

MID SUSSEX DISTRICT COUNCIL

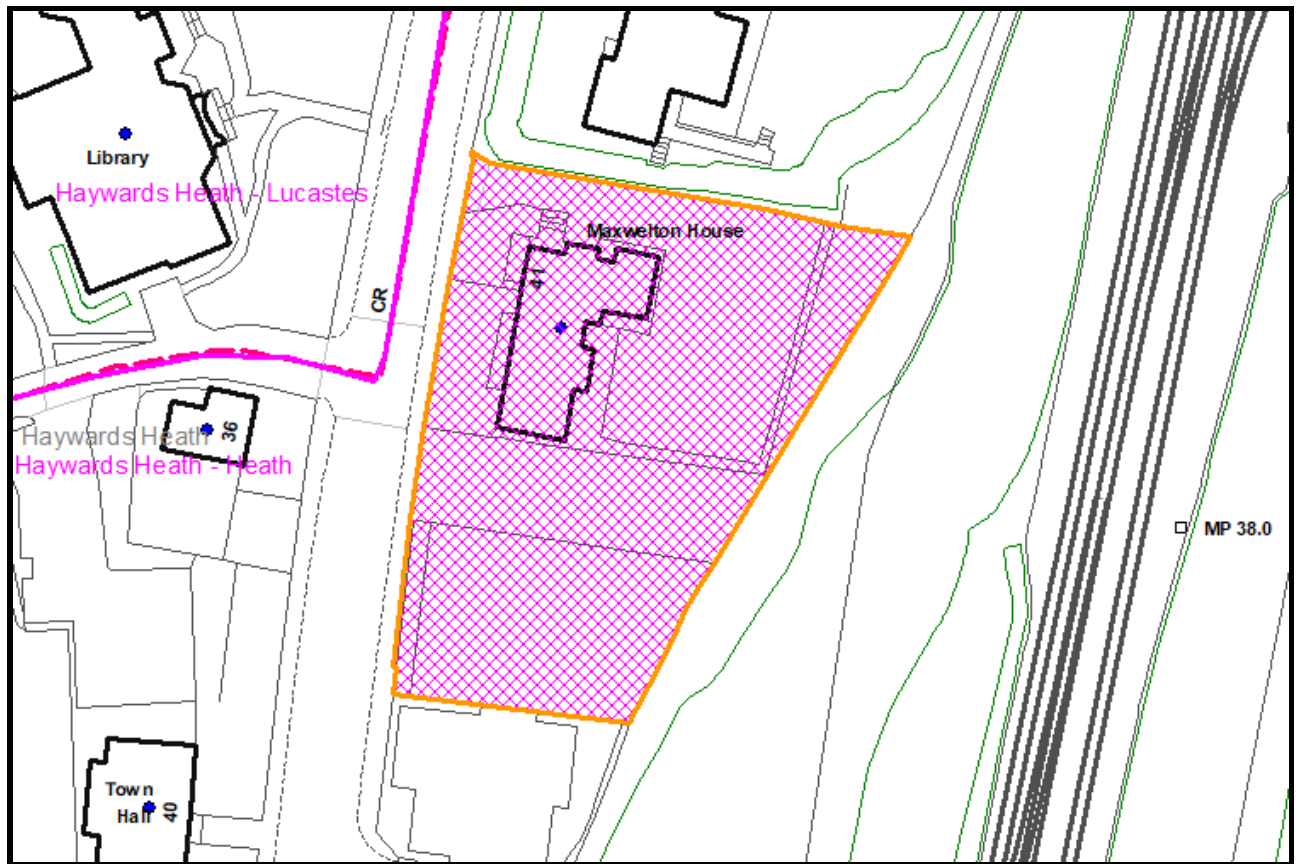
District Wide Committee

16 FEB 2023

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/2218



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

**REDEVELOPMENT OF SITE TO PROVIDE A DEVELOPMENT OF 50 RETIREMENT LIVING APARTMENTS, ASSOCIATED PARKING, LANDSCAPING AND AMENITY PROVISION. AMENDED PLANS RECEIVED 13/12/2022 REMOVING TOP FLOOR OF COMMUNAL FACILITIES AND ROOFTOP TERRACE AND ALSO SUBMISSION OF A CONSTRUCTION MANAGEMENT PLAN AND SURFACE WATER MANAGEMENT PLAN DURING CONSTRUCTION.**

**MR JOEL DAY**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 1st March 2023

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Joanne Fisher

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for the redevelopment of the site to provide 50 retirement living apartments (Use Class C3 'dwelling houses'), associated parking, landscaping and amenity provision at Maxwelton House and land to the south of the building, Boltro Road, Haywards Heath.

The application follows the grant of planning permission for the demolition of the existing office building and provision of 54 apartments with associated parking and landscaping on this site (DM/20/3516).

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

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

The Development Plan (DP6, DP26 and H8) and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of under-utilised land and buildings. As such, in terms of principle, the redevelopment on the site would result in the delivery of 50 retirement living residential units within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

Whilst the development would result in a larger scale building than that existing or that surrounding the development, the adopted Mid Sussex Design Guide supports site optimisation, and the site is within an area identified within that document to be able to accommodate higher density and taller development. The design of the building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design and proposed materials it is not considered that the proposal will detract from the character of the area or street scene. Although the development would only result in the provision of 25 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

Although it is acknowledged that the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area, this is at the lower end of the scale. As set out in para 202 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. It is considered in this instance that the public benefits is the creation of 50 retirement living dwellings, in a highly sustainable location, which accords to the development plan and reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure and off-site affordable housing contributions which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. The Council would also receive a new homes bonus.

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies E8, E9, H8, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 110, 111, 119, 124, 130, 152 and 180 and 202 of the NPPF.

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

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

## **RECOMMENDATION**

### **Recommendation A**

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

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 16th May 2023, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

## **SUMMARY OF REPRESENTATIONS**

3 letters of OBJECTION from same property concerning the following points:

- McCarthy Stone already has an application under consideration to construct 37 retirement flats at 3 - 15 The Broadway (ref DM/21/3898) and no consideration on combined impacts of both the applications
- Imbalance in the mix of accommodation and excessive burden being placed on local health and care services with this application and existing at Church Road and Beech Hurst as well as proposed at The Broadway,
- Should only be approved if McCarthy Stone withdraws their application at The Broadway,
- McCarthy Stone owned by LoneStar a US private equity fund,
- Occupants over time will increase the demand for health, social and palliative care services and will place further pressures on services,
- Amendments seeks to avoid new fire safety regulations.

## **SUMMARY OF CONSULTATIONS**

### **WSCC Highways**

No objection subject to conditions

## **WSCC County Planning Officer**

Summary of contributions:

Libraries - £14,547

TAD - £66,335

## **WSCC Flood Risk**

No objection.

## **WSCC Waste and Minerals**

No comment

## **WSCC Water and Access**

Comments.

## **MSDC Urban Designer:**

No objection subject to conditions.

## **MSDC Design Review Panel**

Support the scheme subject to changes / details.

## **MSDC Conservation Officer**

No objection.

## **MSDC Drainage Engineer**

No objection subject to conditions

## **MSDC Tree Officer**

No objections.

## **MSDC Environmental Health**

Approve with conditions.

## **MSDC Contaminated Land**

Approve with conditions.

## **MSDC Leisure**

The development would generate the need for the following contributions:

Formal Sport - £28,941  
Community Buildings - £25,522

### **MSDC Housing**

No objection. Require a commuted sum payment of £913,000 towards affordable housing.

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

Informative.

### **Southern Water**

Comments and informative.

### **Network Rail**

No objection.

### **Sussex Police**

No objection. Comments.

### **NHS**

NHS Sussex requests a contribution from the applicant of **£58,573**, as quantifiably in the tariff section, which will be used most likely towards supporting Dolphins / Newtons (potentially another site or central hub which will serve the catchment population of this proposed development.

