



Planning Statement

Land south of Old Rocky Lane

Erection of 6 Apartments along with access, parking and landscaping.

at

Land south of Old Rocky Lane

Planning Supporting Statement

on Behalf of

Cross Homes (Sussex) Limited

October 2025

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1. Introduction

- 1.1. This Planning Statement has been prepared by DMH Stallard on behalf of Cross Homes (Sussex) Limited for the erection of 6 apartments along with access, parking and landscaping at land south of Old Rocky Lane, Haywards Heath.
 - 1.2. The main part of the application site comprises a roughly triangular shaped piece of land between Rocky Lane (Haywards Heath Relief Road) to the south, Old Rocky Lane to the north, the London to Brighton railway line to the west and existing residential development to the east. It comprises an undeveloped (other than some parking and bike storage) piece of land surrounded by housing and infrastructure.
 - 1.3. The proposal is to erect 6 apartments within a single three storey building which will be accessed from an existing access and area of parking associated with the completed development to the east (permitted under Mid Sussex Ref: DM/17/2583).
 - 1.4. This Planning Statement describes, the site and surrounding area, the planning history of the site and immediate surroundings, the proposed development and the associated Development Plan. It then provides an appraisal of the proposed development in relation to each of these aspects and any other material considerations. It should be read in conjunction with all the other application documents which comprise:
 - Plans and Drawings (including proposed landscaping)
 - Planning and Housing Statement (this document)
 - Desing and Access Statement
 - Landscape Impact Appraisal
 - Transport Report
 - Arboricultural Assessment & Method Statement
 - Energy and Sustainability Statement
 - Noise Assessment
 - Drainage Strategy
 - Preliminary Ecological Assessment
 - BNG
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2. The Site and Surroundings

- 2.1. The site is situated to the south of Haywards Heath located between Old Rocky Lane to the north and Rocky Lane to the south and alongside the London to Brighton Railway line.
 - 2.2. Haywards Heath is a Category 1 settlement within the District of Mid Sussex and provides all necessary services for day-to-day living including a Railway Station on the Brighton Main Line providing regular services between Brighton and London.
 - 2.3. The site and the surrounding area have seen a significant level of development over the previous 10 years including the completion of Haywards Heath Relief Road (Rocky Lane) and several residential developments south of what is now known as Old Rocky Lane. As originally envisaged the Relief Road was to run around the south of the town, with no development to the south of it. Over time significant development has been approved to the south of the Relief Road (A272), including directly to the south of the application site.
 - 2.4. The application site comprises a 0.2 hectare roughly triangular shaped piece of land which has been unused (save for some parking) following completion of the development of 30 flats in 3 blocks to the east (Mid Sussex Ref: DM/15/5107).
 - 2.5. The land rises from south-west to north-east to the proposed site access. The site partially comprises access and parking associated with the development approved under DM/15/5107 and partly grass with a group of trees along its north-western boundary. The submitted Arboricultural Assessment indicates that this group of trees comprising Sycamore will not be impacted by the proposals.
 - 2.6. The site is in a sustainable location located within walking distance of shops and services and easy cycle distance from Haywards Heath Town Centre and Railway Station.
 - 2.7. The site lies within the built-up area of Haywards Heath and is not subject to any landscape, ecological, heritage or flooding constraints. A Listed Building lies to the north of Old Rocky Lane but there is no inter-visibility, and it is considered that the building will be unaffected by these proposals.
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3. Planning History

