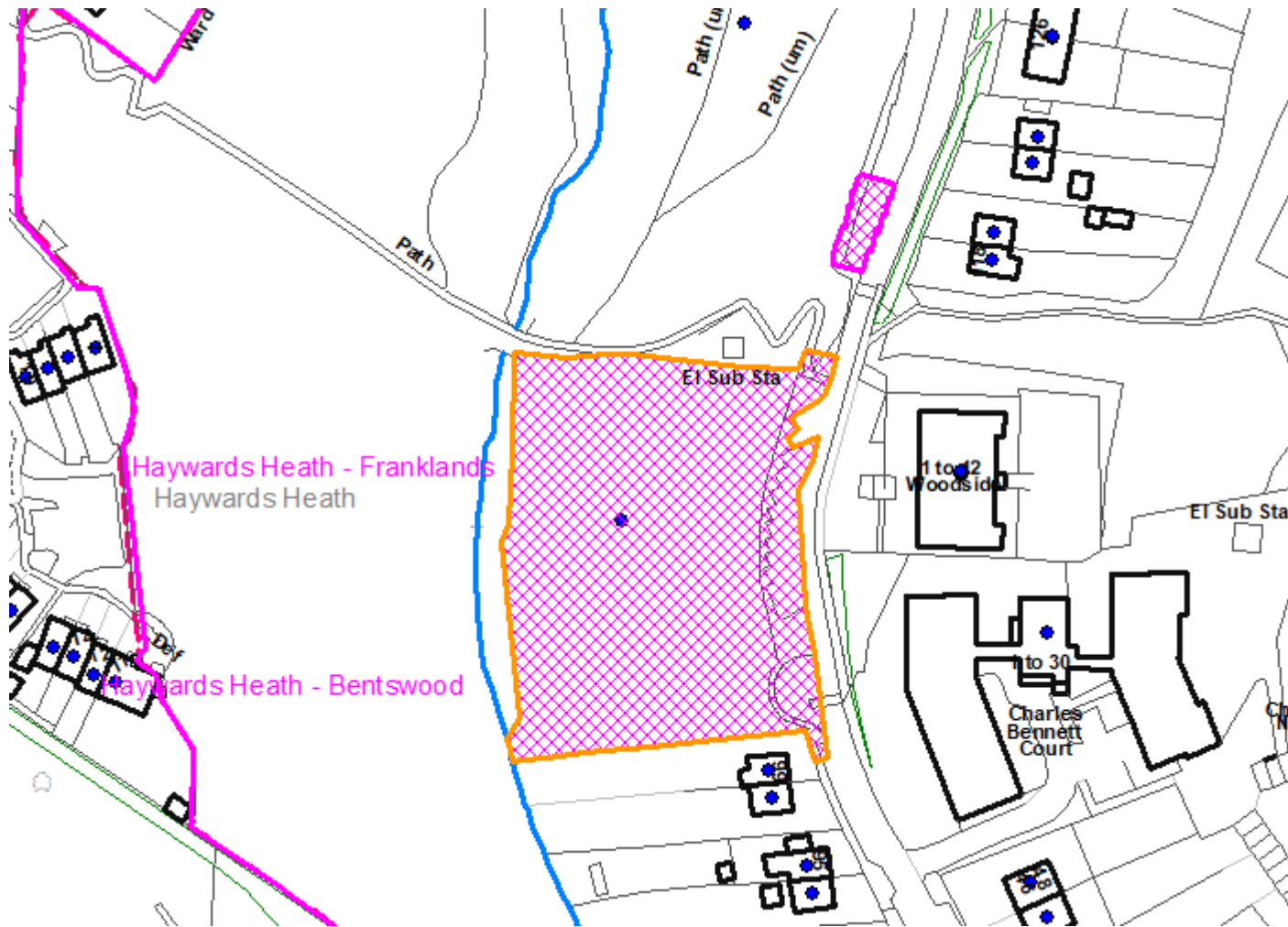
MID SUSSEX DISTRICT COUNCIL

Planning Committee

10 NOV 2022

RECOMMENDED FOR PERMISSION

Haywards Heath



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DM/22/1371

**LAND PARCEL NORTH OF 99 FRANKLANDS VILLAGE HAYWARDS
HEATH WEST SUSSEX
PROPOSED RESIDENTIAL DEVELOPMENT OF 24 X 2 BED FLATS.
MR ROGER MUSTOE**

POLICY: Ancient Woodland / Brownfield Land / Built Up Areas / Conservation Area / Post 1974 Conservation Area Boundary / Informal Open Space / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 21st October 2022

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks full planning permission for a residential development of 24 x 2 bed flats on land to the north of 99 Franklands Village, Haywards Heath.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

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

National planning policy states that planning should be genuinely plan-led. 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.

Weighing in favour of the scheme is that the development will provide 24 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight.

It is considered that the design of the scheme is satisfactory and will be appropriate to the street scene. The character of the Conservation Area will be conserved.

The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.

It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology and that matters relating to land contamination can be dealt with by condition.

It is not considered that the proposal would cause significant harm to the amenities of existing occupiers around the site.

Whilst the scheme provides 8 fewer car parking spaces than the West Sussex County Council standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.

There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.

It is also relevant that the Local Planning Authority has approved a very similar scheme on the site under the same planning policy background (the District Plan and the Haywards Heath Neighbourhood Plan). It is not considered that national planning policy in the NPPF has changed since the previous approval in 2018 in a way that would result in a different decision on the application to that which was previously made. The site and its surroundings remain the same as when the previous application was approved. The fact that the Local Planning Authority has approved a very similar scheme on the site is therefore a material planning consideration that weighs in favour of the scheme.

Whilst it is clearly the case that each planning application must be determined on its individual merits, it is well established in case law that previous planning decisions are capable of being material considerations, meaning that they may need to be taken into account by those determining subsequent applications for permission. Given the above points, it is not considered that there are sustainable reasons for the Local Planning Authority to come to a different conclusion about the merits of the application compared to the decision that was made at the Planning Committee meeting on 13th December 2018.

If permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

In light of all the above, it is considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP31, DP35, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure and affordable housing contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 3rd February 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

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

SUMMARY OF REPRESENTATIONS

14 letters of objection:

- concerned about the loss of the roundabout, people do not use this to park and it is often used for its intended purpose so people don't have to use the full one way system
- will cause noise pollution
- car parking is inadequate for the proposed development and there already problems with the lack of car parking
- proposal results in a loss of 10 existing car parking spaces so where will these people park
- will cause a highway safety hazard
- will destroy the Conservation Area
- will adversely affect the character of the area
- there are no economic benefits from the proposal
- construction would cause chaos with cars blocked in
- concerned about land contamination and the release of Polychlorinated Biphenyls (PCBs) which are a carcinogen that are highly toxic
- current new build flats are not fully occupied so more flats are required
- wooded area to the west of the site should be strongly protected and should have a buffer similar to Ancient Woodland
- concerned that the proposal might trigger subsidence on our property
- will cause a loss of privacy and amenity
- refuse area is proposed right next to my fence

SUMMARY OF CONSULTEES**County Planning Officer**

Requires infrastructure contributions towards primary and secondary education, libraries and TAD

Highway Authority

No objection subject to condition

Lead Local Flood Authority

No objection

Water and Access Manager

Evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

Southern Water

No objection

UK Power Networks

The distance between buildings and substations should be greater than seven metres or as far as is practically possible.

Ecological Consultant

No objection subject to condition

Tree Officer

Requires a method statement prior to development commencing

Environmental Protection Officer

No objection subject to condition

Contaminated Land Officer

No objection subject to condition

Waste Contracts Officer

The plans look fine - the bin store will need to be able to house 4 x 1100L bins (2 refuse, 2 recycling) for each block as per previous comments.

Conservation Officer

Given the planning history of the site, and its context, the proposal is considered to preserve the character and appearance of the Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

Drainage Engineer

No objection subject to condition

Leisure Officer

Requires infrastructure contributions towards play space, formal sport and community buildings

Housing Officer

The terms of the Affordable Housing Contribution and the Viability Review were included in the previously amended s106 agreement, which was recently completed,

and in relation to the affordable housing and Viability Review provisions for this application, the new s106 agreement will need to replicate the previous s106 agreement in all respects

TOWN COUNCIL OBSERVATIONS

Comments:

The Town Council OBJECTS to this speculative application in the strongest possible terms. Members are particularly displeased with the premature site clearance before the application was lodged. To protect the environmental credentials of this conservation site which borders ancient woodland, an ecological survey will be required and a clear statement of the biodiversity gains from any permitted build must be established before permission is granted.

Parking is an issue which has been raised by residents in their objections and indeed by the applicant/site owner (Franklands Village Housing Association (FVHA)) in its Spring Newsletter, which seeks to address the problem of 'Village' parking.

On pages 5 and 6 of the Design and Access Statement, the applicant identifies specific areas which fall within the application site for 12 parking spaces. These are not factored in or accounted for in the application details and the Town Council believes that the claim by the applicant that 24 new spaces are being provided is factually incorrect and misleading.

The Haywards Heath Neighbourhood Plan requires provision of 30per cent affordable housing, as does Policy DP31 of the Mid Sussex District Plan 2014-2031. Without this key ingredient from a leading provider of affordable housing in Haywards Heath, namely FVHA, this application is untenable for the Town Council.

The Town Council requires that the comments from Helen Blackith, Mid Sussex District Council's Housing Enabling Team Manager, be considered as a minimum should the application be approved. Furthermore, and for the absence of doubt, if the application is approved without a clear requirement to deliver 30per cent affordable housing at the outset, an affordable housing contribution and viability review must be undertaken at the stage when the first 18 units are either sold or agreed to be leased, in order to ensure consideration as to whether or not affordable housing would be delivered on site or off site with a significant contribution.

Regarding the previous Section 106 Agreement on the lapsed application, this objective to undermine the delivery of affordable housing in Franklands Village was based upon difficulty in building on this site and the challenges of the uncertain housing market during the COVID pandemic. However, the current application must be judged on its own merits, based upon current housing market conditions which are the strongest seen in over 35 years. Therefore, the previous Agreement to undermine the original Section 106 Agreement is invalid.

The Town Council is also concerned about contamination of the site and must stress the need for a maximum buffer between the neighbouring ancient woodland and any development.

The Town Council recognises that the principle of development on this site has already been established, with DM/18/4118 being the most recently approved application. In the event of permission being granted for this latest proposal and with effect from 'day 1', provision must be made on site to accommodate all construction traffic, including deliveries, contractors' vehicles and parking by site operatives and visitors. There should be no parking of any development-related vehicles in Franklands Village/Reed Pond Walk itself because of the restricted width of the road and pre-existing congestion, and wheel washing facilities will be required to mitigate the impact of construction upon the highway.

The Town Council requests that developer Section 106 contributions for local community infrastructure be allocated towards the proposed Country Park on land off of Hurstwood Lane.

INTRODUCTION

This application seeks full planning permission for a residential development of 24 x 2 bed flats on land to the north of 99 Franklands Village, Haywards Heath.

RELEVANT PLANNING HISTORY

There is an extensive planning history on this site and the surrounding land. The relevant planning history is set out below.

In July 2010, planning permission was granted on this site and a smaller parcel of land opposite for three blocks of 18 flats and 2 pairs of semi-detached houses, all with associated off street parking (equating to 22 dwellings in total (6 x 3-bed flats, 12 x 2-bed flats and 4 x 3-bed houses), with all being affordable units) (10/01024/FUL). This permission was not implemented and lapsed.

In September 2013, planning permission was granted on this site only for a residential development of 18 flats (13/01776/FUL). This permission was not implemented and lapsed.

In July 2017, planning permission was granted on this site only for a residential development of 18 flats (DM/16/3026). This permission was not implemented and lapsed.

In April 2019, planning permission was granted for a residential development of 24 x 2-bed flats on this site only, including 8 affordable units (DM/18/4118) following a resolution to approve the scheme at the Planning Committee meeting of 13th December 2018. This consent expired on 26th April 2022.

An application submitted under section 73 of the Town and Country Planning Act 1990 to amend the plans that were approved under application DM/18/4118 to allow for design changes was approved on 10th March 2022 (reference DM/20/4110). As this was a section 73 application it could not extend the time limit for implementing the original planning permission that it sought to amend (DM/18/4118) and therefore this section 73 planning permission has also expired.

Linked to the section 73 application was a separate application (reference DM/20/4114) that sought to amend the section 106 legal agreement attached to planning permission DM/18/4118 in respect of the provision of affordable housing. The legal agreement with planning permission DM/18/4118 secured 8 affordable units on the site. The applicant provided a Viability Assessment setting out that it would not be viable to construct the development with that provision of affordable housing. Following an assessment of the applicants case, the legal agreement was amended so that instead of 8 affordable units on site a payment of £47,769 for the provision of affordable housing would have been made on the commencement of the development.