### **Haywards Heath Town Council**

The Town Council notes the submission of amended plans (received by Mid Sussex District Council (MSDC) on 03/11/2022) addressing the comments of MSDC's Urban Designer and the Mid Sussex Design Review Panel (DRP), and reiterates its previous consultation response - which was submitted on 10/08/2022 - as follows:

The Town Council **SUPPORTS** this application but requests that any permission granted is subject to compliance with the following conditions:

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

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

Saturday 09:00-13:00 hours,

Sunday and Bank/Public Holidays No work permitted,

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

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

The Town Council further notes the positive comments from the meeting of the DRP held on 31/08/2022, and supports the requirements outlined by the Urban Designer on 07/09/2022 for a full landscaping plan and further details of the roof terrace (both of which subsequently confirmed by the agent on 07/11/2022).

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## **INTRODUCTION**

This application seeks planning permission for the redevelopment of the site to provide a development of 50 retirement living apartments, associated parking, landscaping and amenity provision at Maxwelton House, 41 - 43 Boltro Road, and land to the south of Maxwelton House in Haywards Heath.

## **RELEVANT PLANNING HISTORY**

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

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

DM/20/3516 - Demolition of existing office building and provision of 54 apartments with associated parking and landscaping. APPROVED.

DM/22/3145 - Discharge of planning condition No: 4 relating to planning application DM/20/3516. WITHDRAWN.

## **SITE AND SURROUNDINGS**

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

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

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

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

The site is located within the built up area of Haywards Heath.

## **APPLICATION DETAILS**

Planning permission is sought for the redevelopment of the site to provide 50 retirement living apartments, associated parking, landscaping and amenity provision. Such a development falls under Class C3 (dwellinghouse) under the Town and Country Planning Use Class Order, 1987 (as amended). The development would consist of 22no 1-bed and 28 no 2-bed flats. Due to the nature of the development it is proposed to provide a commuted off-site affordable housing contribution.

The type of retirement living accommodation is to provide a form of sheltered housing, with on-site warden service and communal facilities of a residents lounge and guest suite for use by friends and family of residents. This type of development allows independence to occupants through the flats being self-contained. Staff typically comprise a manager and support staff. There is an emergency helpline available within each residents' dwelling and communal areas to summon assistance in the event of an emergency.

*The submitted Planning Statement sets out that the 'units are sold based on a long lease which require the units to be occupied by persons over 60 years of age. In the case of a couple, that part of the lease is satisfied where one of the occupants is over 60 and the other is over 55. This recognises situations where a spouse, who needs special accommodation, has a younger partner'*

The proposal would provide a range of communal facilities at ground floor level comprising of a reception area, communal lounge with outdoor seating to the front of the building, a mobility scooter store and bin store. On the fifth floor would be a small guest suite comprising of a bedroom and ensuite area. On the sixth floor would be stairs and a lift providing access to the rooftop for maintenance where there is an array of PV panels.



Due to the levels of the site, the building would consist of a lower ground floor level comprising of 3 no flats, a communal lounge area with outdoor seating, a reception area, with two rear core areas of stairwells, lifts and plant as well as storage for mobility scooters, bins and undercroft parking for 9 vehicles. Above this would be four further floors spanning the footprint of the whole of the building. Two further upper floors would be set back from the front and northern side of the proposed building. Overall the building would comprise of 7 storeys.

The proposed building would measure some 49 metres in length, some 20 metres in depth (not including the protruding balconies), with an overall height of some 21.5 metres. The two top floors would be set in from the northern end of the building by a minimum of some 4.7 metres for the fifth floor and some 33 metres for the sixth floor. On the southern end these top two floors would be set in by a minimum of some 2.5 metres for the fifth floor and some 9.4 metres for the sixth floor.

To the front there would be one main front entrance accessed by steps and a ramped path. In addition on the front elevation emphasis is given to the balconies which project 1.5 metres from the main facade (rather than being set within it) and consequently the building is closer to the front boundary reducing the depth of the front threshold to between 6 and 8 metres (measured to the balcony projections). These balconies are organised as a series of bays. To the rear would be two entrance cores and stairwells.

On the roof of the building are to be solar panels. To the side elevations are to be secondary windows serving bedrooms and living areas as well as landing windows serving the central corridor of the building.

Plans show that the main building is to be constructed in brick with contrasting brick. The two upper floors are to be contrasting brick and zinc panels. The building would have grey window frames. On the side elevations are to be vertical recess features. The balconies are to have opaque glass / balustrade and metal balustrade to Juliet balconies.

The rear of the site would provide 25 off road parking spaces with 13 electric vehicle charging points. Internally there would be a mobility scooter store providing 8 spaces and bin stores within the lower ground floor element of the building. In addition, there would be cycle parking to the front of the building next to two of the proposed car parking spaces.

To the front of the site is to be a new landscaped frontage with specimen trees and additional landscaping. The entrances would be accessed by steps and a path as well as a ramped area. To the rear boundary additional tree planting is proposed.

Following the application being heard at the Council's Design Review Panel, amended plans were submitted to address comments which were made. These amendments comprise of the following:

- Rear Elevation, updated the elevations, contrasting brick fenestration panels,
- Entrance Treatment, revised the design (enhanced canopy/cladding and adjust the steps, ramps and planting),

- Front elevation details, changes to proportions and details ,
- Roof Terrace, integrated shade structure and permanent planters (increased amenity areas), and
- Detailed Landscape Design, updated landscape layout.

Further amended plans were received in December 2022 removing the top floor of communal facilities and roof top terrace and also the submission of a Construction Management Plan and Surface Water Management Plan during construction. Within a covering letter it was explained that this is:

*'in light of interpretation of legislation relating to fire regulations. As you are aware the Government is working on new legislation relating to fire regulations and whilst the final drafting of these regulations are not complete there are implications for future developments that we must take into account.*

*The regulations in question will apply to any building over 18m, and to any building over 7 storeys. Our proposal does not exceed 18m, and the development provides accommodation over 6 floors. Therefore it was considered that the regulations would not apply to this building. However, the building includes a roof terrace and associated facilities (WC and Kitchenette) at the 7th floor, and it is now understood that this ancillary accommodation would deem the building to be over 7 storeys. The implications for this are significant, and affect the development operationally and financially to the extent that the development could not be completed in it's current form.'*

The amendments by removing the communal facilities and roof top terrace with only plant to this top floor would now bring the scheme below the requirements of the additional fire regulations.

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

- A Design and Access Statement,
- An Affordable Housing Statement,
- A Daylight and Sunlight Report,
- An Energy Statement,
- A Transport Statement,
- A Travel Plan,
- A Noise Assessment,
- An Air Quality Assessment,
- A Site Investigation Report,
- A Drainage Strategy Report,
- A Preliminary Ecological Appraisal
- A Badger Survey Report,
- A Bat Report,
- A Planning Statement,
- Haywards Heath - Older Persons Housing Need Assessment,
- An Arboricultural Impact Assessment and Method Statement,
- A Soft Landscape Management and Maintenance Plan,

- A Soft Landscape Specification,
- A Fire Strategy,
- A Statement of Community Involvement,
- A Construction Method Statement, and
- A Surface Water Management Plan.

This application is an amendment to the previous approval for flatted development approved under planning reference DM/20/3516. This previous approval was for 54 flats including 30percent affordable housing and was to measure some 51 metres in length, some 19.6 metres in depth with an overall height of some 21 metres to the south of the building and some 22.7 metres to the northern end of the building. This current application is of a slightly smaller footprint (reduction in some 2 metres in length, 0.4 metres in depth - not including the balconies - and 1 metre in height). The top floor has been reduced in size providing stair and lift access to the roof top for maintenance only thereby reducing the bulk and mass from that previously approved. The previous approval was split into five vertically proportioned bays with two main entrance cores to the front and rear of the buildings. Due to the nature of this development for retirement living there is only one main entrance into the building on the front elevation. In addition, there is a reduction in 3no. car parking spaces on the site, however there are more electric charging points and due to the nature of the development there is now mobility scooter parking for residents.

## **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, the Site Allocations Development Plan Document (SADPD), and the Haywards Heath Neighbourhood Plan.

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

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

### **Mid Sussex District Plan**

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

Relevant policies include:

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

### **Site Allocations Development Plan Document - SADPD**

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

Relevant policy:

SA34 - Existing employment sites - protection, intensification and re-development.