- 3.1. The site and the surrounding area have seen a significant level of development over the previous 10 years including the completion of Haywards Heath Relief Road (Rocky Lane) and several residential developments south of what is now known as Old Rocky Lane.
 - 3.2. In March 2011 planning permission was granted for the demolition of office buildings and erection of 75 dwellings at Sandrocks, Rocky Lane located south-east of the site.
 - 3.3. In 2012 outline planning permission (12/00535/OUT) was granted for erection of a roundabout to Stage 5 of the Haywards Heath Relief Road (Rocky Lane) and the erection of 96 dwellings to its south (Phase 1 of 2). Phase 2 of this development was permitted in outline in 2016 and comprises the erection of 134 dwellings south of Phase 1 (DM/16/1312).
 - 3.4. In April 2017 outline planning permission was granted for a further 320 dwellings east of the former Sandrocks site and west of existing residential development.
 - 3.5. The above developments are all now complete or very close to completion.
 - 3.6. The Application Site comprises part of an area of land granted approval under DM/15/5107 for the erection of 30 flats in three blocks accessed from Old Rocky Lane. The site lies just west of the roundabout approved under 12/00535/OUT between Rocky Lane to the south and Old Rocky Lane to the north.
 - 3.7. DM/15/5107 was the subject to an application for Minor Material Amendments (DM/17/2583) to provide an additional area of 14 parking spaces located to the west of the flat blocks. This was in addition to existing areas of parking which provided 41 spaces, therefore creating a total of 55 spaces available for the 30 apartments.
 - 3.8. An application on the site DM/19/4731 which sought permission for the 5 No. three storey dwellings was refused by the Council.
 - 3.9. A further application (DM/20/3456) was submitted for 9 apartments in a single block. That scheme followed pre-application advice and constituted a significant and fundamental revision of the earlier proposal which addressed the concerns raised through consideration of the previous application. This application was refused and subsequently dismissed at appeal. This decision will be discussed further later in this report. However, suffice to say at this stage, that this application addresses the concerns raised in every respect of the previous proposals.
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4. The Scheme

- 4.1. The Planning Application seeks permission for the erection of 6 apartments within a single 3-storey building to the west of the existing blocks of flats located off Old Rocky Lane. The dwellings will be accessed from the existing access and area of parking provided to the flats.
 - 4.2. The dwellings will be of a modern appearance being constructed within a single building from brickwork with aluminium doors and windows and metal coping to its roof. The design, form and layout follow the precedent set by the completed scheme immediately to the east.
 - 4.3. Each dwelling will benefit from 2 bedrooms, kitchen and living space.
 - 4.4. The hard and soft landscaping will comprise additional tree planting and landscaped areas to the south and west of the building.
 - 4.5. The bank running down to Rocky Lane to the south, will be heavily landscaped (where there is currently no tree planting), which will provide additional softening of the proposed and existing flats to the east.
 - 4.6. Parking standards for the area are set out by West Sussex County Council. A comparison between WSCC parking standards and parking provision made within the site confirms that satisfactory cycle and car parking will be provided.
 - 4.7. The site is enclosed to the north and north-west by established landscaping and the proposed development would sit comfortably in this location being enveloped by the tall trees to the north and existing built form to the east. The LVA and D&A illustrate this.
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5. Planning Policy Context

- 5.1. At the current time, the Development Plan in Mid Sussex comprises the Mid Sussex District Plan 2014 – 2031, which was adopted on 28th March 2018.
- 5.2. The application site is also identified as being within the Haywards Heath Neighbourhood Plan area. The Plan was 'made' in September 2016.

National Planning Policy Framework

- 5.3. The National Planning Policy Framework (NPPF) was originally published in 2012, with the latest revised version published in December 2024.
- 5.4. The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5. The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that:

“7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

*10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development.***"

Paragraph 11 is an important element of the NPPF. It states that for decision making this means:

"c) approving development proposals that accord with an up-to-date development plan without delay;

or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

5.6. Section 5 relates to delivering housing. It reiterates at paragraph 61 that the Government's objective is to significantly boost the supply of new homes. Paragraph 64 confirms that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

5.7. Paragraph 73 identifies the important role small and medium sized sites can make to meeting the housing supply of an area. It states that local planning authorities should "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes..."

5.8. Section 11 is entitled 'Making effective use of land'. Paragraph 124 confirms that "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions".

5.9. Paragraph 125 sets out that decision makers are required to give regard to benefits of development and should " *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and promote and support the development of under-*

utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively"

Local Planning Policy (Mid Sussex District Plan, 2018)

- 5.10. On 28th March 2018 Mid Sussex District Council adopted the Mid Sussex District Plan. This plan replaces the saved policies contained within the Mid Sussex Local Plan, 2004. The District Plan sets out the planning strategic for the years up to 2031 to deliver the social, economic and environmental needs for the District.
- 5.11. In addition to the District Plan, the Council have adopted two relevant Supplementary Planning Documents (SPDs):
- Development Infrastructure and Contributions SPD
 - Affordable Housing SPD
- 5.12. The Council's Proposals Map, shows the application site lies within the built up area boundary of Haywards Heath. The site is also surrounded by existing residential development and major transport infrastructure.
- 5.13. **Policy DP6** refers to Settlement Hierarchy. This policy states that;
- "Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement... The growth of settlements will be supported where this meets identified local housing, employment and community needs."*
- 5.14. Haywards Heath is classified as being a Category 1 Settlement, which is described as being a *"settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements"*.
- 5.15. **Policy DP26** relates to Character and Design states that *"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;*
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- *protects valued townscapes and the separate identity and character of towns and villages;*
 - *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
 - *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
 - *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
 - *positively addresses sustainability considerations in the layout and the building design;*
 - *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
 - *optimises the potential of the site to accommodate development”.*