In March 2018, planning permission was granted on the opposite side of the road parcel of land for a 3.5-storey block of 12 no. 2-bed flats (DM/17/4137). This permission has been implemented and the flats are known as Woodside, Franklands Village.

SITE AND SURROUNDINGS

The site lies within the built up area of Haywards Heath and within the Franklands Village Conservation Area. Together with a smaller parcel of land opposite to the east (recently developed and known as Woodside), they contained a total of 8 x 2-bed flats and 6 x 3-bed houses, but following a landslide in December 1993/January 1994, they were left structurally unsound and had to be demolished. The site has remained undeveloped since.

The site is steeply sloping. Land levels drop sharply from east to west by about 12m and more gently (4m) from south to north. There is a ditch at the valley bottom, adjacent to the western boundary, and the land rises sharply uphill towards more modern dwellings at Albert Close. This land to the north is designated a Local Wildlife Site in the District Plan. A public footpath runs along the northern boundary. Beyond this is an undeveloped wooded area with the footpath providing access to similar open space at the rear of houses further to the north. The site is bounded to the east by Reed Pond Walk, with some car parking spaces on the western side of the road and a mini-roundabout. Vehicular access is one-way from north to south, but two-way immediately to the south of the site boundary.

Opposite is Woodside, a 3.5-storey block of 12 flats, which has been recently built and occupied. To the south-east is Charles Bennett Court, a two-storey 'H'-shaped building on the eastern side of Reed Pond Walk, offering accommodation with a considerably higher density than the rest of this part of the Conservation Area. Immediately adjoining the site to the south is 99 Reed Pond Walk, a 2-storey semi-detached house set at road level with a significantly sloping rear garden to the west.

The majority of Reed Pond Walk (apart from Woodside and Charles Bennett Court) comprises pairs of two-storey semi-detached houses/maisonettes - facing onto the road and with good gaps between allowing views through to land at the rear. The houses were built in the 1930s with traditional brick elevations and pitched tiled roofs. The general character of this part of Reed Pond Walk is one of attractive and spacious development with plentiful mature planting and good sized gardens.

APPLICATION DETAILS

Full planning permission is sought for a residential development of 24 no. 2-bed flats arranged in two 3.5-storey blocks.

Both blocks are of the same design, albeit they will sit at different levels, reflecting the complex topography of the site. To the front, they will appear as 2.5-storey buildings, with the upper ground floor below the road level, rooflights and two dormer windows inserted in the roof space. However, to the rear, they will be viewed as full 3.5-storey buildings with the lower ground floor level being apparent, and with a mix of dormers and rooflights throughout the top level. Additional dormers and rooflights will be provided to the side elevations. Private amenity space will be provided to all 4 flats at lower ground floor level by way of a patio, to all 8 at upper ground floor level by means of patios and terraces, to 4 of the flats at first floor level by means of terraces but none to the remaining 4 second floor flats, which are all contained within the roof spaces.

The buildings have been designed with traditional elevations of brick and tile hanging with solid gables, projections and entrances, all set beneath heavy roof forms that are characteristic of the Conservation Area. Cycle and refuse/recycling storage facilities are provided in separate structures to the front of each block, adjacent and at grade with the road. A total of 24 car parking spaces are shown, 18 to be provided in front of both blocks, with 6 further allocated spaces further to the north. Both blocks will be accessed from the road via separate footways, with a set of steps descending to the respective entrances. Further steps will be provided at the rear of each block to access the rear communal space.

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, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP31: Affordable Housing

Policy DP35: Conservation Areas

Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

Policy DP42: Water Infrastructure and the water Environment

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Neighbourhood Plan

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E6: Green Infrastructure

Policy E7: Sustainable Drainage Systems

Policy E8: Sustainable Design

Policy E9: Local Character

Policy E13: Amenity Space

Policy T1: Pedestrian and Cycle Connections

Policy T2: Funding of Cycle Routes

Policy T3: Parking Provision

Policy H8: Housing Development within the Built up Area Boundary

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Development Viability Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraphs 8, 11, 12, 38, 47, 111, 124, 126, 130 and 194 to 202 are considered to be relevant to this application.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design

and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

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

Technical Housing Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

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;

- The design and visual impact on the character and appearance of the Conservation Area;
- The impact on neighbouring amenity;
- Transport matters;
- Drainage;
- Land contamination;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Standard of accommodation;
- 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. The planning balance to be applied in this case is therefore a non-tilted one.

The site falls within the built-up area of Haywards Heath as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan.

Policy DP4 of the District Plan identifies a minimum District housing requirement of 16,390 dwellings between 2014 and 2031. It sets out a spatial strategy of focusing the majority of housing at Burgess Hill, with the remainder as sustainable developments elsewhere. To this end, a settlement hierarchy has been developed which identifies five categories of settlement within Mid Sussex.

Haywards Heath is identified in this policy as a Category 1 settlement, the largest settlement category in Mid Sussex. Category 1 settlements are defined in Policy DP6 of the District Plan as a 'Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements.'

Policy DP6 states (in part):

'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.'

The site is in a sustainable location and the proposal is considered to be of an appropriate nature and scale. Therefore, the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF. At Neighbourhood Plan level, Policy H8 is relevant, and it is considered that the proposal also meets the criteria within this policy.

Thus, the principle of this development is acceptable in line with the above development plan policies and the NPPF. It is also relevant that planning permission has previously been granted for a residential development of this site under the same District Plan and Neighbourhood Plan that is in place now.

Design and visual 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 DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policies E9 and H8 in the Neighbourhood Plan have similar aims.

Policy E9 States:

'Policy E9: 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 states:

'Policy H8: Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene. Spacing between buildings would respect the character of the street scene. Gaps which provide views out of the Town to surrounding countryside are maintained. Materials are compatible with the materials of the existing building. The traditional boundary treatment of an area is retained

and, where feasible reinforced. The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

It is considered that the proposed development is of the high standard of design that is sought in the above policies. The proposed buildings are of a traditional form and appearance, utilising a mixture of brick and tiles and their elevations. Whilst they are substantial buildings, the detailing within the buildings, including projecting gables and the differing roof heights, help to break down the scale of the buildings so they do not read as one monolithic block. It is considered that this design approach accords with policy DP26 of the DP and Principle DG11 of the Design Guide SPD.