## **Mid Sussex District Plan 2021-2039 Consultation Draft**

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

## **Haywards Heath Neighbourhood Plan**

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

The following policies are considered to be relevant:

- E6 - Green Infrastructure
- E7 - Sustainable Drainage Systems
- E8 - Sustainable Development
- E9 - Design and Character
- E11 - Visual impact
- T1 - Connectivity
- T2 - Cycle Routes
- T3 - Car parking
- H8 - Windfall sites

### *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.

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

### *Affordable Housing Supplementary Planning Document (SPD)*

### *Haywards Heath Town Centre Masterplan*

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

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

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

system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth, providing a supply of housing and creating a high quality environment with accessible local services, and using natural resources prudently. An overall aim of national policy is *'significantly boosting the supply of homes.'*

Paragraph 12 of the NPPF states:

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

Paragraph 38 of the NPPF states:

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

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

*National Planning Policy Guidance*

*National Design Guide*

*Ministerial Statement and Design Guide*

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

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

## *Technical Housing Standards*

### **Assessment**

The main issues for consideration are:

- Principle of development
- Design and impact on the character of the area,
- Heritage,
- Access, parking and highway safety,
- Residential Amenity,
- Dwelling Space Standards,
- Sustainability,
- Drainage
- Ecology
- Trees,
- Infrastructure,
- Affordable Housing and Housing Mix,
- Ashdown Forest, and
- Planning Balance and Conclusion.

### **Principle of development**

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

Policy SA34 of the Councils adopted Site Allocations DPD (SADPD) relates to the protection, intensification and redevelopment of existing employment sites which supplements Policy DP1 of the District Plan by protecting certain existing employment sites. The site subject to this planning application is not identified as an existing employment site for the purposes of Policy SA34 of the SADPD.

The site already has permission for the demolition of the existing office building and the provision of 54 apartments with associated parking and landscaping under reference DM/20/3516. This is a significant material consideration. This application currently under consideration is for a similar scheme but for 50no retirement living apartments. In addition, Maxwelton House has permission through a prior approval for the conversion of the existing office building to nine flats granted under DM/20/1854.

Whilst the loss of the commercial use of part of the site is regrettable, in light of the recent approvals for its re-development to residential, and the site not being identified as an employment site under Policy SA34 of the SADPD, it is considered that the loss of the site for commercial and the re-development to residential is considered acceptable.

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

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

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

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

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

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

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

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

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

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

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

*'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect 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.*
- *creates a pedestrian friendly layout that is safe, well connected, legible and accessible,*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300 plus unit) scheme will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.'*

Policy H8 of the Neighbourhood Plan requires amongst other criteria the scale, height and form fit unobtrusively with the existing building and the character of the street scene.

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

Para 126 of the NPPF relates to design and states in part:

*'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... '*

Para 130 of the NPPF states:

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,*

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

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

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

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

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

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

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

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

*The District's towns are largely composed of low-rise development, typically of two and three storey buildings and have the greatest potential to deliver increased density. The opportunities exist for more intensive development within the part of the town centres identified as coarse grained in Figures 5B, 5C and 5D because of their inconsistent built form or fragmented street layout (refer to sections 2.5 and 2.6). Increased height and massing within the town centre intensification areas must be*

*carefully managed as part of a coherent and comprehensive vision which establishes a more urban form composed of street blocks and spaces with typical building heights of four to six storeys (four to five in East Grinstead). Development that exceeds this height risks being unduly prominent and/or out of scale with the surrounding streets and buildings.*

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

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

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

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

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

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

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

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

*'At the front, emphasis is given to the balconies which project 1.5m from the main facade (rather than being set within it) and consequently the building is closer to the front boundary reducing the depth of the front threshold to between 6 and 8m (measured to the balcony projections) which is nevertheless still generous. The balconies are organised as a series of brick clad vertically grouped bays that help to articulate and break down the overall building mass/scale, which is also aided by the set back top floors and the sunken ground floor.'*

As set out in the Urban Designer's detailed comments, the Design Review Panel supports the scheme. The application has been revised to address the comments of the Design Review Panel and Urban Designer including revising the design of the entrance treatment and changes to the proportions and details to the front elevation. Overall the Urban Designer concludes that:

*'This scheme is not as contextually successful as the 2021 consent, but it does not warrant an objection on design grounds as overall it sufficiently addresses the principles set out in the Mid Sussex Design Guide (including the criteria set out in DG32 which deals with managing increased density in town centres) and policy DP26 of the District Plan.'*

Your Planning Officers agree with the comments of the Urban Designer. The principle of a larger building on this site has previously been approved under planning reference DM/20/3516. This building currently under consideration whilst of a similar height and mass displays different characteristics in the design. The site falls within an area of coarse grain development where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan. The proposal seeks to do this through creating a building which maximises the use of the existing brownfield site, removing the large area of hardstanding to the south and taking advantage of the levels of Boltro Road. Although the proposed development is to form a taller building compared to the neighbouring buildings, design principle DG33 allows where appropriate for taller buildings. Due to the levels of the site, the building would read as a four storey building due to the lower ground level and the two additional stories on the roof set back and in from the main building line. The proposed design minimises the prominence of the building. In addition the proposed front elevation provides articulation which reduces the buildings apparent scale with the two top floors set back in the building with a different material to minimise their prominence. As such it is considered that the proposal would sit comfortably within the site and its surrounding context.

The proposal is to form a positive relationship with Boltro Road and the surrounding buildings through stepping the building down with the road, setting the top floors back from the main proposed building and the vertical articulation. The building is to be set back from the street frontage with landscaping to soften the development. In addition, the car parking is to be set to the rear of the site in order to not dominate the public realm. The proposal thereby presents a positive relationship with the street and would not adversely affect the character of the area. It is considered that following the amendments to the scheme, the application is acceptable in design terms, subject to conditions relating to the finer details of the design as set out in Appendix A.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan, Policies H8 and E9 of the Neighbourhood Plan, the Mid Sussex Design Guide, and the provisions of the NPPF.

## Heritage

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

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

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

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

### 'Listed Buildings

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

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

### Other Heritage Assets

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

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

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

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

Policy E9 of the Neighbourhood Plan in part states:

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

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

Paras 199 - 202 of the NPPF states:

*'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.*

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

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

*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.'*

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

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

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

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

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

In addition, she considers that:

*'The significant increase in height and bulk of the proposed building will have some impact on views looking north along Boltro Road from the Muster Green Conservation Area. The upper floors of the building in particular will be higher and more visually prominent than the existing roof storey of the building and this increase in bulk will result in a sense of more intensive development within the setting of the Conservation Area and some loss of the current sense of spaciousness. This also will result in some degree of harm to the contribution that setting makes to the Conservation Area and views from within it. However, it should be borne in mind that in relation to the approved scheme the current proposal appears to be of reduced height and to be less bulky to the top two storeys (in particular at the 6th floor/7th storey penthouse level), with the penthouse storey also being set back further from the Boltro Road elevation. The level of harm caused to the setting of the Conservation Area is therefore likely to be somewhat reduced.'*

*I would therefore consider that the proposal is for reasons of the loss of the existing building and of the increased height and bulk of the replacement contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would consider that the harm caused to the Conservation Area by setting and views to be less than substantial, at the lower end of this scale, and as above, of a somewhat reduced level of harm in comparison with the previously approved scheme.*

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

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

Your Planning Officers agree with the above comments. Whilst the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area, it is considered that the harm would be at the lower end of the scale. With respect to the impact on the setting of the listed building of The Old House, it is considered that the proposal would result in a neutral impact.

Para 202 of the NPPF sets out that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*'.

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

The Courts further stated on this point '*This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The*



*presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

It is considered in this instance that the public benefits is the creation of 50 retirement living apartments in a highly sustainable location which is supported by the development plan and reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions as well as a commuted off-site affordable housing sum as detailed further in this report which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area.

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

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

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

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

- *A high quality transport network that promotes a competitive and prosperous economy,*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,*
- *Access to services, employment and housing, and*
- *A transport network that feels, and is, safer and healthier to use.*
  
- *To meet these objectives, decisions on development proposals will take account of whether:*
  
- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians, and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy T1 of the Neighbourhood Plan states:

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

Policy T3 requires sufficient on site car parking and states:

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

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

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

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

In addition, para 111 states:

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

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

The existing site entrance to the north of the site would be used with parking to serve the development to the rear of the site as existing. The proposal would comprise of 25 car parking spaces, with 13 electric car charging points. In addition there would be 8 covered and secure mobility scooter parking spaces within the lower ground floor area of the building as well as bike parking spaces located to front of the building.