5.16. **Policy DP31** relates to Affordable Housing. It noted that the Council will seek *“1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²...”*

5.17. **Policy DP37** in the District Plan states *“The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose...”*

5.18. The following MSDP policies are also considered to be of relevance:-

- **Policy DP21:** Transport;
 - **Policy DP22:** Rights of Way and other Recreational Routes;
 - **Policy DP27:** Dwelling Space Standards;
 - **Policy DP30:** Housing Mix;
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- **Policy DP37:** Trees, Woodland and Hedgerows;
 - **Policy DP38:** Biodiversity;
 - **Policy DP39:** Sustainable Design and Construction;
 - **Policy DP41:** Flood Risk and Drainage.

Neighbourhood Plan (Haywards Heath Neighbourhood Plan 2016)

- 5.19. Policy E7 requires the incorporation of Sustainable Drainage Systems, where practical, in the design of new housing.
- 5.20. Policy E9 states that developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site.
- 5.21. Policy E13 requires good quality private outdoor space to be provided with every dwelling which is commensurate with the type and size of the development.
- 5.22. Policy H8 states that housing development within the Haywards Head built-up area boundary will be permitted including infill development where it meets the following criteria:
 - Scale, height and form fit unobtrusively with the existing buildings and character of the street scene;
 - Spacing around buildings would respect the character of the existing street scene;
 - Gaps providing views from the built up area to the countryside will be protected;
 - Materials are compatible with existing buildings;
 - The traditional boundary treatment is retained and where feasible reinforced.

Supplementary Planning Documents (SPD)

- 5.23. The following Supplementary Planning Documents (SPD) and other planning documents are also relevant to the application:
 - Affordable Housing SPD
 - Design Guide SPD
 - Development Infrastructure and Contributions SPD

Emerging Policy

- 5.24. The 2018 Plan, although referred to above is now in excess of 5 years old. Paragraph 34 of the NPPF states that *"policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan and should take into account changing circumstances affecting the area,*
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or any relevant changes in national policy. Relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

- 5.25. District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 5.26. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. The Inspector has indicated that the Plan will be found unsound unless withdrawn. Consequently, the Policies in the draft District Plan cannot be afforded any weight and therefore, the application should be assessed against the policies of the adopted District Plan (albeit with reduced weight given to those policies due to the fact that it is more than 5 years old and does not meet current housing needs).
- 5.27. There is a significant shortfall in the District’s housing land supply position: with the Council most recently putting forward a best-case supply position of just 3.38 years (at the current base date 1st April 2024). In this context, paragraph 11(d) of the NPPF is triggered for the purposes of decision-taking, which means: *‘...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.’*
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6. Scheme Appraisal

6.1. It is considered that the main material planning considerations in respect of this application are as follows:

- the principle of development
- Design and Scale
- Amenity of Existing and Proposed Occupiers
- Access and Parking
- Ecology
- Arboriculture
- Sustainability

Principle of development

6.2. The site lies within the built-up area of Haywards Heath and is partially a brownfield site and therefore, it is considered that the Proposed Development is acceptable in principle subject to consideration of all other material considerations, as set out above. It is noted that MSDP Policy DP6 and HHNP H8 confirm that planning applications for housing within the built-up area will be permitted. HHNP Policy H8 requires consideration of design matters, which are addressed below (and within the Design and Access Statement).

6.3. Paragraph 9.23 of the HHNP anticipates that 256 dwellings will come forward as windfall development within the plan period until 2031. Paragraph 9.24 then recognises that even with this high level of windfall development there would be a shortfall of 170 dwellings within the Haywards Heath Neighbourhood Plan Area. This proposal will help achieve the level of windfall development anticipated within the Plan.

6.4. In respect of the supply of housing it is noted that the NPPF recognises that small and medium size sites can make an important contribution to meeting the housing requirements of an area. In this case it is likely that the development will make an immediate (i.e. within the next 5 years) contribution to the Council's housing land supply. The NPPF also discuss the need for planning policies and decisions to support the efficient use of land. It is considered that this proposal will also help to achieve that goal by using an underused piece of land surrounded by existing residential development.