The development will optimise the use of the site, as sought by policy DP26 in the DP and paragraph 124 in the NPPF.

The arrangement of the different levels of the building would work with the steep slope within the site, in accordance with Principle DG3 of the Design Guide SPD.

Policy E13 in the Neighbourhood Plan states:

'Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s) and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.'

Private amenity space will be provided to all 4 flats at lower ground floor level by way of a patio, to all 8 at upper ground floor level by means of patios and terraces. The 4 second floor flats are all contained within the roof spaces and do not feature private amenity space. Given the type of dwellings proposed, character of the area and topography of the site, it is considered that the amenity spec that would be provided for future residents is satisfactory and accords with policy E13.

To conclude on matters of general design, it is considered that the proposal is of a good quality design and complies with the policies identified above. It should also be noted that the design of the buildings has not changed significantly from the scheme that was previously approved by the Local Planning Authority and there are no grounds to come to a different decision on design matters to that which was made by the Planning Committee on 13th December 2018.

Sustainable Design

Policy DP39 of the 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'*

Policy E8 of the Neighbourhood Plan has similar aims.

The applicants have set out in their Planning Statement various measures they propose. These include:

- water saving fittings
- low energy lighting
- high-performance glazing
- Photovoltaic panels will be installed to the flat roof section of the buildings

It is considered the applicants have had regard to policy DP39 in the DP and policy E8 in the Neighbourhood Plan.

Dwelling space standards

The proposal would comply with the national dwellings space standards and thus comply with policy DP27 in the District Plan.

Impact on Conservation Area

The proposed development is located within the Franklands Village Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the general duty in respect of conservation areas in the exercise of planning functions and states in part that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'

Policy DP35 of the Mid Sussex District Plan states:

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*

- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.;

The following paragraphs in the NPPF are of particular relevance:

'197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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

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

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

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Franklands Village Conservation Area has a special and quite individual character that is underpinned by its modest, mostly 2-storey 1930's semi-detached houses of an arts and crafts style within a semi-rural setting. The houses all face the street with a largely consistent design that gives the area a cohesive quality. They are generously set back with grass verges and are surrounded by mature trees and shrubbery. Off-street car parking tends to be sensitively integrated at the side of each house so that it does not dominate.

The comments of the Council's Conservation Officer are set out in full the appendix. She states:

'Given the existing permission on the site, the principle of the current proposal is not considered contentious in terms of the impact on the character and appearance of the Conservation Area. This permission followed on from another permission on the same site for a development of 18 flats (DM/16/3026) which itself followed an earlier permission. Furthermore, permission was granted in 2017 for a development of 12 flats on the land opposite the site, also within the Conservation Area, which is understood to have been recently completed. Therefore the precedent for this form of the development along this part of Reed Pond Walk is considered to have been established.'

The detailed design of the scheme is very similar to the previous approval and is intended to reference the form of the handed pairs of houses further to the south along Reed Pond Walk, as well as architectural features and materials typical of the Conservation Area. In the context of the previous approvals this aspect of the scheme is also considered acceptable.' She concludes that *'...the proposal is considered to preserve the character and appearance of the Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.'*

Your Planning Officer has no reason to disagree with this assessment. Accordingly, the scheme would comply with Policies DP26 and DP35 of the Mid Sussex District Plan and paragraph 197 of the NPPF.

Impact on neighbouring amenity

The main property affected by the proposal would be 99 Reed Pond Walk, with occupiers of Charles Bennett Court and 118 Reed Pond Walk not significantly affected due to distance and effective boundary screening in both cases. The main impact upon surrounding residents would arise from the positioning of Block B within 10m of the flank wall of 99 Reed Pond Walk, albeit this would be a corner-to-corner oblique relationship.

Policy DP26 in the District Plan seeks to avoid '*significant harm*' to neighbouring amenity taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Policy H9 in the Neighbourhood Plan states in part '*The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*' There is some conflict between the wording of these two policies. In accordance with

planning law, the conflict needs to be resolved in favour of the most recently adopted policy. As such policy DP26 should be given greater weight and the test is whether there would be significant harm to neighbouring amenity.

It is considered that the spacing between the properties and the design of the proposal will mean that there would not be a significant loss of residential amenity to the occupiers of 99 Franklands Village. This also was the conclusion reached on the previously approved scheme (DM/18/4118). The application therefore complies with policy DP26 in the District Plan in respect of residential amenity.

Transport matters

Policy DP21 in the District Plan states:

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

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into*
- *account the accessibility of the development, the type, mix and use of the development and*
- *the availability and opportunities for public transport; and with the relevant Neighbourhood*
- *Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport*
- *Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable*

- *including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and*
- *strategic road network, including the transport network outside of the district, secured where*
- *necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking*
- *account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the*
- *High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

The reference to severe impacts reflects paragraph 111 in the NPPF which states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The Local Highway Authority (LHA) has raised no objection to the scheme based on the impact of vehicular movements on the capacity of the highway network. Given the number of existing dwellings that utilise the access road proposed for this development, the additional number of vehicular movements would represent a very small percentage increase in traffic. The proposal would not have a severe impact on the capacity of the road network and therefore there is no conflict with this element of policy DP21. It should also be noted that there were no objections in relation to vehicular movements on the previously approved scheme at the site.

Concerns have been raised about the loss of the roundabout to the northeast of 99 Franklands Village. The road southwards beyond 99 Franklands Village is two way, whereas to the north of the roundabout it is one way (southbound only).

The applicants have stated, *the 'existing turning facility tends to be used for car parking and, as such, is not always available for use by turning vehicles. This does not lead to any operational issues as there is an existing access immediately to the south of the existing turning facility that is used as a turning head for cars associated with the semi-detached houses immediately to the south of the one-way section of Reed Pond Walk. With regard to larger vehicles, such as home delivery vehicles, the current turning facility is inadequate to accommodate such vehicles, even if there were no cars parked. As such, large vehicles turn at the nearby existing junction with the road beyond the junction clearly signed as a dead end.'*

The LHA have advised that they agree with the applicant's comments and raise no objection to the loss of the roundabout. It should also be noted that this is the same arrangement as was approved on the now expired consent for 24 flats at this site. In light of these points it is not considered that an objection can be sustained based on the loss of the roundabout.

