

MID SUSSEX DISTRICT COUNCIL

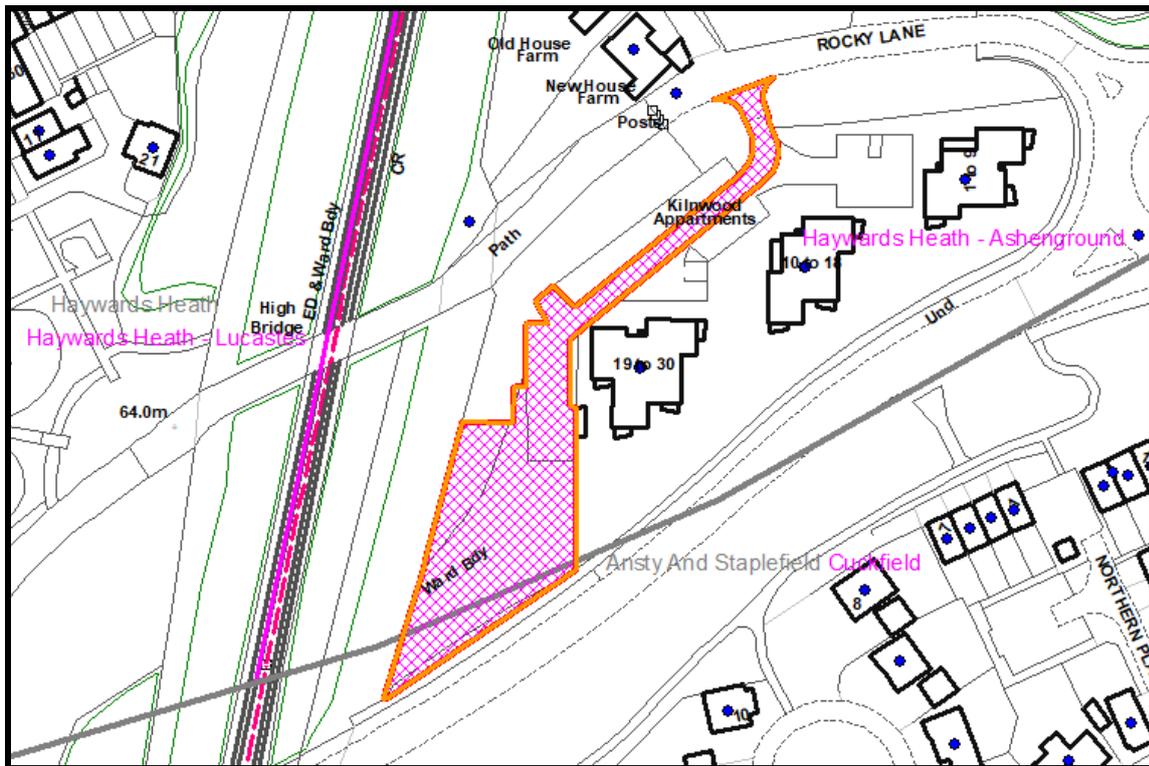
Planning Committee

8 APR 2021

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/20/3456



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LAND WEST OF KILNWOOD APARTMENTS ROCKY LANE HAYWARDS HEATH

ERECTION OF 9 APARTMENTS WITHIN A SINGLE THREE STOREY BUILDING, ALONG WITH ACCESS, PARKING AND LANDSCAPING. (REVISED PLANS RECEIVED 08.12.2020 SHOWING CHANGES TO THE RED LINE BOUNDARY, PARKING AND LANDSCAPING) (REVISIONS TO LANDSCAPING 03.02.2021)

MR ROBIN CROSS

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Informal Open Space / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat

Survey / Tree Preservation Order / Highways and Planning Agreement (WSSC) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 7th April 2021

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Caroline Grist

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission to erect a three storey block of flats, containing 9 dwellings, with associated access, parking and landscaping on an area of land to the west of Kilnwood Apartments that is within the built up area boundary of Haywards Heath.