6.5. The proposed development will provide 6 much needed smaller dwellings in an area where larger detached and semi-detached housing is dominant. This will help to provide a range of housing and improve the social mix within the area. Both the NPPF and MSDP seek the delivery of a wide range of housing types. Both the previous Committee report and pre-application advice accept that the

principle of development is acceptable in policy terms. However, the guidance and local/national policy go further in positively seeking to encourage such sustainable sites as this to developed in a form which makes best use of their potential and thus minimises the need for greenfield development outside the built-up area.

- 6.6. In considering a revised proposal the team of professional advisers (Architect, Transport consultant, Arboricultural consultant and Town Planner) have all reconsidered the potential development of the site in the light of previous decisions. It is noteworthy that the Planning Officer's previous reports stated that; 'The principle of development is therefore acceptable owing to the site's location. It is, however, also necessary to consider other planning issues to determine the planning balance.' It was, therefore, the detailed consideration of the application (layout, form, parking etc.) that led the Officer to conclude that the scheme was unacceptable rather than the acceptability of development in principle. The Appeal Inspector also acknowledged the acceptability of site development in principle.
- 6.7. Therefore, it complements the neighbouring development and has a sympathetic impact within the street scene. The development immediately to the east is widely regarded as one of high-quality urban design and is described as being of innovative design (materials and detailing) in the MSDC Design Guide. The proposed building would be aligned with those to the east, not only in terms of design, form and detailing, but also in respect of position/location, by retaining the generous landscaped area to the south. The proposed development would not undermine the principles of the original development, it would retain a strong sense of place with significant gaps between buildings. The distance between the proposed building and the A272 Rocky Lane is greater than the blocks to the east. Similarly, a substantial gap between the site and the westernmost existing block retained (over 15m) thus the proposed new building retains the rhythm of built form with generous gaps between buildings. To the west there is a more significant gap to the dwellings clustered around the Highbank roundabout, with intervening landscaping and the steep railway cutting.
- 6.8. The Design and Access Statement and Verified views clearly show the very limited impact of the scheme in the street scene. Your attention is drawn particularly to view 2, 4 and 23, showing that in views from the A272 from both the east and the west the impact of the scheme is not harmful and only in very localised views would the building be particularly noticeable. In views immediately to the south of the site the building would not look out of place being sympathetic to its neighbours to the east.
- 6.9. Mention has been made within LPA officer reports and by the Appeal Inspector that previous proposals '*impede views to the South Downs*', such a comment is factually inaccurate. The supporting Landscape Assessment provided as part of this submission, clearly illustrates that there will be no detrimental impact within the local street scene or in longer views towards the South Downs. If there was ever any doubt in regards to the previous scheme (and we do not believe there was) the movement of the built form rearwards by over 14m means that the proposed building categorically does not impact in any harmful way on views towards the South Downs. This is true of views from both the A272 where there are no impacted views at all, and Old Rocky Lane, where
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views are in the main blocked or at least heavily filtered by the strong landscaped belt of TPO'd trees and lower level planting which ensures that the current development does not impede upon wider views of the South Downs and sits comfortably within its immediate context.

- 6.10. Indeed, the character of the site is that it is well contained by established landscaping to the north and west, by existing apartments to the east, and while more open to the south, this is characteristic of the locality and neighbouring buildings. There is of course a main road and further residential development immediately to the south. As a result, the proposed building nestles into the established landscaped setting of the site.
- 6.11. Crucially, the current scheme shows the south elevation facing the A272 set back over 14m from the position of the previous scheme (DM/21/3763) and nearly 19m from the position of DM/20/3456 (the scheme considered at appeal). Consequently, the proposal is fundamentally different to that considered at appeal, in terms of the number of units, the location of the proposed built form and in relation to the relevant policy background.
- 6.12. The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. A further significant change when compared with the previous decisions relating to applications on this site is that at the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development (the so-called 'tilted balance' is to be applied), having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF.
- 6.13. It is our view that having regard to para 11d of the NPPF, that any (very limited in our view) adverse impacts of granting consent could not be reasonably considered to significantly and demonstrably outweigh the benefits of this development and therefore permission should be granted. Far from it, in reality, this form of development is exactly the type of proposal that is fully endorsed by current Government policy;
- Partially brownfield/on previously developed land
 - Making best use of a site within the built-up area
 - Small scale development that can be delivered quickly
 - No unacceptable impacts on neighbouring amenity
 - Within a Category 1 - most sustainable town within the District
 - Providing much needed smaller units of accommodation
 - Providing Affordable Housing
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Design and Scale

