

Planning Committee

Recommended for Permission

14th August 2025

DM/23/0140



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Site:	68 - 70 Church Walk Burgess Hill West Sussex RH15 9AS
Proposal:	Redevelopment of an existing two storey commercial building to create a four storey mixed use building through the addition of new floors over the existing building footprint (with partial demolition of the existing 1st floor) to accommodate 10 No. flats over the top three floors, retaining the existing commercial/retail use at ground floor
Applicant:	Alio
Category:	Smallscale Major Dwellings
Target Date:	14th November 2025
Parish:	Burgess Hill

Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Andrew Watt

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RON1LXKT04L00>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 Full planning permission is sought for the redevelopment of an existing 2-storey commercial building to create a 4-storey mixed use building through the addition of new floors over the existing building footprint (with partial demolition of the existing 1st floor) to accommodate 10 no. flats over the top three floors, retaining the existing commercial/retail use at ground floor.
- 2.2 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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.
- 2.3 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP38, DP39 and DP41 and Neighbourhood Plan Policies TC2 and TC4.
- 2.4 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.5 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework 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), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.6 Paragraph 125 states in part (at criteria c) that planning decisions 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. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

- 2.7 On the positive side, the benefits of the scheme would be to provide 10 new dwellings in a highly sustainable location, retain the existing retail unit, the increased population likely to spend in the community. Substantial weight should therefore be given to this in accordance with paragraph 125 of the NPPF. The development will also result in contributions towards local and county infrastructure, which should be given positive weight. Additionally, the design of the scheme will be a clear improvement to the existing building and hence will enhance the existing street scene to the main shopping frontage and to the rear, both views being highly prominent.
- 2.8 On the negative side, the increased height of the building may have a further impact on neighbouring amenity, but this is unlikely to significantly worsen the existing situation. Future residents may be subject to noise issues from the surroundings, but they will be aware of this before moving in.
- 2.9 There will be a neutral impact in respect of a number of issues such as highways, parking, drainage and sustainability.
- 2.10 There will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.11 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.12 In these circumstances the NPPF states that permission should be granted.
- 2.13 There are no other material considerations that would alter the above planning balance.
- 2.14 Accordingly, the application is recommended for approval.

3.0 Recommendation

3.1 Recommendation A

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

3.2 Recommendation B

If by 10 October 2025, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason(s):

- 3.3 *'The application fails to comply with Policy DP20 of the Mid Sussex District Plan and paragraphs 56 and 58 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'*

4.0 Summary of Representations

4.1 None.

5.0 Summary of Consultees

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

MSDC Drainage Engineer

No objection.

MSDC Environmental Health Housing Standards

Detailed comments in respect of room sizes, means of escape, heating, ventilation and lighting.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Community Facilities Project Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Urban Designer

No objection, subject to conditions.

WSCC Drainage Strategy Team

Refer to comments made by MSDC Drainage.

WSCC Highways

No objection, subject to conditions.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

WSCC Minerals and Waste Safeguarding

No comment.

Southern Water

Informative requested.

6.0 Burgess Hil Town Council Observations

- 6.1 Recommend Approval. The Committee requested that if the application was approved that a Section 106 Contribution towards Community Buildings and/or Community Infrastructure, with monies to go towards the Burgess Hill Community Buildings Fund be made. The Committee asked to bring to attention of the applicant that one set of the Town Council's Christmas festive lights catenary wires and power supply/meter is attached to the frontage of this building, and that they would like to have continued access to this.

7.0 Introduction

- 7.1 Full planning permission is sought for the redevelopment of an existing 2-storey commercial building to create a 4-storey mixed use building through the addition of new floors over the existing building footprint (with partial demolition of the existing 1st floor) to accommodate 10 no. flats over the top three floors, retaining the existing commercial/retail use at ground floor.

8.0 Relevant Planning History

- 8.1 None relevant on this site.
- 8.2 However, on the adjoining site at no. 66, the following are relevant:
- 8.3 In October 2022, planning permission was granted for a two-storey upwards extension to provide 6 x one-bedroom flats and 2 x two-bedroom flats (DM/21/3503).
- 8.4 In June 2023, prior approval was granted for a proposed change of use of 1st floor from former office use (Class E) to 4 x residential units (DM/23/1161).

9.0 Site and Surroundings

- 9.1 The site consists of a 2-storey, brick-faced, flat-roofed building which occupies almost the entire plot. It fronts onto Church Walk, a pedestrian shopping area in the town centre of Burgess Hill, and backs onto Crescent Way with a canopied service entrance. The building is currently vacant but was most recently in use as retail.
- 9.2 The site is located within the built-up area of Burgess Hill and within both the Leisure and Entertainment Quarter and Retail Quarter of Burgess Hill, as designated in the Neighbourhood Plan. The site is also designated as a Great Crested Newt – Impact Risk Zone (Green).