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

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

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5-year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5-year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

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

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

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

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

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

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

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

RECOMMENDATION

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

LETTERS OF REPRESENTATION

Nineteen representations were originally received in response to the application. Ten of these responses are in support of the proposed development, noting the proposal will add to Mid Sussex's housing stock and that they are well designed. The remaining responses, in summary, raised the following issues:

- Development would be contrary to policies DP21 and DP26 of the Mid Sussex District Plan;
- Development would be contrary to policies E9 and H8 of the Haywards Heath Neighbourhood Plan;
- There is a five year housing land supply therefore these houses are not required;
- Overdevelopment of the site;
- Do not support the design of the flats;
- Proposed development is in a prominent position on high ground ahead of the established building line and would appear cramped;
- Will have an harmful impact on the semi-rural character of the area on a key approach road to Haywards heath;
- Proposal would have an harmful impact on views towards the South Downs along Rocky Lane, Old Rocky Lane and High Bridge;
- Development will be located in an area designated as landscape gardens for the existing tenants;
- Highway safety concerns;
- Will result in increased traffic and parking issues that would also affect Old Rocky Lane;
- Will result in a loss of parking spaces;
- No delivery parking spaces;
- It is a main thoroughfare for pedestrians and yet there is no footpath on the Public road and entrance to proposed site. This will be dangerous with increased traffic;
- Cycle access should be provided to the north side of the A272;
- Concerns regarding the submitted Transport Assessment;
- Adverse impact to the railway line;
- Lack of infrastructure;
- Concern regarding construction works;
- Should have been developed all together;
- Will create more disruption to the area;
- Flats will not be popular; and
- Question the letters of support.

It should be noted that any interested party can make a representation in response to a planning application and there are no requirements that prevent the same points from being made.

Following the closing of the consultation revised plans were submitted to overcome the concerns raised. These plans also changed the red line boundary of the development and a re-consultation was undertaken. Four representations were received that, in summary, raised the following new points:

- The addition of further trees does not overcome previous objections; and
- Concern regarding loss of wildlife corridors.

Further changes were made to the landscaping and three more representations were made. These letters state that the changes made do not overcome previous concerns. The choice of tree species proposed have also been questioned and that protected trees have been removed from the site.

SUMMARY OF CONSULTEES

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

Network Rail

No objection, informative recommended.

Southern Water

No objection, informative recommended.

WSSC Highways Authority

No objection, subject to conditions.

WSSC Minerals and Waste

No objection.

WSSC Public Rights of Way Officer

No objection.

WSSC Planning

S106 contributions sought:

Library - £2,847

Primary Education - £11,331

Secondary Education - £12,196

TAD - £12,380

MSDC Street Naming and Numbering Officer

No objection, informative recommended.

MSDC Contaminated Land Officer

No objection, subject to conditions.

MSDC Drainage Engineer

No objection, subject conditions.

MSDC Environmental Health Officer

No objection, subject to conditions.

MSDC Urban Designer

Object. Development would intrude into defined landscaping, arising from its proximity to the western boundary and to the existing apartment block C. Consequently, it will have an inappropriately urbanising impact upon this semi-rural site and the two blocks would appear conjoined.

Looking south-westwards along Rocky Lane from the roundabout junction (with Old Rocky Lane) the proposal extends the length of the building frontage; this creates an inappropriately urban appearance and context for the view towards the South Downs.

The landscaping, if allowed to grow to full maturity, may sufficiently soften the development where it is most visible, but this would take several years. Question a scheme that is wholly dependent on the delivery of these new trees, particularly as when they grow bigger they are likely to come under future pressure of removal or reduction because they will impact adversely on the views enjoyed by existing and future residents of the apartment blocks.

Existing trees have been removed and, as such, the existing development does not appear as softened and consequently sits less satisfactorily within its rural-edge context than was originally envisaged. The addition of the currently proposed building will exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

MSDC Tree Officer

Object. This development would be within an area approved and planted as landscaping/trees associated with the adjacent flatted development. This development was approved in part because the trees would provide some mitigation/screening from wider views and contribute to the biodiversity/softening of buildings etc.

This application proposes to relocate these trees and cluster them together in a small area along the frontage. This is not in the spirit of the previous approval. Furthermore, relocated trees are slower to establish and are more likely to suffer decline or death.

Existing trees on the site, albeit that they are still young, are not being respected. Relocating trees is not the intention of the policy DP37. The trees should be taken account of in situ. Furthermore, the provision of a hedge does not mitigate for the scale of the development or provide sufficient softening of buildings, biodiversity, screening or sufficient space for additional trees to be planted.

The additional landscaping would appear cramped in around the building with insufficient space for it to develop properly, unless as a wooded area, which the proposed trees are not appropriate for.

Consider the trees will come under future pressure to be felled due to encroachments, loss of light etc.

MSDC Parks and Landscapes Contract Monitoring Officer

Object. Proposed landscaping appears cramped and is mainly in a shaded area. The proposed planting is not suitable for this area and has little biodiversity benefit. The arrangement of re-located trees is not supported. No rationale has been provided behind the planting choices and there is concern regarding the existing landscaping that has been planted.