A Transport Statement has been submitted with the application. It states that

*'Parking provision has been informed by research into past McCarthy Stone schemes and demonstrates that suitable car, buggy and cycle parking is provided within the scheme, taking into account the nature of the use, the accessibility of the site and public transport services available.'*

In addition, the Transport Statement states that:

*'A trip generation assessment shows that the proposals will result in a reduction in vehicular movements from the existing use and the consented residential scheme and will therefore improve the operation of the local highway network.'*

A Travel Plan accompanies the application. This sets out that *'Hard measures have been incorporated into the proposed site layout including provision of safe and secure cycle/mobility buggy storage facilities, as well as a range of pedestrian access routes.'* In addition it states that the Travel Plan Co-Ordinator (TPC) would *'encourage the use of walking and cycling, promote national and local cycling and walking campaigns such as Cycle to Work Day as well as advertise local cycling and walking routes.'*

It is acknowledged that the proposal falls below the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments

(September 2020). This guidance identifies this location within parking behaviour zone 3. As such there is a requirement for some 57 car parking spaces. Whilst the proposal falls below the WSCC Parking Standards for new developments, it is recognised that the site is in a highly sustainable location close to the mainline railway station, bus stops and the town centre. Due to the sustainable location of the site, it is considered that reduction in parking can be supported. The Government are supportive of such a stance in para 105 of the NPPF where it states that:

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

The Highways Authority has considered the proposal and raise no objection. They acknowledge the recent 2020 approved application (reference DM/20/3516) for the site for 54 dwellings where it was considered that the proposal would not result in an unacceptable impact on highway safety, or that residual cumulative impacts on the road network would be severe.

A Construction Management Plan and site setup plan was submitted in December in respect of the site. This identifies a number of measures to be undertaken during the construction including the proposed working hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays, wheel washing, location of plant and material, site parking and access into the site, and details on the management of dust and air pollution from the site. This could be controlled through a planning condition for highway safety and to protect the amenity of local residents from noise and dust emissions during construction.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policies T1 and T3 of the Neighbourhood Plan and para 110 of the NPPF.

### **Residential Amenity**

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

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

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

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

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

Whilst it is acknowledged that there would be a high levels of fenestration on the front elevation to serve the development, there would be a distance of some 27 metres between the front of the proposed development and the residential property of 36 Boltro Road with a highway between. The development would provide balconies. Due to the distance between the proposed and existing buildings it is considered that the development would not result in significant detriment to the amenities of this neighbouring property through overlooking or a loss of privacy.

In respect of Winkfield Court to the north, there are a number of windows on the side elevation of this existing flatted development. The proposal would have a number of windows on the northern side elevation facing the neighbouring site providing secondary windows to the main living and bedroom accommodation as well as to serve the internal hallways. The proposed development is to be set a minimum of some 13 metres and a maximum of some 14 metres with Winkfield Court with a side to side relationship. The access road to serve the development (as existing) is to the north of the proposed building with the existing mature boundary hedge to be retained. Due to the relationship and the proposed fenestration to the northern elevation, it is considered that the proposal would not cause significant detriment to the amenities of residents of Winkfield Court. The submitted Daylight and Sunlight report indicates that the proposed development would not result in a loss of light to the windows on the side elevation of Winkfield Court. A condition to ensure that these northern side windows which are secondary and also serving the hallways at first to fourth floor are obscure glazed to limit the impact on overlooking.

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

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

In respect of noise disturbance to future occupiers through the proximity of the railway line to the east of the site, a Noise and Vibration Assessment has been submitted as part of the application. This considers that subject to the incorporation of suitable mitigation measures that the site is considered acceptable in noise. Mitigation measures are to include an alternative form of ventilation and/or cooling to allow fresh air and thermal comfort without opening windows through each unit being

fitted with Mechanical Ventilation and Heat Recovery as well as 1.1 metre high glass screens on balconies and the roof terrace area to provide sound attenuation.

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

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

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

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

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement for 20 percent of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

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

Due to the nature of the development being for retirement living, the proposal would form accessible accommodation to all flats. In addition, the building would provide a ramped front entrance and also lifts to allow residents to access all levels. There would also be a dedicated mobility scooter parking area within the building.

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

### **Sustainability**

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

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

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

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

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

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

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

Paragraph 152 of the NPPF states:

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

Paragraph 157 states:

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

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

The application has been accompanied with an Energy Statement. This sets out a range of sustainability measures to be incorporated into the development comprising of a fabric first approach comprising of the following:

- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.
- High-efficiency double glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results throughout.
- Mechanical Ventilation Unit with Heat Recovery
- Efficient-building services including high-efficiency heating systems.
- Low-energy lighting throughout the building

The proposal would also have a photovoltaic array on the roof of the development.

In addition, the submitted Energy Statement sets out that the development would result in a 10.6percent reduction in CO<sub>2</sub> emissions.

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

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

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

## **Drainage**

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

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

It is proposed that the development will attenuate surface water using permeable paving and an attenuation tank before discharging into the public surface water sewer. In terms of foul water drainage, it is proposed that the development will connect to the existing public foul water sewer on Boltro Road.



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

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

## **Ecology**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

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

Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

A Preliminary Ecological Appraisal (PEA) has been submitted with the application which recommended further species surveys in respect of Badgers and Bats are undertaken. In addition it recommended that the site is enhanced by introducing some compensatory planting and installing bat and bird boxes.

Following this Badger and Bat Survey Reports were carried out. It considers that as the sett is located outside of the site boundary, that the sett will not be directly impacted as a result of the works. However it does consider that due to the presence of foraging badgers that it is likely that the works would impact badgers foraging and commuting around the sett and heavy machinery may disturb badgers in their setts.

The Badger Survey Report concludes that:

*'One badger sett was observed adjacent to the site and badgers, along with some secondary evidence of badgers, were observed during the badger survey. During the bat survey a badger was also observed leaving the area that Sett 1 is located. The sett is considered be a subsidiary sett in moderate use.*

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

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

*It is recommended that a working Method Statement is prepared for the site including safe working practices and habitat protection and enhancement measures'*

The Bat Survey Report concluded that:

*'There was a low level of bat activity observed at the site. A total of two bat species were recorded foraging and commuting which included common pipistrelle (*Pipistrellus pipistrellus*) and Leisler's bat (*Nyctalus leisleri*). Common pipistrelle (*Pipistrellus pipistrellus*) was recorded most frequently.'*

In addition, it concludes:

*'No bats were seen to emerge from the trees on site.'*

*'There remains potential for bats to roost in the trees and therefore a precautionary approach to the felling of any of these trees is recommended to safeguard potential bat roosts.'*

There have been limited changes to the site since the determination of the previous scheme (DM/20/3516), and the proposal is on a similar footprint to the previously approved scheme. In the determination of the previous application the Councils Ecology Consultant commented on the proposal and advised that given the findings of a bat roost in a tree which will be impacted by development, a licence will be required from Natural England to allow development to take place. In order to issue a licence, Natural England will need to be satisfied that there: is an overriding public interest in allowing the work to take place, no satisfactory alternative and that there will be no significant impact on the population. As set out above in the report, it is considered that this windfall site within the town centre will bring a number of public benefits through the redevelopment of the site for 50 dwellings.

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

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

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan and para 180 of the NPPF.

## **Trees**

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

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

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

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

### **Infrastructure contributions**

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

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

- *appropriate on-site mitigation and infrastructure provision,*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings),*
- *the Community Infrastructure Levy, when it is in place.*

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

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

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

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing*

*communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

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

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

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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).

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

#### County Council Contributions

Libraries: £14,547 - To be spent on providing additional facilities at Haywards Heath Library.

TAD: £66,335 - To be spent on the South Road pedestrian improvement scheme and/or Commercial Square junction improvement.

## District Council Contributions

Formal Sport: £28,941 - To be spent towards formal sport facilities at Beech Hurst Gardens (tennis / bowls) and/or Clair Park and/or Victoria Park

Community Buildings: £25,522 - To be spent to increase capacity at The Lamb Centre, Age UK, Haywards Heath.