- 6.14. The design and scale of the proposal is considered to be commensurate with the surrounding development being of a similar height, design and form to the blocks of flats to the east, albeit a smaller building.
- 6.15. Referring specifically to the issues identified by HHNP Policy H8 which relate to the scale, spacing, visual gaps to the countryside, materials and boundary treatment of development, the proposal has addressed this Policy as set out below.
- 6.16. The height and scale of the buildings reflects the height, scale and form of the approved development to the east. The proposed building will be similar in height to that immediately east with the scale (smaller) and form fully in-keeping with the surrounding built form.
- 6.17. As with the existing development the proposed apartments will comprise a high standard of design and will use the same materials throughout comprising brickwork, aluminium windows/doors and metal coping to the roof surround. The materials used throughout the development will be consistent with and complement developments within the immediate and surrounding area.
- 6.18. The apartment block will be set back from existing landscaping and vegetation alongside the north and west of the site retaining their visual interest and appeal.
- 6.19. The proposed dwellings will sit alongside the existing blocks of flats and will appear as part of Haywards Heath rather than an isolated development.
- 6.20. Consequently, it is considered that the proposals represent high quality design and complies with MSDP Policy DP6 and HHNP Policy H8. Previous Officer Reports and the Inspectors decision letter confirm that this is the case.

Amenity of Existing and Proposed Occupiers

- 6.21. The site is located in proximity to two sources of noise, the Brighton Main Line to the west and Rocky Lane to the south. A Noise and Vibration Assessment is submitted which sets out requirements for the fabric of the building and acoustic requirements for any glazing. The Assessment confirms that subject to the use of uprated thermal double glazing recommended internal noise levels would be achieved. It concludes that subject to these measures the site is suitable for residential development.
 - 6.22. The size of the dwellings will all be in excess of the Nationally Described Space Standards and provide high quality living spaces. Each dwelling will benefit from shared external amenity space at ground level.
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6.23. The proposed dwellings will be located over 15m from the existing block of flats to the east. In addition, views between the blocks will generally be at an oblique angle. It is considered that this arrangement is acceptable within an urban area and would not give rise to significant impacts on amenity. The arrangement of building is almost identical to that of the approved dwellings to the east. Consequently, it is considered that no unacceptable overlooking would occur between the two developments.

6.24. No concern has been raised in relation to these matters during the pre-application consultation.

Access and Parking

6.25. The proposed dwellings will make use of existing access arrangements off Old Rocky Lane and the area of parking west of the permitted flat blocks.

6.26. Since the flat blocks and additional parking were completed under DM/15/5107 and DM/17/2583, it has become clear that the level of parking within the site is not required to serve the existing development.

6.27. The scheme does not affect the previously assessed and accepted 41 parking space provision for the 30 apartments previously consented. Permission was subsequently granted for an additional 14 parking space provision consented by the Council in January 2018 (planning application DM/17/2583).

6.28. In terms of parking provision requirements, the previously consented 30 2- bed apartment scheme required 41 parking spaces to be provided. At the time MSDC and WSCC acknowledged that this parking provision exceeded their requirements if the applicant decided to either leave all the parking unallocated or decided to allocate the parking spaces to individual units.

6.29. 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 36 residential units, made up of the 30 consented apartments and the proposed 6 additional apartments, requires an overall on-site parking provision of 50 spaces. 50 spaces are provided on site.

6.30. Using the previously agreed vehicular trip rates from the approved TS, this scale of development is estimated to generate an additional 3 two-way vehicle movements in each of the peak periods onto the local highway network. This increase in flows is exceptionally low and will be well within the day-to-day variation of flow on the highway network. There will be no measurable change to the performance of the highway network with these additional traffic movements.

6.31. Therefore, parking provision as currently provided on site meets the previously agreed parking requirements calculated by WSCC when considering the Reserved Matters planning application. With the proposed 6 additional apartments utilising the previously agreed pedestrian and vehicular access

points, consented in the Outline Planning approval for the wider site, the previously approved access strategy is fit for purpose and has been shown to be suitable to serve a residential scheme in this location.