Car parking

Policy T3 in the Neighbourhood Plan states in part that '*Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.*'

The scheme proposes 24 car parking spaces, all accessed directly from the street, which is a one-way road, with an indicated speed limit of 10mph. The WSCC Car Parking Demand Calculator indicates that a development of 24 two-bedroom flats would require 32 parking spaces. As such the scheme is 8 spaces short and would conflict with the part of policy T3 referred to above.

The LHA has raised no objection to the application based on the level of car parking, noting that the site is in a sustainable location.

Due to the arrangement of the road around the site, and the posted speed limit, vehicle speeds are low. Whilst there have been many objections to the application regarding the level of car parking provision, given the above points it would be difficult to sustain an argument that any displaced car parking from the scheme would result in a highway safety hazard. As Reed Pond Walk is a private road, it is open to the owners of the road to take action against any inappropriate car parking that may occur.

It is also the case that prospective occupiers of the proposed flats would be aware of the level of car parking that would be provided and it is reasonable to assume that if it is important to prospective occupiers that they have a flat with two dedicated car parking spaces, they would not wish to occupy one of these flats.

For an application to be refused on the basis that the car parking provision is insufficient, there has to be some identifiable harm arising from the level of car parking. The LHA do not consider that the level of car parking would result in a highway safety hazard. As such it is not considered that it could be demonstrated that the level of car parking proposed would result in harm that would justify a refusal of planning permission. It is also important to note that the proposed level of car parking for the new development remains the same as for the previously approved scheme (DM/18/4118). This level of car parking was accepted in 2018 and it is not felt that circumstances have changed to warrant coming to a different conclusion on this issue now.

Sustainable transport

The applicants have stated that an Electric Vehicle (EV) charging point would be provided between each two spaces serving 12 (50per cent) of the proposed car parking spaces. This is above the current WSCC guidance, which refers to an active EV charging point being provided for a minimum of 20per cent of all parking spaces.

A condition can be used to ensure that all of the spaces are provided with ducting to provide passive provision so the remaining spaces can be upgraded in the future.

Policy T2 in the Neighbourhood Plan states:

'Planning applications for new major development proposals will be required to contribute towards the funding of cycle routes to Haywards Heath Railway Station and the town centre in accordance with the proposed Mid Sussex Infrastructure Delivery Plan, Mid Sussex Community Infrastructure Levy Charging Schedule and any S106 Obligations document or equivalent in place at the time.'

The County Council have advised that it is intended to spend the Total Access Demand (TAD) contribution on South Road Public Realm Improvements. As such, this is the project the County Council believes it would be most appropriate to spend the TAD monies.

The Development and Infrastructure SPD identifies routes for pedestrians, cyclists and equestrians as a type of project that Local Community Infrastructure (LCI) contributions could be spent on. In this case, the Town Council have requested that the LCI contribution is spent on the proposed Country Park on land off of Hurstwood Lane.

There is no specific cycle route project that has been identified. In light of this and the fact consultees have not expressed a preference to spend either the TAD or LCI contributions on cycle routes, it is not felt that there are grounds to resist the application in relation to policy T2 not being met.

Drainage

Policy DP41 in the DP seeks to ensure that developments are satisfactorily drained and do not increase the risk of flooding off site. Policy E7 in the Neighbourhood Plan has similar aims. It is proposed that the development will either use infiltration and/or discharge of surface water to the adjacent watercourse. The Councils Drainage Engineer has advised that the principle of either option is acceptable. The details of this can be controlled by a planning condition to ensure compliance with policy DP41 in the DP and policy E7 in the Neighbourhood Plan.

It is proposed that foul drainage would connect to an existing foul sewer that runs to the west of the site. Southern Water have raised no objections to the application. Again, the details of the foul water disposal can be controlled by a planning condition.

It was determined that the site could be satisfactorily drained in 2018 when the previous planning application was approved and there are no grounds to come to a different decision on this issue now.

Land contamination

The site has potentially contaminated land sources within the near vicinity (an electricity substation that is adjacent to the site and a historic landfill site at eastern

Road). The NPPF advises that *'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*

The Council's Contaminated Land Officer has recommended that conditions can be applied to any planning permission and this would ensure compliance with the NPPF requirements.

The impact on trees

Policy DP37 in the DP states in part that *'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'*

The application has been accompanied by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. It notes that four groups of C-grade trees will be removed in order to implement the proposed works. The remainder of the trees on the west and southern margins in particular, as well as those to the north-east, will be retained. Whilst none of the trees within the site are covered by a Tree Preservation Order (TPO) because the site is within a Conservation Area, it is a requirement to notify the Council of a proposal to carry out works on any trees within the Conservation Area. Whenever a planning permission has been granted that involves work on protected trees, the planning permission take precedence and there is not a requirement to seek separate consent to carry out works on the trees in question.

The Council's Tree Officer has not objected to the application and has requested that a method statement should be provided prior to the commencement of development. This can be secured by a planning condition. With such a condition in place, policy DP37 in the DP would be met.

Biodiversity

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The application is accompanied by an extended Preliminary Ecological Appraisal. The purpose of the survey was to update an ecological survey carried out in 2018. The report notes that the site is unlikely to be of value to protected species and has no features for roosting bats. The report notes the surrounding woodland is of high intrinsic value, much of which is listed on the Ancient Woodland Inventory. It is also likely to support a number of protected species including breeding birds and roosting bats. It is also likely to be an important wildlife corridor for a variety of species.

There is an area of ancient woodland to the north of the site and a further area of ancient woodland to the southwest of the site. The proposed development would not be within the 15m buffer zone that surrounds this ancient woodland. As such it is considered that the development would not cause harm to the ancient woodland and there are no grounds to resist the application based on this issue.

The applicants propose a number of measures to minimise the impact of the development on ecology during construction. Post construction, the applicants extended Preliminary Ecological Appraisal recommends that external lighting should be minimised and should avoid light shining directly on the surrounding woodland. The applicants report also recommends a number of enhancement measures on the site. These include enhancing the woodland edge by allowing a 5m strip of scrub to develop and also enhancing the hedgerow on the eastern boundary of the site.

The Councils Ecological Consultant has assessed the application and has advised that there is sufficient ecological information available to determine the application. The Councils Ecological Consultant recommends a number of planning conditions to secure mitigation and enhancement measures and with such conditions in place, they advise that there are no ecological reasons to object to the proposal. Your

Planning Officer has no reason to disagree with this assessment. It is considered that subject to conditions, policy DP38 of the District Plan will be met.

Habitats Regulations

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

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.