Local Community Infrastructure: £28,964 - To be spent towards the provision of a new cycleway from the rear of Clair Hall and the Premier Inn Hotel up towards The Orchards Shopping Centre via Heath Road and Church Road.

## NHS Sussex

£58,573 - to be spent towards supporting Dolphins / Newtons (potentially another site or central hub which will serve the catchment population of this proposed development

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

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

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

## **Housing Mix and Affordable Housing**

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

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

*'The Council will seek:*

*1. the provision of a minimum of 30percent on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace<sup>14</sup> of more than 1,000m<sup>2</sup>,*

*2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30percent 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 75percent social or affordable rented homes, with the remaining 25percent for intermediate homes, unless the best available evidence supports a different mix, and*

*5. free serviced land for the affordable housing.*

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

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

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

The application plans show that the development is to comprise of 50 retirement living apartments (under C3 use) for people over 60 years of age. The development would comprise of 22no. 1-bed flats and 28no. 2-bed.

An Affordable Housing Statement accompanies the application which states '*Sheltered housing schemes do not lend themselves to on-site provision of affordable housing due to operational and eligibility reasons.*' In addition it submits that '*The special characteristics and nature of sheltered retirement housing is such that it is not practical or feasible to include an element of affordable housing within the proposed development.*'

It has been submitted that a financial contribution in lieu of on-site affordable housing would be provided. This would be secured through the S106 legal agreement.

The Council's Housing Officer has raised no objection to the proposal and has requested a commuted sum of £913,000 be provided in lieu of on-site affordable housing units.

The scheme provides a policy compliant level of affordable housing through an off-site commuted sum.

The comments from the interested party are noted. The application for 3-15 The Broadway(ref DM/21/3898) is for a care home sought under Class C2 (residential institution) and this is currently under consideration. This is a different type of accommodation for older people compared to this current application and each application is considered on its own merit. The application has been accompanied by an Older persons Housing Need Assessment. This concludes that *'While there is a range of specialist older persons accommodation across the District, it is predominantly in the social sector and is insufficient to meet the demand identified in the Council's Housing and Economic Development Needs Assessment.'* In addition, Policy DP30 of the District Plan seeks to provide a housing mix which meets the current and future needs of different groups in the community including older people.

The proposal is thereby considered to meet the requirements of Policies DP30 and DP31 of the District Plan.

### **Ashdown Forest**

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

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

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

#### Recreational disturbance

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

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

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

#### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

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

#### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

#### **Other matters**

The comments from the interested party in respect of the ownership of McCarthy Stone owned by LoneStar a US private equity fund is noted. However this is not a planning matter.

#### Contaminated Land

A Site Investigation Report has been submitted with the application. The ground investigation has identified concentrations of substances that exceed the human health assessment criteria (including site specific assessment criteria) for the proposed development type. It recommends that allowance be made to import and place a clean cover capping layer within areas of proposed managed landscaping areas. The report recommends an intrusive investigation be carried out on the site.

The Councils Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.



## Water Supply

Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to serve the proposed development. The applicants have provided confirmation, via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with policy DP42.

## **Planning Balance and Conclusion**

Planning permission is sought for the redevelopment of the site to provide 50 retirement living apartments, associated parking, landscaping and amenity provision at Maxwellton House and land to the south of the building, Boltro Road, Haywards Heath.

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

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

The Development Plan and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of under-utilised land and buildings. As such, in terms of principle, the redevelopment on the site would result in the delivery of 50 retirement living residential units within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

Whilst the development would result in a larger scale building than that existing or that surrounding the development, the adopted Mid Sussex Design Guide supports site optimisation, and the site is within an area identified within that document to be able to accommodate higher density and taller development. The design of the building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design and proposed materials it is not considered that the proposal will detract from the character of the area or street scene. Although the development would only result in the provision of 25 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

Although it is acknowledged that the proposal would result in less than substantial harm to the setting of the Muster Green Conservation Area, this is at the lower end of the scale. As set out in para 202 of the NPPF, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. It is considered in this instance that the public benefits in the creation of 50 retirement living dwellings, in a highly sustainable location, reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure and off-site affordable housing contributions which would be secured through a legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. The Council would also receive a new homes bonus.

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies E8, E9, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 110, 111, 119, 124, 130, 152 and 180 and 202 of the NPPF.

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

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

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. **Approved Plans**

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.

3. **Pre-Commencement conditions**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details. (For the purpose of this condition, demolition is excluded from the meaning of commencement of the development.)

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

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

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

5. 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:

Based on the site investigation results and the detailed risk assessment within the Site Investigation Report by Crossfield Consulting, Ref: CCL03446.C004, Dated August 2021, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

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.

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

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

7. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority a 1:100 scale front elevation showing the position of the light brick panels. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

8. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale sections and elevations (vignettes) of the following shown in context:
  - Recess brickwork panels,
  - Top floor balustrading,
  - The front entrance canopy,
  - The solar panels in relation to the parapet upstand on the roof,
  - A projecting balcony on the front façade featuring the vertical fins and the brickwork frame.

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

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

9. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings, details of boundary treatments and detail 1:20 scale sections of the front

threshold . Details shall include suitable sized large trees along the Boltro Road frontage. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. **Construction Phase**

Works for the entire construction period including demolition shall be carried out in accordance with the details set out in the Construction Method Statement (Rev 29/11/22 Rev A), the Site Set Up and Hazard Plan (ref LSE-0464-03-A-0105) and the Surface Water Management Plan (ref IDL/1141/DS/010) unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

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

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

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

14. 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

**15. Pre-occupation conditions**

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

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

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

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

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

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

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

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

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

**19. 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: 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.

20. The windows on the northern (side) elevation (as shown on drawings LSDE-0464-03-A-0401 Rev P08 and LSE-0464-03-A-0403 Rev P07) at first to fourth floor level shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

21. **Post construction**

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

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

22. The development hereby permitted shall only be occupied by persons of 60 years of age and over, or in the case of a couple, that one of the occupants is over the age of 60 years and the other is over 55 years, or a widow or widower of such a resident unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal provides sheltered housing for older persons in order to meet the identified need and to accord with Policy DP30 of the District Plan 2014 - 2031.

## INFORMATIVES

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

Accordingly, you are requested that:

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

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

2. Due to the close proximity of the proposed works to the railway cutting and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. Our ASPRO team will ensure that the works can be completed safely without a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website : <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.
3. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
5. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged, then a lawful start will not have been made and you will be liable to enforcement action.
6. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	0464-RFT-02-ZZ-DR-A-0006	P03	13.07.2022
Block Plan	LSE-0464-03-A-0120	P03	13.12.2022
Site Plan	LSE-0464-03-A-0101	P10	13.12.2022
Site Plan	LSE-0464-03-A-0102	P02	13.12.2022
Existing Elevations	20001/PA/025		13.07.2022
Proposed Elevations	LSE-0464-03-A-0400	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0401	P08	13.12.2022
Proposed Elevations	LSE-0464-03-A-0402	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0403	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0404	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0412	P05	13.12.2022
Proposed Elevations	LSE-0464-03-A-0413	P05	13.12.2022
Proposed Elevations	LSE-0464-03-A-0414	P05	13.12.2022
Proposed Floor Plans	LSE-0464-03-A-0200	P10	13.12.2022
Proposed Floor Plans	LSE-0464-03-A-0201	P12	13.12.2022
Proposed Floor and Elevations Plan	LSE-0464-03-A-0203	P07	13.12.2022
Proposed Roof Plan	LSE-0464-03-A-0204	P02	13.12.2022
Proposed Sections	LSE-0464-03-A-0300	P08	13.12.2022
Proposed Sections	LSE-0464-03-A-0301	P05	13.12.2022
Street Scene	0464-RFT-03-ZZ-DR-A-0405	P05	13.12.2022
Other	LSE-0464-03-A-0900	P05	13.12.2022
Other	LSE-0464-03-A-0450	P04	13.12.2022
Other	LSE-0464-03-A-0600	P04	13.12.2022
Other	LSE-0464-03-A-0602	P04	13.12.2022
Drainage Details	LSE-2780-03-DE-100		13.07.2022
Drainage Details	LSE-2780-03-DE-101		13.07.2022
Landscaping Details	MCS23386 12 DR		13.07.2022

## **APPENDIX B - CONSULTATIONS**

### **WSCC Highways Authority**

#### Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the proposals for highway safety, capacity and access.