- 6.32. A covered cycle store is provided on-site to meet the required standard. The submitted plans show that this facility now has a lockable door to enhance security and therefore encourage the use of this mode of sustainable transport as requested by Committee Members when the previous application was discussed.
- 6.33. As set out in more detail within the Transport Note provided by SK Transport which is enclosed with this submission, there are no traffic, transport or parking reasons why this modest residential development proposal should not be granted planning approval.

Ecology/BNG

- 6.34. A Preliminary Ecological Appraisal of the site has been carried out as submitted with the most recent application which concludes that following the translocation exercised and other associated works carried out in respect of DM/15/5107 that the site would not support any significant biodiversity. Since translocation was carried out the site has been wholly separated from wider green spaces by road and other infrastructure. Furthermore, grass has been kept at a sward which will have discouraged repopulation by reptiles.
- 6.35. The site is not identified as having any ecological importance. The existing trees are the most ecologically valuable part of the site and these will be retained by the Proposed Development, additional planting will also take place as part of the landscaping scheme.
- 6.36. Measures to enhance the ecology of the remaining site have been set out within the previous PEA and it would be possible to secure these additional measures by planning condition. Consequently, we consider that the Proposed Development will comply with MSDP Policy DP38.
- 6.37. In respect of BNG it is demonstrated that the proposed development will result in a net gain in excess of 16% for Habitat Units, with all relevant trading rules satisfied.

Arboriculture

- 6.38. The submitted Arboricultural Assessment and Method Statement confirms that no trees will be significantly impacted by the Proposed Development. It also sets out measures required to protect trees during construction which will be implemented prior to the start of works.
- 6.39. All existing trees to the north and west will be retained. The approved landscaping to the south of the site is no longer in situ, but this application proposes a full landscaping scheme across the southern side of the site. This planning will assist in softening both the existing development and that which is proposed. In addition substantial planting is proposed along the western boundary to soften this edge of the scheme.
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- 6.40. Consequently, it is considered that the Proposed Development complies with MSDP Policy DP37.

Sustainability

- 6.41. A Sustainability Statement has been submitted with the Planning Application which sets out several sustainability measures that will be incorporated within the proposals. These measures will include:

- Water saving fittings will be used with flow regulators;
- Appliances (where supplied) will be specified to minimise water usage and be energy efficient;
- Water efficient WCs;
- Low-flow aerated taps;
- Wherever possible, labour will be sourced from the local area thereby supporting the local economy and providing employment opportunities for local tradespeople and businesses;
- Glazing will be of a high performance specification to reduce heat loss and unwanted heat gains; and
- Cycle storage
- Air Source heat Pumps.

- 6.42. It is considered that the Sustainability Statement demonstrates that the scheme is a sustainable form of development and therefore in accordance with the NPPF.

Affordable Housing

- 6.43. The Council's policy contains no provision or guidance on the aggregation or cumulative treatment of developments for the purposes of affordable housing provisions. The only question in Policy HD13 is whether the development in question provides 11 dwellings or more. The development in question in this case is for six dwellings only and falls below that threshold. It is important that thresholds are applied clearly and consistently (see para.2.21 of the MSDC Development Infrastructure and Contributions SPD).
- 6.44. However, given that there is a previous development on site, which provided affordable housing, the applicant agrees to provide a financial contribution via a S106 towards the provision of affordable units.
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7. 'The Planning Balance'