Infrastructure provision

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

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

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

and:

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

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

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

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions

Education - Primary Academy)	£32,285	(additional facilities at Warden Park Primary Academy)
Education - Secondary College)	£345,747	(additional facilities at Oathall Community College)
Libraries Library)	£8,110	(upgrading services at Haywards Heath Library)
TAD	£53,873	(South Road public realm improvements)

District Council Contributions

Equipped play	£21,660	(Hardys Memorial)
Kickabout facilities	£18,194	(Hardys Memorial)
Formal sport	£24,806	(Hardys Memorial Field)
Community Buildings Hall)	£14,227	(improvements to 1st Haywards Heath Scout Hall)
Local Community Infrastructure	£16,152	

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

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

Affordable housing

Policy DP31 of the Mid Sussex District Plan states:

'The Council will seek:

- 1. the provision of a minimum of 30per cent on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30per cent on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75per cent social or affordable rented homes, with the remaining 25per cent for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this

District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

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

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

The originally approved application (DM/18/4118) on this site provided for 8 affordable units (30per cent) on site. Following on from this approval, the applicants submitted viability information to demonstrate that the scheme was no longer viable to deliver 30 affordable housing by way of a section 73 planning application (DM/20/4110) and the linked amendment to the legal agreement (DM/20/4114). This viability information was independently assessed on behalf of the Local Planning Authority and it was concluded that it had been demonstrated that the scheme could not viably provide 30per cent affordable housing on site.

As such the legal agreement was amended on 1st March 2022. The revised legal agreement secured £47,769 in place of onsite affordable housing. The legal agreement also included an Advanced Stage Review to determine whether a 'surplus' will be generated over and above required developer returns, which could go towards off site affordable housing provision.

Due to the fact that this amendment to the legal agreement was assessed and subsequently approved very recently, it is not considered that it is necessary for all of this information to be assessed again now. The applicants demonstrated that the scheme could not provide 30 percent on site affordable housing and this remains the case now.

It is therefore considered that the legal agreement that will be attached to this new planning application should secure exactly the same provisions in relation to affordable housing as were secured in the amended legal agreement that was approved under application DM/20/4114. This would accord with policy DP30 of the DP.

Housing mix

Policy DP31 in the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. Although the proposed development provides only a single type of dwelling (all being 2-bed, 4-person flats), the internal floor area does vary. The scheme will deliver smaller market housing units that are required in Haywards

Heath and the District more generally. It was accepted when the original application (DM/18/4118) was approved that the proposal would provide appropriate accommodation for current and future housing needs and on this basis, there was no conflict with policy DP31. It is considered that there are no grounds to depart from that assessment now.

Water Infrastructure

Policy DP42 in the DP states in part '*Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate,*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and*
- *that there is adequate water supply to serve the development'*

South East Water are the water supply company for this area. The applicants have provided a letter from South East Water that quotes for the cost of connecting the development. It is considered that the applicants have demonstrated that a water supply can be provided in line with policy DP42.

Other matters

The Water and Access Manager has referred to the requirement to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard. These are matters that would need to be addressed under the Building Regulations.

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. 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.

Weighing in favour of the scheme is that the development will provide 24 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to significantly boost the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if

permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

It is considered that the design of the scheme is satisfactory and will be appropriate to the street scene. The character of the Conservation Area will be conserved.

It is considered that the site can be satisfactorily drained, there will be no adverse impacts on ecology and that matters relating to land contamination can be dealt with by condition.

It is not considered that the proposal would cause significant harm to the amenities of existing occupiers around the site.

The impact on infrastructure would be mitigated by the contributions required under the section 106 legal agreement. As such this is neutral in the planning balance.

Whilst the scheme provides 8 fewer car parking spaces than the WSCC standards, the Local Highway Authority do not object to the scheme. It is not considered that the level of car parking would result in a highway safety hazard or other harm which would justify a refusal of planning permission.

There may be some disruption during the construction phase but this would be temporary and could be mitigated by a Construction Management Plan. It is not considered that this would be a reason to resist the application.

It is also relevant that the Local Planning Authority has approved a very similar scheme on the site under the same planning policy background (the District Plan and the Haywards Heath Neighbourhood Plan). It is not considered that national planning policy in the NPPF has changed since the previous approval in 2018 in a way that would result in a different decision on the application to that which was previously made. The site and its surroundings remain the same as when the previous application was approved. The fact that the Local Planning Authority has approved a very similar scheme on the site is therefore a material planning consideration that weighs in favour of the scheme.

Whilst it is the case that each planning application must be determined on its individual merits, it is well established in case law that previous planning decisions are capable of being material considerations, meaning that they may need to be taken into account by those determining subsequent applications for permission. The reasoning behind this was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P and CR 137: The judgement stated *'It was not disputed in argument that a previous appeal decision is capable of being a material consideration. The proposition is in my judgment indisputable. One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the appellate process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgment. He is therefore free upon*

consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.'

Given the above points, it is not considered that there are sustainable reasons for the Local Planning Authority to come to a different conclusion about the merits of the application compared to the decision that was made at the Planning Committee meeting on 13th December 2018.

In light of all the above, it is considered the proposal complies with Policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP31, DP35, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies E6, E7, E8, E9, E13 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan and Policy E7 of the Haywards Heath Neighbourhood Plan.

3. No development shall take place until details of the existing and proposed site levels (in particular relating to 99 Reed Pond Walk) have been submitted to and approved in writing by the Local Planning Authority, including proposed contours and finished landscaping, such as retaining walls or raised terraces. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. No development shall take place until a scheme and method statement setting out the measures that are to be implemented to secure the stability of the slopes during the construction of the development and thereafter have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of land drainage. Development shall be carried out in accordance with the approved scheme and method statement.

Reason: To ensure that the development is carried out satisfactorily and will secure the stability of the slope and to comply with the NPPF requirements.

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with Policy DP38 of the Mid Sussex District Plan.

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

- a) A preliminary risk assessment which has identified
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies E5 and E9 of the Haywards Heath Neighbourhood Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP26 and DP35 of the Mid Sussex District Plan and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan.

10. No development above slab level shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority.
The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

Construction phase

11. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other

than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

12. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:
Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Salix Ecology, April 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the Mid Sussex District Plan.

Pre-occupation conditions

14. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

15. 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 adequate on-site car parking space for the development and to comply with Policy DP21 of the Mid Sussex District Plan.

16. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

17. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policies E8 and E12 of the Haywards Heath Neighbourhood Plan.