No comments provided on final scheme.

MSDC Leisure

S106 Contributions Sought:

Play - £8,123

Kickabout - £6,823

Formal Sport - £9,302

Community Buildings - £5,335

MSDC Housing

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

Haywards Heath Town Council

Notwithstanding the fact that the principle of development on the site is effectively allowed, the Town Council OBJECTS to this application. As tabled, it would give rise to an overdevelopment of the site, it would reduce agreed landscape amenity and green space for existing residents and would result in parking congestion issues that would spill over on to the public space outside in the roadway. More significant than anything else is that the agents, DMH Stallard LLP, are very persistent in their disingenuous argument promoting that this cumulative unused windfall development land should not be subject to affordable housing or Section 106 funding for the community. Members are quite disappointed to see a developer bring forward something so blatantly wrong that would undermine both the Mid Sussex District Plan 2014-2031 and the Haywards Heath Neighbourhood Plan. The planning requirement to provide affordable housing is very clear - this is a cheap shot to undermine that and Members do not like it.

The Mid Sussex District Council Case Officer for the application has acknowledged that in purely design terms, the proposed block would be considered acceptable, but she has significant concerns regarding its location and visual prominence. The Town Council believes that the building would result in an overbearing form of development which would be too near the A272 relief road and a monstrous feature at one of the key entry points into the town.

The majority of the Town Council's response to the previous application for this site (DM/19/4731) remains relevant to this latest application and is reiterated below for the avoidance of doubt:

The Town Council objects to this application on account of there being no provision for affordable housing, which is contrary to Policy DP31 of the Mid Sussex District Plan (MSDP) 2014-2031. Whilst Members accept the applicant's contention that the site is unused windfall development land, they believe it is effectively an extension to the adjacent development of three blocks of apartments which was permitted under application references DM/15/5107 (outline) and DM/16/5547 (reserved matters). In other words, this latest proposal and the development of apartments each represent constituent parts of a 'cumulative' application for the entire site and, therefore, should both be subject to the same planning policy obligations. The Town Council has concerns that the Planning Supporting Statement prepared by DMH Stallard LLP conveniently omits any reference to the affordable housing liability for this site extension.

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

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

Reason: to accord with Policy DP39 of the MSDP 2014-2031;

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

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

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

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

INTRODUCTION

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

SITE AND SURROUNDINGS

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

To the south of the site is the A272, with the London-Brighton railway line to the west. To the north is the Old Rocky Lane alignment, which also serves a small cluster of dwellings opposite the site. These dwellings include the Grade II listed Old

House Cottages; however, due to the position of the proposed development, it is considered that the setting of the listed building would not be affected. Beyond the A272, to the south, is a recent residential development known as 'The Beeches'.

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

APPLICATION DETAILS

Planning permission is sought to erect nine, two bedroom apartments, as well as associated access, parking and landscaping works.

The apartments have been designed to replicate the scale and appearance of the existing buildings. They are to be three stories in height, with a low pitched roof and a contemporary finish, using brick as the main facing material alongside brick detailing and bronze colour finishing to the windows and balconies. Three apartments are to be located on each floor, with one storey providing three affordable housing units and the remaining for open market.

In terms of parking the proposed site plan shows 14 vehicular parking spaces and 32 bicycle spaces for the proposed development that have been partially re-sited over the course of the application. Thirteen parking vehicle spaces are to be retained for the existing affordable housing and 28 for the remainder of the flats.

The landscaping for the proposal has developed during the application and in the final scheme it extends along the full southern boundary of the whole site, including the re-positioning of existing trees and planting of new trees.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications 'in accordance with the plan' does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

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

Mid Sussex District Plan

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

Relevant policies:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP37 - Trees, Woodland and Hedgerows
- DP39 - Sustainable Design and Construction
- DP40 - Renewable Energy schemes
- DP41 - Flood Risk and Drainage

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in December 2016.