- 7.1. As with all planning proposals, the key role for the determining authority is that of undertaking a 'Planning Balance' between conflicting policies, impacts and benefits.
- 7.2. It is accepted that in undertaking that assessment (the 'Planning Balance') will always involve a degree of opinion and subjectivity, however in this case it is considered that the balance tips strongly in favour of the granting of Planning permission.
- 7.3. Key considerations in favour of approval;
- The 'tilted balance' in favour of approving sustainable development
 - Site lies within the built-up area
 - Site lies within a category 1 settlement
 - Site lies within a sustainable location
 - Site is surrounded by established residential development and transport infrastructure.
 - In principle proposals for additional housing in this location are acceptable
 - The scheme provides 6 small units as a windfall scheme, within the settlement boundary
 - Provides a financial contribution via a S106 towards the provision of affordable units.
 - The proposals will make efficient use of an existing site
 - Scheme provides additional housing in the locality, helping to meet the level of housing assumed to come forward as windfall development set out by the Haywards Heath Neighbourhood Plan/Local Plan, particularly given the lack of a 5 year housing Land Supply.
 - The design of the scheme is acceptable being very similar to that adjacent to the east
 - The proposal will not have an impact on any interest relating to arboriculture
 - The proposal will not have an impact on any interest relating to ecology
 - The landscaped area between the development and Rocky Lane (A272) would be retained and new planting would be secured to benefit the locality
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- The development would have no impact on views towards the South Downs
 - The site utilises a fully policy compliant existing access
 - Parking (cars and cycles) is provided to WSCC standards
 - Additional soft landscaping is proposed to the south and west of the site
 - Established, protected trees to the north are retained
 - Scheme accords with the NPPF guidance, being a small site, sustainably located, making best use of a site within the town boundary
 - The Development can provide a valuable visual relationship/enhanced surveillance to the pedestrian / cycle route to the north;
 - Development can provide a net gain in biodiverse green infrastructure through connectivity and planting to promote wildlife habitat
 - By utilising developable land through making a positive addition to an existing well-designed development, the character of the street scene and perception of built form in this area will not be changed
 - Relationship to existing dwellings is acceptable and there is no unacceptable harm to neighbouring amenity by reason of overlooking or overshadowing.
- 7.4. Given the above, the fact that the principle of development is acceptable, and that the 'tilted balance' is engaged, it is considered that the Planning Balance tips firmly in favour of approving the scheme.
- 7.5. The Inspectors decision letter in considering a larger scheme for 9 units, when the Council could demonstrate a 5YHLS was relatively brief and the key parts along with our comments (in red) are set out below:
- i. '4. The development would be located in an established residential area. As such, the general principle of development on the appeal site is not at odds with the surrounding area.*
 - ii. 5. I also acknowledge that the proposal would be of some architectural merit and of a similar style to the 'Kilnwood Apartments'.*
 - iii. However, even though the development would be set back further on the plot than an earlier proposal for the site, it would nonetheless be a building of some scale and mass (the current pre-app scheme is of a reduced scale and mass being 6 rather than 9 units) that would be set forward from the existing buildings and be relatively close to the A272 (whilst the Inspectors comments here were factually incorrect, we are*
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now set considerably further back still (25m), and further back than the other buildings to the east). As such, whereas the dwellings on the other side of the A272 are set down from the road, due to the rising topography along the highway from the roundabout at Highbank towards the appeal site, the proposal would appear overly prominent in this specific location to those passing by, whether by car, train or foot, and to those living on the other side of Rocky Lane. (we have assessed fully the views as approaching from Highbank of both the Appeal scheme and the current revised proposal and as set out in the enclosed documentation the impact is reduced significantly in all views highlighted from the road, rail or neighbouring dwellings. The impact of the development would be no greater than the apartments to the east when viewed from the modern housing to the south. It is unlikely the Inspector undertook a site visit to view the scheme from a train, but having done so, the views towards the appeal site are exceptionally limited and fleeting given the deep cutting and the speed of trains. The view when travelling along the A272 from the east, is such that the development would be fully screened by the existing apartments, until almost immediately south of the site. From the west, at the Highbank roundabout, the view is dominated by three storey flats with pitched roofs, much closer to the highway than those proposed as part of this application. Continuing eastwards, the application site does not come into view until the street scene is dominated by the concrete walls on the railway bridge and the housing to the south of the site, the character of the area at this point is clearly urban. The application proposals could not be described as 'overly prominent'.) Moreover, whether the immediate surrounding area can be described as semi-rural or not, the maturing landscaped site provides a soft transition to the built environment found to the rear of Old Rocky Lane (it is difficult to be sure of exactly what the Inspector means by 'rear of Old Rock Lane' but this scheme has no impact on the landscaping to the south of Old Rocky Lane so this relationship remains). Indeed, the erosion of this verdant space which was provided as part of the 'Kilnwood Apartments' development, and relative proximity of the neighbouring buildings, would result in a cramped and urban type development in comparison to the existing built form, which I noticed at my site visit sits comfortably on its plot behind proportionate landscaped areas. (The current scheme shows; provides new planting to the south with no tree removal or relocation, gaps to buildings are similar to those of the existing apartments. The fact that she says 'behind proportionate landscaping' could be reasonably used to indicate that given the submitted plans show enhanced spacing of the building to the A272 and additional landscaping there – that this concern is overcome. The submitted plans achieve this).