This is a full planning application for the demolition of existing office building and provision of 50 retirement apartments with associated parking and landscaping. The site is in Haywards Heath Town Centre on Boltro Road, a 30mph road with a mix of residential dwellings and public buildings. The site is currently a vacant office under the use class B1. The transport aspect of the proposals are supported by a Transport Statement (TS).

In terms of planning history there was most recently a 2020 planning (20/3516) application which proposed 56 apartments at the site. The LHA did not raise an objection to these proposals.

#### Access and Visibility

As with the earlier application the site is served by an existing access onto Boltro Road. No changes will be made as part of these proposals. The current access can achieve visibility in line with guidance set out in Manual for Streets with of 2.4m x 43m achievable splays in both directions. A review of the most recently available accident records suggests that the existing access has been operating safely since the previous application was submitted in 2020.

#### Capacity

Traffic flow information has been provided with the current application. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. Using this data, it is evident that the proposed residential units would generate significantly fewer vehicle trips compared with the permitted B1a offices. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

#### Accessibility

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for residents and visitors to travel to the site.

#### Parking

The existing parking area for the offices is included within the red edging. The development will provide 23 car parking spaces, which is below the recommendations set out in the WSCC guidance on parking at new developments Sept 2020. To ensure this parking allocation is enough the applicant has undertaken a review of other similar sites in the developers portfolio. The research identifies that the 23 parking spaces is sufficient for the requirements of the proposals.

The LHA acknowledge this information and whilst we are aware the proposals fall slightly below our parking standards, we would accept the TS's justification and consider it unlikely there would be any highway safety concerns as a result of the proposed parking allocation. Consideration is given to the sites location and previous history where a lower provision was accepted. The site offers good availability of public services within a reasonable walking distance from the site.

Within the TS a swept path analysis has been undertaken of a refuse vehicle to demonstrate that vehicles can safely manoeuvre within the development site.

### Conclusion

Having considered the information submitted within the TS and the previous permission the LHA would not raise an objection to the proposals. Any approval of planning permission would be subject to the following condition:

#### *Construction Management Plan*

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 Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

Reason: In the interests of highway safety and the amenities of the area.

## SCC County Planning Officer

### Summary of Contributions

<b>Education</b>			
School Planning Area	0		
Population Adjustment	81.8		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£14,547		
Population Adjustment	81.8		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	50		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	81.8		
Net Parking Spaces	4		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### **Summary of Contributions**

S106 type	Monies Due
<b>Education - Primary</b>	No contribution
<b>Education - Secondary</b>	No contribution
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£14,547
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£66,335
<b>Total Contribution</b>	<b>£80,883</b>

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

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

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

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

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

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

The calculations have been derived on the basis of an increase in 50 net dwellings, and an additional 4 net car parking spaces.

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

#### 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 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 providing additional facilities at Haywards Heath Library.

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

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not

specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

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

### **Breakdown of Contribution Calculation Formulas:**

#### **1. 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.

## 2. 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.

## **WSCC Lead Local Flood Authority**

RECOMMENDATION: Advice

Thank you for consulting with us.

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk. We have no additional comments to submit with regards to this other than to support the recommendations of the MSDC Drainage Engineer comments/response dated 26/7/22 and the addition of the appropriate conditions. Please consult the District Drainage Engineer.

## **WSCC Waste and Minerals**

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a **no comment** to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngrsntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

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

### **WSCC Water and Access**

Having viewed the plans for the planning application no. DM/22/2218 for the redevelopment of site to provide a development of 50 retirement living apartments, associated parking, landscaping and amenity provision, evidence is required to show that suitable access to within 45 metres of all units by a fire appliance can be achieved. 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 standards.

Evidence is also required to show sufficient turning facilities are provided for a fire appliance to turn and make their exit from the site as identified in Approved Document -B Vol 2 B5 section 15. A fire appliance should not be required to reverse more than 20 metres to make their exit.

### **MSDC Urban Designer**

The principle of this scale of development has largely been established with the approval of the previous scheme (DM/20/3516) incorporating 54 apartments in 2021 which was similar in height and mass. Nevertheless, the current proposal is a retirement scheme and displays different characteristics.

### Front / Boltro Road Elevation

At the front, emphasis is given to the balconies which project 1.5m from the main facade (rather than being set within it) and consequently the building is closer to the front boundary reducing the depth of the front threshold to between 6 and 8m (measured to the balcony projections) which is nevertheless still generous. The balconies are organised as a series of brick clad vertically grouped bays that help to articulate and break down the overall building mass/scale, which is also aided by the set back top floors and the sunken ground floor. Nevertheless, the consistent brick parapet line does not respond to the slope as successfully as the stepped profile of the 2021 consent, and the front elevation lacks its consistent order/vertical delineation, but the set-back upper floors are more resolved with the wrap-around canopies defining individual bays on the fifth floor and a more modest top/sixth floor that provides recreational space rather than living accommodation.

The building only has one main front entrance, which contributes to making it feel more singular/monolithic. The entrance is still not especially visible. The drop in level between the pavement level and the ground floor together with the arrangement of the front threshold to give the entrance less emphasis.

On the other hand, there is less soft landscaping and more hardstanding in the front threshold (compared to the consented scheme) largely because of the inclusion of the communal amenity space/patio area and two parking spaces. I think it is unfortunate that the tree planting has not been extended to the area in front of the patio area as a continuous tree line (at least extending in front of the patio) would help soften this large building and help it sit more comfortably in the street.



The DRP have stressed the importance of the quality of the materials and the detailing, which will be essential given the prominence of the building within the street. The CGI vignettes of the front balconies and facade details provided in the DRP presentation material gave an indication of what was aspired to (I note with concern that these images are not part of the application package). As the DRP have stated it is essential that detailed (1:20 scale) section and elevation (vignettes) are provided including the above and the recess panel brickwork and top floor framing. The light brickwork panels on the front are also rather inconsistently applied (at the back face of the balconies) and unconvincingly drawn (as they look squeezed) and has been pared back in the revised drawings, and I would therefore also like a condition to allow this to be reviewed.

The revised drawings now show a roof enclosure on the top floor communal terrace (which responded to the DRP's concern that it was needed to protect the elderly residents from inclement weather). However, this enclosure appears on the roof plan as a structural frame rather than a full covering, so a condition is recommended that shows the details of the covering and its attachment. The full section drawings also need updating to accord with the other revised drawings.

The incorporation of roof-top solar panels is commended but they are only shown on the roof plan. I would expect a detail section to demonstrate they are discreetly and tidily accommodated behind a parapet upstand.

### Side Elevations

Both side elevations are well-articulated, and the brick panels work better too, as there is the space and they are consistently applied. The front corners are appropriately punctuated by wrap-around brick bays that frame the balconies.

Further consideration needs to be given to including opaque glazing on the north elevation to avoid adverse impact on the privacy of existing residents in Winkfield Court.

### Rear/East Elevation

The rear elevation is mostly well screened from the public realm. The introduction of a contrasting vertical grouping material helps to break up this elevation and add interest. However, I again question the light brick panels as they risk cluttering the façade.

### Overall Assessment

This scheme is not as contextually successful as the 2021 consent, but it does not warrant an objection on design grounds as overall it sufficiently addresses the principles set out in the Mid Sussex Design Guide (including the criteria set out in DG32 which deals with managing increased density in town centres) and policy DP26 of the District Plan. In line with the DRP's recommendations and my comments above, the quality of the scheme nevertheless needs to be secured by requiring the following further drawings and information through conditions:

- Soft and hard landscaping details including boundary treatment and detailed 1:20 sections of the front threshold.
- Details of facing materials.
- 1:20 scale sections and elevations (vignettes) of the following shown in context:
  - Recess brickwork panels
  - Top floor canopy enclosure and balustrading
  - The front entrance canopy.