Relevant policies:

- Policy E7 - Flooding and Drainage
- Policy E9 - Design
- Policy H8 - Housing Development within the Built up Area Boundary
- Policy T3 - Car Parking

West Sussex County Council Parking Calculator

Mid Sussex Design Guide Supplementary Planning Document

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

National Planning Policy Framework

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment 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

Ministerial Statement and National Design Guide

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

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

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

Technical Housing Standards

ASSESSMENT

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

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

Principle of Development

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Hayward Heath, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

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

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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

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

Policy E9 of the Haywards Heath Neighbourhood Plan states:

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

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

- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development. Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'*

Policy H8 of the Neighbourhood Plan states:

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

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

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

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

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

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

Principle DG7 is considered to be relevant and states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As reflected in the response from the Urban Designer, a key element of the Kilnwood Apartments development was its relationship with surrounding landscape. Whilst now within the built up area boundary for Haywards Heath, the character of this area is not overly residential, with surrounding development set back and away from the A272 by landscaping, creating a semi-rural appearance. The prominent ridge-line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened. The existing development was intentionally designed to provide generous landscaping within the development and along the southern boundary to minimise the interference of the long views of the South Downs, when viewed southwards along Rocky Lane. The Urban Designer has therefore advised that the current proposal would undermine the relationship of the existing development with the landscape.

Objection has also been raised by the Urban Designer as the proposal would inappropriately intrude into the defined landscaped areas around the apartment blocks that were established by the 2017 permission. This issue arises from the proximity of the development to the western boundary and to the existing apartment block C. It would therefore have an inappropriately urbanising impact upon this semi-rural site.

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

In terms of views it is advised that looking south westwards, along Rocky Lane from the roundabout junction with Old Rocky Lane, the proposal extends the length of the building frontage, creating an inappropriately urban context for the view towards the South Downs.

Lastly it was advised that the proposal appeared cramped due to the proximity of the car park and the balcony serving flat 31, providing a poor outlook.

Objection was also raised by the Council's Tree Officer. No additional landscaping was proposed other than a mixed native hedge, which would not mitigate the scale of the development or provide adequate softening or biodiversity, and the proposed block would be situated within an area that was approved, and planted as landscaping, for the existing development, which would provide screening to the existing flats, softening their appearance, and providing biodiversity.

The existing trees within the landscaping were to be re-located and clustered within the frontage, which would be contrary to the spirit of the original development and re-located trees would be slower to establish and are more likely to suffer death or decline.

In response to these comments revisions were made by the developer that re-arranged the parking layout and updated the landscaping scheme so that it would also extend to cover the full boundary along Rocky Lane.

The Urban Designer has reviewed the revised plans and advised that, whilst the landscaping may sufficiently soften the development, it will, however, take several years to develop and the nature of a scheme that is dependent wholly on landscaping is questioned. Furthermore, in the future, there may be pressure from residents for their reduction or removal as they may affect views or cause overshadowing.

It has also been noted that retained trees have been removed during the course of the previous development that has affected how the existing flats sit within its semi-rural context and the addition of a further block would exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

The Tree Officer has advised that the space for the trees appears tight and there would be insufficient space for them to grow. Furthermore, Parks and Landscapes Contract Monitoring Officer has objected in terms of the species of trees and plants proposed. It has been noted that many of the species proposed would not be suitable for the climate in this location or the soil conditions and would not provide the anticipated screening. Concerns were also raised that the landscaping appeared cramped and would have limited biodiversity value.

Further amendments were made in terms of the number of trees that are to be re-located and amended some of the species within the planting plan. The Urban

Designer has advised that overall the previous comments still stand. It is considered that the removal of the closest trees to the blocks may address some of the immediate overshadowing problems, but it also results in a reduced tree screen and over time there will also be pressure to reduce the trees that are still shown where they impose upon the far-reaching views of the Downs. The Tree Officer has also advised that their concerns remain.

Overall the proposed development is to be situated in an area of landscaping for the existing apartments that was to assist in softening its appearance and providing a cohesive scheme in the context of this semi-rural area. In terms of design it is considered that, as the proposed block of flats would replicate the existing development, no objections on this matter are raised. In terms of the impact on the character and appearance of the surrounding area, the application site is situated on a higher land level, when viewed from Rocky Lane, and due the proposed siting of the flats, it will visually appear further forward of the existing built form. Given the height and position of the new block it is considered that it would have greater visual prominence and would appear very dominant in views from Rocky Lane. Whilst it is acknowledged that there is now established development to the south of Rocky Lane, it is set away from the highway by a grassed area and at a lower level, thereby reducing its visual impact.

In terms of the landscaping proposed it would still result in the re-location of existing trees, in groups, to accommodate the development. Species of concern have been removed however little supporting information has been provided in terms of their ecology value. Whilst the increased landscaping would be of benefit to the scheme, planning conditions can only protect landscaping for the first five years of the development. It is also considered that conditioning the trees, so they are protected would have a limited benefit, as enforcement action can only be taken once they have been removed. Furthermore, there would likely be future pressure on the trees, as they grow to full maturity, and have greater impact on residents. As such it is considered that the landscaping proposed would not provide adequate mitigation to address the impacts of the proposed development on the character and appearance of the surrounding area. It is therefore concluded that the proposed development would not comply with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*'.