- iv. 6. Furthermore, whether it is viable to relocate the landscaping or not, I am persuaded by the Council's Tree Officer who has stated, amongst other things, that there is 'insufficient space to provide adequate screening/softening' for the proposed landscaping scheme. (The application proposal shows new planting to the south with adequate space for growth). Therefore, in my view, new, revised and relocated landscaping would not provide adequate mitigation. (All existing landscaping is retained and it is proposed that this is enhanced with*
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extensive new planting to the south and west which would otherwise not be delivered).

- v. 7. Turning to the views to the South Downs from the appeal site. I acknowledge that there would only be glimpses of the proposed development from wider viewpoints. However, in spite of a number of landscape 'detracting items' such as the well-used highway, railway cutting, fencing and bridge, I noticed at my site visit that large sections of the surrounding South Downs can be seen not only directly from the appeal site but also when travelling along the A272. Indeed, notwithstanding the benefits of natural surveillance along the footpaths and railway bridge on Old Rocky Lane, in this specific and elevated location next to the highway, the proposed building would serve to hinder wide-reaching views to the South Downs from both the appeal site and the A272. *(All the evidence submitted to the appeal showed that from any public vantage point the scheme would not have impacted views towards the South Downs – the Inspector was factually incorrect here. Nevertheless, the application proposal shows the building re-located further to the north (rearwards). The scheme has no impact on views towards the South Downs from any public vantage point. The Appeal site itself is, of course, a private view).*
- vi. 8. Therefore, I conclude that the proposal would be incongruous with the surrounding area and harm the character and appearance of the area. *(This is a somewhat strident conclusion, the development could not realistically be considered 'incongruous' given it replicated the neighbouring building, however, the application scheme reduces any impact considerably, being relocated northwards, significantly reduced in scale and with all landscaping retained and new planting secured).*
- vii. 9. As such, the proposal would be contrary to Policies DP26 and DP37 of the Mid Sussex District Plan 2018, and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan 2016 (HHNP), as supported by the Mid Sussex Design Guide Supplementary Planning Document, which aims include, that all development and surrounding spaces will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. *(The principle of development is acceptable, it was the scale and site specific issues which were unacceptable previously and those concerns have been fully addressed).*
- viii. 10. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which says that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. *(As above)*
- ix. **Planning Balance**
11. Although the Council can demonstrate a 5-year housing land supply, the provision of 9 new 'windfall' dwellings would nonetheless help to meet local housing requirements and the likely housing shortfall identified by the appellant in the HHNP area. *(MSDC can no longer*
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demonstrate a 5YHLS). It is also likely that local services and facilities would be supported in nearby Haywards Heath. Moreover, there would be economic benefits during construction and other associated financial benefits related to new homes. Indeed, the proposal would deliver housing on a small site, bearing in mind Paragraph 68 of the Framework regarding delivery of small and medium-sized sites and Paragraph 122 of the Framework about effective use of land. Nevertheless, I attribute very modest weight to the combined economic, social and environmental benefits to be provided by the proposed development. As such, this would be insufficient to outweigh the harm I have identified above. (These benefits would remain).'

8. Conclusions

- 8.1. Given the above and the fact that the principle of development is acceptable, it is considered that the Planning Balance tips firmly in favour of approving the scheme.
 - 8.2. In considering the previous scheme officers concluded that the scheme was 'finely balanced' and that the development was 'acceptable in principle.' The new 6 Apartment Block scheme would have reduced negative impacts and effects when compared with those previously judged as 'finely balanced' when weighed against the benefits. In addition, the policy situation has changed with the Council now unable to demonstrate a 5YHLS and the 'tilted balance' now engaged.
 - 8.3. The existing Landscape Character and Views (including to the South Downs ridge-line located approximately 6km to the south) are heavily influenced by the landscape detracting influences of: the local suburban character; the busy A272; the railway Line (including its significant cutting, concrete bridge and palisade fencing); and the street lighting. The existing Kilnwood Apartments A, B and C also have a significant influence as they have set a precedent for the type of architecture that the local landscape is able to accommodate. Importantly, the site is surrounded by built residential and major infrastructure.
 - 8.4. The 6 Apartment Block scheme is more sensitive in scale than the 9 Unit scheme. Given the 6 Apartment Block scheme would be smaller, more discrete and set further back and with less visual impact than the 9 Apartment Block scheme, it is our view that the current proposal would not conflict with the Planning policies of the NPPF or MSDC Policies DP 26/37, and HHNP Policies E9/H8.
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