- The solar panels in relation to the parapet upstand on the roof.
- The roof top enclosure showing the covering material/structure.
- A projecting balcony on the front façade featuring the vertical fins and the brickwork frame.
- 1:100 scale front elevation showing the position of the light brick panels

### **MSDC Design Review Panel**

The panel agreed that most of their previous comments had been satisfactorily addressed and while there were still reservations about the design of the rear elevation, the improvements to the street elevation resulted in an acceptable design. These improvements included a reduction of the top floor, better designed balconies, and enhanced detailing.

The quality of the materials and the detailing will nevertheless be key to the success of this building. The improvement to the front entrance had not been adequately demonstrated and needed to be more clearly drawn. 1:20 scale sections and elevations were needed for this and other key details including the recess panel brickwork and top floor framing.

While the roof terrace was a welcome addition, it was necessary to demonstrate it would not result in roof clutter and will be a useable facility for the elderly residents. Consideration was needed for the type of environment that will be required to protect them and it was likely this would necessitate an integrated shade structure.

More landscape information was needed in the presentation especially in respect of the front threshold, including the type of trees proposed.

### Overall Assessment

The panel support the scheme subject to changes/details that address the above comments.

### **MSDC Conservation**

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

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

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

*'The area is characterised by substantial Victorian and Edwardian houses set in large mature gardens, to the north and south of a wedge of tree lined open space which retains*

*the character of a village green. At the western end of the Green lies one of the area's two listed buildings, The Dolphin public house (now a Miller and Carter Steakhouse Restaurant). This is a well known landmark and forms the focus of the Conservation Area.*

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

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

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

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

The current proposal is for the demolition of the existing building on the site and the construction of a 7 storey, 50 apartment block for retirement living, the top two storeys being recessed behind the principle 5 storey façade. This application follows on from the granting of planning permission for a similar, although not identical, redevelopment scheme of 54 residential flats in 2021.

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

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

mind that in relation to the approved scheme the current proposal appears to be of reduced height and to be less bulky to the top two storeys (in particular at the 6th floor/7th storey penthouse level), with the penthouse storey also being set back further from the Boltro Road elevation. The level of harm caused to the setting of the Conservation Area is therefore likely to be somewhat reduced.

I would therefore consider that the proposal is for reasons of the loss of the existing building and of the increased height and bulk of the replacement contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would consider that the harm caused to the Conservation Area by setting and views to be less than substantial, at the lower end of this scale, and as above, of a somewhat reduced level of harm in comparison with the previously approved scheme.

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

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

### **MSDC Drainage**

Recommendation - No objection subject to condition

### **FLOOD RISK**

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk

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 does not show any public sewers located within the redline boundary of the site. However, it does show a foul and a surface water sewer located beneath Boltro Road.

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. Advise in relation to this situation can be found on the relevant water authority's website.

### **SURFACE WATER DRAINAGE**

The flood risk and drainage team understand that infiltration drainage has been discounted for the site due to the potential negative impact this could have on slope stability at the railway cutting.

It is proposed that the development will attenuate surface water using permeable paving and an attenuation tank before discharging into the public surface water sewer. The application is supported by a drainage strategy which states discharge shall be limited to the Greenfield QBar runoff rate for the impermeable area of the site. Attenuation sizing has been based on the drainage system being designed to cater for the 1 in 100-year event, plus a 40percent allowance for climate change.

The flood risk and drainage team would advise the applicant that the Environment Agency's climate change guidance was updated in May 2022. The detailed drainage design should be based on the latest climate change guidance, which shall be greater than the 40percent utilised within the strategy. Details of the latest climate change guidance can be found online at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Information into our other 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 connect to the existing public foul water sewer on Boltro Road. This is considered acceptable in principle.

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

### 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.

### 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 two 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.

Table 1: detailed drainage design requirements- surface water

Requirement	Location of information within submitted design
{\i For all designs}	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan	
{\i For soakaways}	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	

Construction details	
{\i For discharge to watercourse}	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

Table 2: detailed drainage design requirements- foul water

Requirement	Location of information within submitted design
{\i For all designs}	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
{\i For connection to main foul sewer}	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection	
{\i For non-mains system with drainage field}	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted	
{\i For non-mains system with discharge to open water}	
Evidence that either: a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted	
Outfall location and construction details	

### MSDC Leisure

Thank you for the opportunity to comment on plans for the demolition of the existing office building and provision of 50 retirement living apartments at Maxwellton House, 41 - 43 Boltro Road, Haywards Heath. 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

The DAS states that this is Sheltered Housing, only available to homeowners aged 60+ years, so there is no requirement to make a financial contribution toward children's playing space in this instance.

## FORMAL SPORT

In the case of this development, a financial contribution of £28,941 is required toward formal sport facilities at Beech Hurst Gardens (tennis / bowls).

## 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 £25,522 is required to increase capacity at The Lamb Centre, Age UK, Haywards Heath.

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

## **MSDC Tree Officer**

No objections, however, details of all landscaping to be submitted and agreed prior to commencement.

I note planting and maintenance details are submitted as 'draft only' so this should also be conditioned.

## **MSDC Environmental Health**

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

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

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



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

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

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

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

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

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

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

Recommendation: Approve with conditions

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

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

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

### **MSDC Contaminated Land**

I have read the following reports by Crossfield Consulting:

- Site Investigation Report, Ref: CCL03446.C004, Dated August 2021

The desk study identified the potential for metals and polyaromatic hydrocarbons (PAHs) at site due to the potential for historical coal fires at the site. As such, it was recommended that an intrusive investigation be undertaken to establish if this was the case.

The intrusive investigation has identified lead and number of PAHs at the site to be above the generic assessment criteria (GAC) for human health. The report notes however, that the GAC is used for the preliminary assessment of human health risks, and is based on end users up to the age of 6 years old. Given the proposed development is for retirement homes, the GAC was considered to be conservative, and therefore a site specific assessment criteria (SSAC) was generated for lead and the PAHs in relation to proposed development. The maximum recorded concentration of lead and dibenzo(ah)anthracene recorded at the site remained above the SSAC.

Due to these results, the intrusive investigation has recommend remedial works, including a capping layer of imported topsoil/subsoil of at least 450 mm in proposed planted landscaping areas, and a thickness of at least 300 mm in proposed lawn landscaping areas.

In line with requirements of NHBC and the local planning authority, it will be necessary to provide a Remediation Strategy document, which details the specific controls associated with the above works. With that in mind I would note that while the investigation report has suggested that grassed areas have a capping layer of 300mm, I would argue that the minimum acceptable total depth for fill materials within areas of soft-landscaping for common areas should be 450 mm. This is a relaxation of the 600mm cover depth that I would normally recommend for private gardens, on the basis that there is a reduced risk in communal areas due to the lessened exposure of human receptors to potentially contaminated soils via direct contact (dermal, ingestion, inhalation).

Additionally a 450mm cover system is in line with BS 3882, and the recommendations for the total growth medium rooting depths for various vegetation types including grass. These rooting depths in this guidance are reproduced below:

Total Minimum Rooting Depth Vegetation type  
Grass Plants Shrubs Trees

450mm 450mm 600mm 900mm

I would ask that consultant writing the Remediation Strategy document be made aware of my comments.

Based on the above I would recommend that application be approved with appropriate conditions attached. I would note that these comments only relate to contaminated land, and I will be commenting separately on noise and air quality.

Recommendation: approve with the following 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:

o Based on the site investigation results and the detailed risk assessment within the Site Investigation Report by Crossfield Consulting, Ref: CCL03446.C004, Dated August 2021, 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.

### **MSDC Housing**

The applicant is proposing a development of 50 retirement living apartments comprising 22 (44percent) x 1 bed and 28 (56percent) x 2 bed flats, which gives rise to a minimum onsite affordable housing requirement of 30percent (15 units) in line with District Plan Policy DP31. The affordable units required comprise 4 (30percent) x 1B/2P flats @ a minimum of 50m<sup>2</sup>

and 11 (70percent) x 2B/4P flats @ a minimum of 70m<sup>2</sup>. The applicant has however stated that, for the reasons outlined in their Affordable Housing Statement, they feel that a commuted sum would be more appropriate than on site affordable housing units. In this instance, we would be prepared to agree to a commuted sum of £913,000 as previously advised. This sum is calculated in accordance with the figures in the West Sussex Commuted Sum Review letter dated 11th March 2011 ie 4 x 1 Bed flats @ £55,000 per flat plus 11 x 2 Bed flats @ £63,000 per flat and will be payable prior to Commencement of the Development. The requirement will be written into the section 106 agreement'.