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

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

The proposed development is to be sited to the west of the existing block of flats, block C, and have a separation distance of some 11.0 metres. Furthermore, the proposed flats are to continue the staggered arrangement of the existing development. Given the position of the new flats in relation to the existing and the separation distance proposed it is considered that there would not be a significant impact in terms of loss of light or outlook to existing residents. In terms of overlooking, due to the arrangement of the blocks and the windows within, there would not be any loss of privacy to existing or future residents.

In terms of the amenity for future residents, concern was raised by the Urban Designer regarding the outlook of the front flat as they would front onto parking spaces. This concern has been addressed, however, by the re-location of parking spaces to improve this aspect. The Environmental Protection Officer had previously raised issue regarding the proximity of the railway line and a road in relation to the new block of flats. A Noise and Vibration Assessment has been submitted and it is advised address this concern, providing a condition is attached to ensure that the recommendations set out in this report are complied with as well as stipulating that the internal noise levels meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

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

Highway impact and parking provision

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide

adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

In addition, policy T3 requires sufficient on-site car parking and states:

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

Paragraph 109 of the NPPF is relevant in respect of transport matters and states that:

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

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

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

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

The Local Highways Authority have reviewed this statement and agree with the conclusion. As such no further parking is required for the new development. Changes have been made to the parking arrangement during the course of the application to which no objections have been made.

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

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

Standard of accommodation

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

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

Affordable Housing

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

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

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

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

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

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

In terms of the above criteria, with regards to ownership, the application site is within the same ownership as the larger application site. It is not considered relevant that the owner has changed from the original outline consent, as the plot was sold as a whole and the same developer has progressed the applications and development since. Furthermore, they would need to own the larger site, so the proposed development can benefit from the existing infrastructure and in terms of access and parking.

In terms of the site, it falls within the red line application site for the previous applications and was part of the same planning unit. There was never any suggestion that this smaller area was not part of the same unit and as there were landscaping requirements on this section of the site, there can be little argument to the contrary. There was never any physical barrier or separate access to the smaller application site area to suggest any separation or independence between the two areas. This 4th block is proposed to be constructed in an area of the original permission where there should be an extended and strengthened woodland belt and an informal woodland recreation area. The applicant has therefore proposed a new landscaping scheme to address this which will relate to the site as a whole. Whilst the parties may not have intended to always include a fourth block, this is not considered to be particularly relevant as it is clear that this area was always part of the wider site.

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

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

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

Infrastructure contributions

Policy DP20 requires applicants to provide for the cost of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing, which is dealt with under Policy DP31 of the Mid

Sussex District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

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

County Council Contributions

Library: £2,847 - providing additional stock at Haywards Heath Library.

Primary Education: £11,331 - additional facilities at Warden Park Primary Academy.

Secondary Education - £12,196 - additional facilities at Warden Park Secondary Academy.

TAD: £12,380 - South Road Pedestrian enhancement scheme.

District Council Contributions

Play: £8,123 - Pinewood Way, Acre close and Sandy Vale locally equipped play areas.

Kickabout: £6,823 - Bolnore Recreation Ground.

Formal Sport: £9,302 - Bolnore Recreation Ground

Community Buildings: £5,335 - Ashenground Community Centre.

Local Community Infrastructure: £6,057 - To be confirmed.

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

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

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

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

- Using a fabric first approach to maximise air tightness, provide high levels of insulation and optimise solar gains and natural ventilation;
- Water saving fittings are to be used with flow regulators;
- Water efficient WCs;
- High performance level of glazing to be installed to reduce heat loss and unwanted heat gains;
- Provision of water butts;
- Cycle storage; and
- Measures to reduce surface water run off.