18. The development shall not be occupied until A Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

19. The development shall not be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and Policy 31 of the Horsham Development Framework and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

20. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

21. 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.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

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

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

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.
Accordingly, you are requested that:
 - No burning of construction waste materials shall take place on site
2. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	1795_200		28.04.2022
Block Plan	1795_201		28.04.2022
Proposed Site Plan	1795_205	A	12.07.2022
Proposed Floor Plans	1795_210		28.04.2022
Proposed Floor Plans	1795_211		28.04.2022
Proposed Floor Plans	1795_212		28.04.2022
Proposed Floor Plans	1795_213		28.04.2022
Proposed Roof Plan	1795_214		28.04.2022
Proposed Elevations	1795_215		28.04.2022
Proposed Elevations	1795_216		28.04.2022
Proposed Elevations	1795_217		28.04.2022
Proposed Elevations	1795_218		28.04.2022
Proposed Floor Plans	1795_220		28.04.2022
Proposed Floor Plans	1795_221		28.04.2022
Proposed Floor Plans	1795_222		28.04.2022
Proposed Floor Plans	1795_223		28.04.2022
Proposed Roof Plan	1795_224		28.04.2022
Proposed Elevations	1795_225		28.04.2022
Proposed Elevations	1795_226		28.04.2022
Proposed Elevations	1795_227		28.04.2022
Proposed Elevations	1795_228		28.04.2022
Proposed Sections	1795_230		28.04.2022
Proposed Sections	1795_231		28.04.2022
Proposed Floor and Elevations Plan	1795_240		28.04.2022
Proposed Floor and Elevations Plan	1795_241		28.04.2022

APPENDIX B – CONSULTATIONS

County Planning Officer Summary of Contributions

Education			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	45.6		
	Primary	Secondary	6th Form
Child Product	0.2280	0.2280	0.0000
Total Places Required	1.5960	1.1400	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£8,110		
Population Adjustment	45.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	24		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	45.6		
Net Parking Spaces	24		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£32,285
Education - Secondary	£34,747
Education - 6th Form	No contribution
Libraries	£8,110
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£53,873
Total Contribution	£129,015

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

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

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The calculations have been derived on the basis of an increase in 24 net dwellings, and an additional 24 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**

e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

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

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

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

The contributions generated by this proposal shall be spent on South Road Public Realm Improvements.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,229 per child**
- Secondary Schools- **£30,480 per child**
- Sixth Form Schools- **£33,056 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,928** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

Sustainable transport contribution = (net car parking - occupancy) x 773

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

Highway Authority

Summary and Context

This proposal is for a residential development comprising 24 two-bedroom flats. The site is located on Reed Pond Walk, a privately maintained road located within Franklands Village. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no objections to the proposed development.

The LHA previously provided comments pertaining to highway matters for this site for similar permitted application DM/18/4118, raising no objections.

Access and Visibility

The applicant proposes vehicular access along Reed Pond Walk, fronting the proposed development - similar to that of the previous application at this site. Reed Pond Walk is a privately maintained road and as such, the applicant is advised to contact the proprietor of the road to obtain formal approval for the proposed access works.

Access to the maintained highway is at the junction with Frankton Avenue, a C-classified road subject to a speed restriction of 30 mph. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to Frankton Avenue.

Capacity

As per the LHAs comments for the previous application at this site, the LHA is satisfied that the expected number of trips generated by the development can be accommodated into the local highway network and it is not anticipated to give rise to any adverse impacts on highway safety.

Parking and Turning

The applicant proposes 24 unallocated car parking spaces for this development. The Design and Access Statement includes the use of the WSCC Car Parking Demand Calculator, which indicates that 24 flats with up to three habitable rooms would require 22 parking bays. On this basis, the LHA is satisfied with the proposed parking provision.

It should be noted that the above-mentioned calculation is based on 24 one-bedroom flats. The WSCC Car Parking Demand Calculator indicates that a development of 24 two-bedroom flats would require 32 parking spaces. However, the LHA acknowledges that the site is situated in a sustainable location and one parking space is to be provided for each dwelling, which is considered reasonable. In addition to this, the applicant has demonstrated two communal cycle stores with provision for one cycle space per dwelling, in accordance with WSCC Parking Standards.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50per cent of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well

connected by public transport, with local bus services available from Frankton Avenue and more regular, varied services from the B2272. Haywards Heath Train Station is located approximately 2.4km northwest of the site.

Conclusion

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

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

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 to be 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.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

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.

Lead Local Flood Authority

West Sussex County Council (WSSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

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

Current surface water mapping shows that the proposed site is at low risk from surface water flooding. There is higher risk to the west of the site in association with the watercourse.

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

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

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

Comments:

Current Ordnance Survey mapping shows an ordinary watercourse running close to the boundary of the site.

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

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

Records of any surface water flooding within the site?	No
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Comments:

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

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy and SuDS Assessment for this application proposes that a soakaway or attenuation with a restricted discharge to the watercourse would be used to control the surface water from this development.

This application may want to be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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

WSCC Water and Access Manager

Having viewed the plans for the planning application no. DM/22/1371 for the proposed residential development of 24 x 2 bed flats, evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer asset within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

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.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

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.

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

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

UK Power Networks

We refer to the Planning Application for the above site. The proposed development is in close proximity to our substation, and we have the following observations to make:

If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

Our engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick building. It is a recognized fact that transformers emit a low level hum which can cause annoyance to nearby properties. This

noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. This, you can imagine can be very annoying.

In practice there is little that can be done to alleviate these problems after the event. We therefore offer advice as follows:

1. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
2. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
3. Buildings should be designed so that rooms of high occupancy, i.e., bedrooms and living rooms, do not overlook or have windows opening out over the substation.
4. If noise attenuation methods are found to be necessary, we would expect to recover our costs from the developer.

Other points to note:

5. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
6. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
7. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
8. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.
9. All works should be undertaken with due regard to Health and Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

Ecological Consultant

Thank you for consulting Place Services on the above application.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes

Recommended Discharge of condition	
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Summary

We have reviewed the Preliminary Ecological Appraisal (Salix Ecology, April 2022) supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species, particularly bats, Great Crested Newt, Hazel Dormouse, Badger, Hedgehog, reptiles and nesting birds and identification of proportionate mitigation.

We note that ancient woodland (irreplaceable habitat) lies adjacent to the south west and north of the site and we therefore recommend the implementation of a 15m buffer zone as advised by Government Standing Advice (<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>).