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

Informative.

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

### **Southern Water**

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

[developerservices.southernwater.co.uk](http://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](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

The planning application form makes 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](http://water.org.uk/sewerage-sector-guidance-approved-documents)  
[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://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 submitted drainage layout (drawing no. LSE-2780-03-DE-101) shows that surface water from soakaway and permeable paving being connected to public surface water system which is not acceptable to Southern Water.

Also, drainage layout shows perforated pipes used for surface water drainage which is not acceptable to Southern Water

The drainage design should ensure that no groundwater or land drainage will enter the public sewerage network.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

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

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

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

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

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

### **Network Rail**

Following a review of the application, I can confirm that Network Rail have no objections to the proposal.

### **Sussex Police**

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles, and from a Secured

by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

The application proposes 50 Retirement Living apartments for older persons over 6 floors, with associated communal facilities, parking, and landscaping at the above location. Retirement Living apartments provided by McCarthy Stone are a form of sheltered housing, with on-site warden service and communal facilities.

The site is located in the town centre of Haywards Heath with the rear of the site backing onto the railway tracks. Pedestrian and vehicle access into the development is off Boltro Road. Parking is provided for 25 cars, including 2 disabled bays. The parking area is to the rear of the building accessed via a drive along the northern side of the building. The parking within the rear area is partially within the under-croft of the building.

The main entrance to the building faces onto the Boltro Road with good levels of demarcated space. This clearly indicates private from public space. There is a reception area within the lobby. I am unaware of how this would be staffed i.e., day and night. However, I would ask that controlled access from the lobby is implemented to only allow authorised persons entry.

Where communal parking occurs at the rear of the site, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

From a crime prevention perspective, it will be very important that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Tradesperson buttons are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets. This will be applicable to the front and all rear entrance door-sets and those entrances such as refuse and buggy store.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements.

Developments over 25 flats, apartments, bedsits, or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. SBD principles therefore seek to prevent unlawful free movement throughout the building through the use of an access control system. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits, or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD recommends compartmentalisation. SBD seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

1. Lift and stairwell access controlled separately.
2. Lift and stairwell access jointly controlled via an additional secure door-set.

Further detail can be obtained within chapter 27.29 SBD Home 2019 V2.

There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended. Facilities should be provided that enable mail to be delivered to safe and secure areas. Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following.

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access-controlled entrance hall, or externally at the front of the building within view of those using the building.
- Be of robust construction.
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm.
- Have anti-fishing properties.
- Have fire resistance where considered necessary.
- Installed in accordance with the manufacturer's specification.

I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. Letter boxes certificated to Door and Hardware Federation Technical Specification 009 (TS 009) offer reassurance that all of the above attributes have been met.

To remove easy uninterrupted access to the vulnerable rear of the building and subsequently the vulnerable ground floor door-sets and windows and vehicles parked in the rear parking court, consideration could be given to installing an automatic vehicle gate on the northern elevation's access drive, to the front of the building line to prevent this happening. Equally boundary treatment to prevent unauthorised access to the rear of the building would be required on the southern elevation.

Due to the development abutting the railway line to the rear of the site, consideration should be given to contacting network rail for consultation on suitable boundary treatments.

Given the presence of the under-croft parking element of the building, I recommend that the applicant seeks advice from Sussex Police Counter Terrorism Security Advisers.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD

considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

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

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations have been given due consideration.

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

## **NHS**

### Overview

Current Estate is at capacity in Haywards Heath. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For Haywards Heath GP's, there are circa 65,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

### Development proposal

NHS Sussex predicts that new residents will register b at Dolphins, The Vale or new/other NHS facility. The new homes are in the catchment area of 3 GP practices. Residents may be supported by other sites, dependent upon choice - but all are at capacity. Thus, the CCG requests a contribution to enable support of the growing new housing population - work is under way for expanding capacity at the GP practices, subject to the s106 funding.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.**

NHS Sussex requests a contribution from the applicant of **£58,573**, as quantifiably in the tariff section, which will be used most likely towards supporting Dolphins / Newtons (potentially another site or central hub which will serve the catchment population of this proposed development - this will be considered after the Covid19 pandemic 'working update' is driven from NHSE). **Funding will not be duplicated.** NHS Sussex will consider the



proportional use of these funds coupled with the other Haywards Heath and area developments so as to give best benefit to patient care.

**The Tariff formula has been independently approved by the District Valuer.**

### Assessment and request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes.

The tried and tested formula used has been in use for many years and is annually reviewed.

### Current Primary Healthcare Provision in Haywards Heath

Primary Care services in Haywards Heath are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in Haywards Heath is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for

larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

### Contribution Sought and Methodology

The funding will be a contribution of **£58,573** for the infrastructure needs of **NHS GP service site(s)** and with a possible use at a NHS service central site if patient registration is, by patient choice, occurring at that site / other site. With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. **Funds will only be asked for on a proportionate level for the directly related services.**

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been verified by the District Valuer Service (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs, the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.



Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 86 new residents (weighted) with a consequential additional GP surgery area requirement of 9.9m<sup>2</sup>. This equates to a direct cost of **£58,573** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

The Health Tariff is on the next page

## Health Tariff

S106 Contribution to NHS/GP Community/ Provision		(Formula agreed by The District Valuer)					
Mid Sussex DC ref DM/22/2218							
50 Retirement Apartments							
41-43 Boltro Rd H Heath							
Font in red can be adjusted							
							
Housing Development							
House Numbers (Inc Social Housing)	House Type	New Occupanc (Persons)	Surgery Area Requirement (sqm)		Infrastructure Development cost(psm)	Capital Contribution (£)	Approx Contribution per dwelling(£)
22	1 Bed	33	4	@	£5,950	£22,423	£1,019
28	2 Beds	53	6	@	"	£36,149	£1,291
0	3 Beds	0	0	@	"	£0	
0	4 Beds	0	0	@	"	£0	
0	5 Beds	0	0	@	"		
0	Care Home						
		equivalent					
50	House Total	86	9.84	@	"	£58,573	
Ave Occupancy		1.72					
					Contribution Per Dwelling	£1,171	per dwelling
						£679	per person
Occupancy Assumptions (confirmed by WSCC JUL 2015)				Care home contributions are at up to			
PER CENSUS 2011 - WSCC				100% of 1 bed dwelling			
Infrastructure costs	£5,950.0	psm					
Average Sqm Per Patient	0.1142	sqm					
Average Occupancy Assumptions							
	1 Bed	1.5	Persons				
	2 Bed	1.9	Persons				
	3 Bed	2.5	Persons				
	4 Bed	3	Persons				
	5 Bed	3	Persons				
Explanation							
1. Build costs include basic build cost, finance, professional fees. To be amended annually.							
2. The occupancy assumptions can be amended as per the requirements of the Local Authority.							
3. The average sq metre per patient has been derived from SFA 2003/04 as below, including additional space. This can be amended to reflect the flexibility of the NHS Directions and the requirement of the CCG to provide additional clinical or service development space within a new development							
1600 patients per GP							
1500	sqm GLA	7	GP Practice	AVG Patient List	11200	0.1339	sq m per patient
836	sqm GLA	6	GP Practice	AVG Patient List	9600	0.0871	sq m per patient
718	sqm GLA	5	GP Practice	AVG Patient List	8000	0.0898	sq m per patient
646	sqm GLA	4	GP Practice	AVG Patient List	6400	0.1009	sq m per patient
487	sqm GLA	3	GP Practice	AVG Patient List	4800	0.1015	sq m per patient
374	sqm GLA	2	GP Practice	AVG Patient List	3200	0.1169	sq m per patient
271	sqm GLA	1	GP Practice	AVG Patient List	1600	0.1694	sq m per patient
				Average		0.1142	sq m per patient

## Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 5,000 homes in this area over the current planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services, the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for Haywards Heath.

### **i ii. Directly related**

It is indisputable that the increase in population of approximately 86 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

### **i iii. Fair and reasonably related in scale and kind to the proposed development**

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing

size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff - which is in turn in line with the other public sector areas.

## **Conclusion**

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.