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

Drainage

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

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

In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex Development Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the

development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The proposed development would result in nine new dwellings in a sustainable location, within the built up area of Haywards Heath; this would make a minor but positive contribution to the District's housing supply. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

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

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

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

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

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

would have an adverse impact on existing trees. For this reason, the proposal fails to comply with policies DP26 and DP37 of the Mid Sussex Development Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD. Accordingly, the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	2004-P-005-P1		14.09.2020
Proposed Floor Plans	2004-P-004-P1		14.09.2020
Location and Block Plan	2004-P-001-P4		08.12.2020
Proposed Site Plan	2004-P-012-P1		08.12.2020
Proposed Site Plan	2004-P-002-P6		08.12.2020
Proposed Elevations	2004-P-013-P1		08.12.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Notwithstanding the fact that the principle of development on the site is effectively allowed, the Town Council OBJECTS to this application. As tabled, it would give rise to an overdevelopment of the site, it would reduce agreed landscape amenity and green space for existing residents and would result in parking congestion issues that would spill over on to the public space outside in the roadway. More significant than anything else is that the agents, DMH Stallard LLP, are very persistent in their disingenuous argument promoting that this cumulative unused windfall development land should not be subject to affordable housing or Section 106 funding for the community. Members are quite disappointed to see a developer bring forward something so blatantly wrong that would undermine both the Mid

Sussex District Plan 2014-2031 and the Haywards Heath Neighbourhood Plan. The planning requirement to provide affordable housing is very clear - this is a cheap shot to undermine that and Members do not like it.

The Mid Sussex District Council Case Officer for the application has acknowledged that in purely design terms, the proposed block would be considered acceptable, but she has significant concerns regarding its location and visual prominence. The Town Council believes that the building would result in an overbearing form of development which would be too near the A272 relief road and a monstrous feature at one of the key entry points into the town.

The majority of the Town Council's response to the previous application for this site (DM/19/4731) remains relevant to this latest application and is reiterated below for the avoidance of doubt:

The Town Council objects to this application on account of there being no provision for affordable housing, which is contrary to Policy DP31 of the Mid Sussex District Plan (MSDP) 2014-2031. Whilst Members accept the applicant's contention that the site is unused windfall development land, they believe it is effectively an extension to the adjacent development of three blocks of apartments which was permitted under application references DM/15/5107 (outline) and DM/16/5547 (reserved matters). In other words, this latest proposal and the development of apartments each represent constituent parts of a 'cumulative' application for the entire site and, therefore, should both be subject to the same planning policy obligations. The Town Council has concerns that the Planning Supporting Statement prepared by DMH Stallard LLP conveniently omits any reference to the affordable housing liability for this site extension.

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

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

Reason: to accord with Policy DP39 of the MSDP 2014-2031;

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

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

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

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

Parish Consultation

The Town Council upheld its OBJECTION to the application, stated in its response dated 23/10/20 as it was deemed that no material changes had been made to the application and there was still no provision for affordable housing. To this end, none of the Town Council objections had been addressed so the Town Council repeated its previous comments on the application.

Network Rail

Thank you for consulting Network Rail on the planning application DM/20/3456, please see our formal comments below.

From a planning perspective Network Rail has no objections to the proposed development. However, due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail recommends the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. The ASPRO team will ensure that the works can be completed safely without posing a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

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

Southern Water

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

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

WWW.southernwater.co.uk/developing-building/connection-charging-arrangements

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

- Reuse
- Infiltration

- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

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

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

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.

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 the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

WSSC Highways Authority

Comments received 27.01.2021

WSSC has reviewed the previous planning response from County Highways. Our comments still Stand.

Comments received 14.10.2020

The highway authority has no objection to the proposed use.

The transport note supplied with the application states that the proposal is likely to have a minimal impact on the local highway network, and we agree.

Most of the issues raised by the application have been addressed in previous planning applications for the site, which resulted in the construction of 30 apartment homes. The resolved issues include road access (already in place) and sustainability.

As for parking, the transport note states in paragraph 3.4:

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

The authority agrees with this assessment and has no further comments to make on vehicle parking.

The site layout was substantively covered in the previous applications.

Conditions:

Cycle parking

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

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

Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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.

WSCC Minerals and Waste

The MWPA would offer No Objection to the application as per subject line of this email.

We would not expect to be consulted on applications of this type as it is within brownfield land within the built up area, and therefore no mineral sterilisation will occur.

There is no identified minerals or waste infrastructure located within close proximity of the proposed development area.

I would be grateful if this response could be distributed to the allocated case officer.

WSCC Public Rights of Way Officer

Further to the recent consultation on the above named planning application I can confirm WSCC PROW have no comment to make as no PROW are affected by the proposal.

WSCC Planning

S106 contributions sought:

Library - £2,847

Primary Education - £11,331

Secondary Education - £12,196

TAD - £12,380

MSDC Street Naming and Numbering Officer

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

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of

fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Contaminated Land Officer

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

It is noted that some limited testing was carried out as part of 12/00535/DCOND for the area proposed to be developed as part of this application, and that no issues.