We also note that the site was cleared prior to the survey and therefore that the biodiversity value of the site has not been fully assessed (Preliminary Ecological Appraisal (Salix Ecology, April 2022)).

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (Salix Ecology, April 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly bats, Great Crested Newt, Hazel Dormouse, Badger, Hedgehog, reptiles and nesting birds. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity, to be secured as a pre-commencement condition of any consent.

The proposed habitats, including the development of scrub and enhancement of the eastern boundary hedgerow should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Salix Ecology, April 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We recommend that reasonable biodiversity enhancements should be identified to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Salix Ecology, April 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the

Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

4. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications)

so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and Policy 31 of the Horsham Development Framework.

Please contact us with any queries.

Tree Officer

A method statement should be provided prior to the commencement of development but, bearing in mind the previous consent, it would not be required prior to receiving consent.

Should be worded something like, ' Prior to the commencement of the works hereby permitted, a method statement detailing all development including surfacing, structures and foundations, within RPAs should be submitted to and approved by the LPA'

Environmental Protection Officer

Comments: I note that there is an electricity substation on site. Such station can produce a low frequency hum. I would recommend that UK power network are consulted to ensure they are satisfied that the proposed will not cause complaints to them or impact on the running of their substation.

Given the proximity of nearby dwellings, Environmental Protection has no objection to this application subject to the following conditions:

1. Construction hours: Works of construction, 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.

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

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

3. Construction Environmental Management Plan: Prior to the commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise

affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust management plan and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

Informative:

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

Accordingly, you are requested that:

- No burning of construction waste materials shall take place on site

Contaminated Land Officer

Comments: The site has potentially contaminated land sources within the near vicinity.

Adjacent to site is an electricity substation, which historical mapping indicates has been there since 1971. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Additionally a historic landfill at Eastern Road (ref: EAHLD20019), which is considered to be potentially contaminated land, is roughly 50m West of the proposed site.

Due to the above it is necessary and appropriate to apply a phased potentially contaminated land condition to ensure safe development of the site. This condition should be applied verbatim.

Additionally, a contaminated land discovery strategy would also be recommended for this development just in case otherwise unsuspected contamination is found during the development of the site.

Recommendation: Approve with conditions

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

- a) A preliminary risk assessment which has identified
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

In addition, the following precautionary condition should be applied separately:

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

Waste Contracts Officer

The plans look fine - the bin store will need to be able to house 4 x 1100L bins (2 refuse, 2 recycling) for each block as per previous comments.

The bin stores are close to where the refuse collection freighter would stop and the footpaths leading to Reed Pond Walk would need to be smooth with dropped paving.

Conservation Officer

The application site is a piece of undeveloped land north of 99 Franklands Village, and is within the Franklands Village Conservation Area. Planning permission was granted in 2018 for a development of 24 x 2 bedroom flats, with the permission amended in 2020. The current proposal is for the renewal of the permission, as amended, with further minor amendments including provision of electric vehicle charging points.

Given the existing permission on the site, the principle of the current proposal is not considered contentious in terms of the impact on the character and appearance of the Conservation Area. This permission followed on from another permission on the same site for a development of 18 flats (DM/16/3026) which itself followed an earlier permission. Furthermore, permission was granted in 2017 for a development of 12 flats on the land opposite the site, also within the Conservation Area, which is understood to have been

recently completed. Therefore the precedent for this form of the development along this part of Reed Pond Walk is considered to have been established.

The detailed design of the scheme is very similar to the previous approval and is intended to reference the form of the handed pairs of houses further to the south along Reed Pond Walk, as well as architectural features and materials typical of the Conservation Area. In the context of the previous approvals this aspect of the scheme is also considered acceptable.

Therefore, given the planning history of the site, and its context, the proposal is considered to preserve the character and appearance of the Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I assume similar conditions as applied to the previous approval will be employed in relation to details of materials etc.

Drainage Engineer

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there is an area of the site shown to have increased surface water flood risk, but this is along the western boundary with an ordinary watercourse.

There are no historic records of flooding occurring on this site or the immediate area surrounding the site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

SEWERS ON SITE

The Southern Water public sewer map shows public sewers are located within the redline boundary of the site. This sewer is located central to the site and is a foul water sewer.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

This application is for the Phase 2 proposal.

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will either use infiltration and/or discharge of surface water to the adjacent watercourse. The submitted drainage strategy and SuDS report identifies a required attenuation system of 513m³ with a restricted QBar discharge of 2.3 l s⁻¹ for the 1:100+40per centcc. Or an infiltration system. The document does not specifically state which will be the method used, as infiltration testing is yet to be undertaken. However, the principle of either option is acceptable.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will discharge to the existing foul water system that runs through the site.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

LOCAL GROUND CONDITIONS

It is understood that some land slippage occurred in this area in the 1990's. The development may require geo-technical expertise to evaluate the ground's ability to safely manage methods of surface water attenuation and/or percolation. Geo-technical stability is outside of the MSDC Flood Risk and Drainage Engineers' expertise, and the LPA may require employing the knowledge, skills and experience of a third party geo-technical engineer.

CONDITION RECOMMENDATION

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

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 the watercourse 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.

WORKS WITHIN 5M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Leisure Officer

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

CHILDRENS PLAYING SPACE

Franklands Village Hardy Memorial, owned and managed by the Franklands Village Housing Association, is the nearest locally equipped play area approximately 200m from the development site. This facility will face increased demand from the new development and a contribution of £38,854 is required to make improvements to play equipment (£21,660) and kickabout provision (£18,194). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £24,806 is required toward formal sport facilities at the Franklands Village Recreation Ground and / or Victoria Park.

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 £14,227 is required to make improvements to the Vic Forster Centre and / or community buildings at Barn Cottage Recreation Ground.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Housing Officer

'The applicant is proposing a development of 24 x 2 bed flats, which gives rise to a minimum on site affordable housing requirement of 30per cent (8 units) in accordance with District Plan Policy DP31. A Viability Appraisal was provided with the previous section 73 planning application for the scheme, and, as a result of the Viability Assessment undertaken, it was agreed that the scheme could only currently viably contribute the sum of £47,769 towards affordable housing provision and that a Viability Review would be undertaken on the sale/letting of 75per cent of the dwellings. The terms of the Affordable Housing Contribution and the Viability Review were included in the previously amended s106 agreement which was recently completed, and in relation to the affordable housing and Viability Review provisions for this application, the new s106 agreement will need to replicate the previous s106 agreement in all respects.