However it is still recommended that a discovery strategy should also be attached to the proposal, so that in the event that contamination not already identified is found, that works stop until such time that a further assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

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

MSDC Drainage Engineer

FLOOD RISK

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

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

SURFACE WATER DRAINAGE

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

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

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

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

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

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

FOUL WATER DRAINAGE

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

The Surface and Foul Water Drainage Strategy plan (Ardent, 196240-300, Nov 2019) shows a proposed foul water sewer being laid beneath an existing surface water swale. It is unclear what drainage or flood risk management function the existing swale provides.

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

The Flood Risk and Drainage Team are also likely to object to the locating of a foul drainage pipe beneath an existing swale, where that swale provides an active drainage or flood management function. This objection is due to the interruption of service of the swale during construction, and the potential impact on the swale's function post-development.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS/UNITS

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

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

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

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of any existing drainage or flood management

features on site, including the identified swale, shall be shown on a layout plan accompanied by descriptive text and shall include:

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

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

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

MSDC Environmental Health Officer

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

A Noise and Vibration Assessment by Ardent (ref: NO X274-01A), dated the 17th June 2020 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels. This includes ventilation specification as well as glazing specification, due to the fact that BS8233:2014 standards cannot be met with the windows open.

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

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

Recommendation: Approve with conditions

1. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Ardent (ref: NO X274-01A), dated the 17th June 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. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

MSDC Urban Designer

Comments received 04.03.2021

Overall my previous comments stand. I would though add that the removal of the closest trees to the blocks may address some of the immediate overshadowing problems, but it also results in a reduced tree screen and over time there will also be pressure to reduce the trees that are still shown where they impose upon the far-reaching views of the Downs.

Comments received 06.01.2021

As my comments largely focus on tree planting, they are subject to Irene's views which I will defer to.

The revised drawings do not appear to show any change to the proposed building envelope or footprint. The main difference is the addition of a proposed tree belt along the Rocky Lane road frontage that extend across the front of the existing blocks A-C as well as the proposed block D. If these trees were allowed to grow to full maturity, this may sufficiently soften the development from the vantage where the development is most visible and impacts on the viewing corridor towards the South Downs. However, this will take several years. Furthermore, I question a scheme that is wholly dependent on the delivery of these new trees, particularly as when they grow bigger they are likely to come under future pressure of removal or reduction because they will impact adversely on the stunning far-reaching views enjoyed by existing and future residents of the apartment blocks, and because the closest trees may also overshadow living rooms and balconies.

It should also be borne in mind that the 2017 consent showed the retention of a number of large mature trees that were subsequently removed from the western boundary (where the current apartment block is proposed) approximately at the time of the development of blocks A-C; with the loss of this back drop of mature trees (five of these trees were deemed good enough to be category B in the outline application tree survey) along this boundary, the built scheme is less softened and consequently sits less satisfactorily within its rural-edge context than was originally envisaged (and assessed at the previous application). The addition of the currently proposed building will exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

For these reasons I maintain my previous objection (dated 9/11/20) to the scheme.

Comments received 13.11.2020

This scheme has been submitted without pre-application consideration and follows the 2017 approval (DM/16/5547) of the three adjacent apartment blocks designed by the same architect that both I and the Design Review Panel supported. Subsequently there was also a refused scheme for 5 three storey dwellings (DM/19/4731) which like the current scheme was trying to fit too much on to this site.

A key element of the approved scheme was its relationship with the landscape, which is now undermined by the current proposal. The prominent ridge-line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened so it: (a) sits comfortably within its immediate semi-rural context, and (b) does not inappropriately impede upon wider views of the South Downs along Rocky Lane. The landscaped thresholds, that include generous separation gaps between the blocks and around the boundaries, are therefore key elements of the earlier scheme, and relevant for any subsequent proposal. I therefore object to the application as it runs contrary to the guidelines set out in DG3, DG7 and DG27 of the Mid Sussex Design Guide SPD for the following reasons:

- The current application inappropriately intrudes into the defined landscaped threshold areas around the apartment blocks that have been established by the 2017 consent. This arises from its proximity to the western boundary and to the existing apartment block C. Consequently, it will have an inappropriately urbanising impact upon this semi-rural site.
- It is uncomfortably close to the adjacent apartment block, and the two blocks are more likely to look conjoined as the separation gap is smaller and more hard-edged than the gaps between the approved apartment blocks.
- Looking south-westwards along Rocky Lane from the roundabout junction (with Old Rocky Lane) the proposal extends the length of the building frontage; this creates an inappropriately urban appearance and context for the view towards the South Downs.

Another sign that the scheme has been squeezed-in is the proximity to the car park of the balcony serving the adjacent ground floor flat (no.31) which provides it with a poor outlook.

MSDC Tree Officer

Comments received 18.02.2021

My previous comments stand.

Comments received 06.01.2021

I'm afraid that while I note the additional 'beefed up' landscaping, it does feel as if it's been crammed in around the building with insufficient space for it to develop properly, unless as a wooded area, which these trees are not appropriate for.

Furthermore, the landscaped area which it is now proposed to build on, or relocate trees from, was intended to allow space for the trees but still allow an area for residents to use. I consider that these trees will come under future pressure to be felled due to encroachment, loss of light etc.

My comments were not intended just to address views of the buildings and screening but also in relation to amenity space for existing flat occupants.

I continue to object and my previous comments stand.

Comments received 29.10.2020

I object to this application.

There is no additional landscaping proposed apart from a mixed native hedge. This development would be within an area approved and planted as landscaping/trees associated with the adjacent flatted development. This development was approved in part because the trees would provide some mitigation/screening from wider views and contribute to the biodiversity/softening of buildings etc

This application proposes to relocate these trees and cluster them together in a small area along the frontage. I believe this is not in the spirit of the previous approval. Furthermore, relocated trees are slower to establish and are more likely to suffer decline or death.

The proposal is contrary to DP37. Existing trees on the site, albeit that they are still young, are not being respected. Relocating trees is not the intention of the policy. The trees should be taken account of in situ. Furthermore, the provision of a hedge does not mitigate for the scale of the development or provide sufficient softening of buildings, biodiversity, screening or sufficient space for additional trees to be planted.

MSDC Parks and Landscapes Contract Monitoring Officer

Comments received 11.01.2021

Thank you for giving us the opportunity to comment on the planning application DM/20/3456 (Revised plans received 08.12.2020 showing changes to the red line boundary, parking and Landscaping).

Studying carefully the proposed plans for these flats I cannot support this application for the reasons mentioned below.

Planting Plan:

- The proposed landscape area looks as being very cramped and is mainly located in the shaded area of these flats having little or no architectural value for this residential area.
- The proposed planting plan is composed from a mixture of plants that either thrive in acid soil conditions or alkaline soil conditions.
- The proposed planting plan is formed from a mixture of grasses and perennials that will thrive in full sun conditions only. For example Libertia, Phlomis, Miscanthus. Moreover there is a deficiency in plants that will flower and the site is not going to be aesthetically pleasing
- The proposed planting plan have little or no biodiversity value.

Proposed trees:

- Populus tremula: These tree are native tree that are predominant in colder parts of the UK such as Scotland so it is unlikely for these specie to thrive in southern conditions. Also when these trees are in flower the catkins and the fluffy seeds are known to be a problem for people with allergies. These trees like wet conditions that aren't present for that location. Moreover if these trees will ever rich maturity they may become dangerous

as the soft wood will split in storm conditions and as these trees are located in exposed conditions is very likely for them to become a problem.

- Multi-stem Betula Pendula: Nice small architectural tree that is more likely to be present in a courtyard than on a side of a railway. The small multi-stem trees will not create a visual barrier/screening from the railway track for the residents living in the flats.
- Relocated trees: The newly planted trees that are proposed to be relocated will be crammed in a corner diminishing the architectural and biodiversity value.

Planting strategy:

- The document that was presented is not relevant and doesn't explain the reasoning behind the design decision. It is obvious that the plan to relocate the trees is to make space for the new block of flats and there are no design considerations regarding the outlook of this area in the distant future. Moreover there are evidence that the existing soft landscape for the existing block of flats is failing as the exposed site and the lack of maintenance is not providing a good environment for the planted vegetation to thrive.

If the proposed planning application is to be approved a Landscape management plan for the area needs to be provided to make sure the planting will take and the proposed goal is achieved.

MSDC Leisure

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

Pinewood Way, Acre close and Sandy Vale, all owned and managed by the Council, are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new development and a contribution of £8,123 is required to make improvements to play equipment at one or more of these playgrounds. A further contribution of £6,823 is required toward kickabout provision for older children at the Bolnore Recreation Ground.

FORMAL SPORT

In the case of this development, a financial contribution of £9,302 is required toward formal sport facilities at Bolnore Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,335 is required to make improvements to Ashenground Community Centre.

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 Housing

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