10.0 Application Details

- 10.1 Full planning permission is sought for the redevelopment of an existing 2-storey commercial building to create a 4-storey mixed use building through the addition of new floors over the existing building footprint (with partial demolition of the existing 1st floor) to accommodate 10 no. flats over the top three floors, retaining the existing commercial/retail use at ground floor.
- 10.2 In detail, the existing building measures approximately 8.0m in height by 12.1m in width and 28.8m in depth with an additional 4.2m depth yard area at the rear, within which is a projecting canopy and an external stair. Both sides and part of the front to Crescent Way are enclosed by a 1.8m high brick wall. Internally, the building

contains a retail unit on the ground floor and additional commercial space on the first floor, and connected by a lift, internal and external staircases. The first-floor front is windowless.

- 10.3 The building footprint will be retained, albeit the height will increase to approximately 11.8m (i.e. by an additional 3.8m). The top floor will be set back from the main front and rear elevations by approximately 2.7m.
- 10.4 The retail use on the ground floor will be retained, as will the access to the customer area via the existing Church Walk entrance and the staff and delivery entrance to the rear via Crescent Way. The proposed retail floor space will be 249 sq m, with a separate staff room/WC at the rear, leading out to the retail yard, from which is accessed the retail cycle storage area (4 spaces) and retail refuse store.
- 10.5 The first floor will be partially demolished and rebuilt with residential use on the first, second and third floors, consisting of 6 x 2-bed flats and 4 x 1-bed flats (all market units), each with private balconies. Access will be gained via a new entrance from Crescent Way at the rear, separated from the retail delivery/staff entrance. This will contain a residential cycle store (15 spaces) with mesh enclosure and residential refuse store, plus through-wall mailboxes. Internally there will be a lobby and a gym/store and will lead to a main stair and lift core, with entrances to each flat. Adjacent to this stair core will be a large lightwell, which can be accessed from the first floor for maintenance. This will contain several windows, all of which can be conditioned to be obscure glazed, and a living green wall. Internal balconies to both top flats will be provided opposite each other overlooking the lightwell, enclosed by a 1.1m high glazed balustrade, etched with a vertical pattern.
- 10.6 The building will be flat-roofed and – other than the lift core topped with rooflight – the same height as that at no. 70 (being 3-storeys in height plus a hipped roof on top) and marginally below the height of the building at no. 66 (being 4-storeys in height with flat roof).
- 10.7 Elevations will be predominantly of brickwork, with timber cladding, recessed balconies with glazed balustrades etched with vertical patterns, and vertical zinc cladding on the top floor. The grey shopfront will be refurbished.

11.0 Legal Framework and List of Policies

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

- 11.2 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:

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

- 11.3 Section 38(6) of the 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.'

- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Burgess Hill Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the Development Plan but is an important material consideration.

11.8 Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP2: Town Centre Development
Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP20: Securing Infrastructure
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP30: Housing Mix
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

11.9 Site Allocations DPD

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

There are no relevant policies.

11.10 Burgess Hill Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Burgess Hill Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Burgess Hill as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Burgess Hill Neighbourhood Plan area.

Relevant policies:

Policy TC2: The Leisure and Entertainment Quarter
Policy TC4: The Retail Quarter

11.11 Other Material Considerations

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

The 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. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the Stage 1 hearings were concluded on 31 October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN6: Pollution
DPN7: Noise Impacts
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT1: Placemaking and Connectivity
DPT3: Active and Sustainable Travel
DPE4: Town and Village Centre Development
DPE5: Within Town and Village Centre Boundaries
DPE6: Development Within Primary Shopping Areas
DPH1: Housing
DPH3: Sustainable Development – Inside the BUA
DPH7: Housing Mix
DPH11: Dwelling Space Standards
DPH12: Accessibility
DPI1: Infrastructure Provision
DPI2: Planning Obligations

11.13 Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG9: Reduce reliance on the private car
Principle DG13: Provide positive frontage to streets
Principle DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG22: Integrate refuse and recycling into the design of new development
Principle DG24: Plan for cyclists
Principle DG27: Integrate tree planting and soft landscape
Principle DG31: Focus development in sustainable locations
Principle DG32: Managing increased density in town centres
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG42: Consider the location and design of services and external pipes
Principle DG44: Design of commercial buildings
Principle DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight
Principle DG48: Design to minimise the impact of noise, air and light pollution

- 11.14 **Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)**
- 11.15 **Waste Storage and Collection Guidance for New Developments (May 2015)**
- 11.16 **National Planning Policy Framework (NPPF) (Dec 2024)**
- 11.17 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 overarching objectives to sustainable development, 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). The three objectives are economic, social and environmental.
- 11.18 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*
- 11.19 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.20 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.'

11.21 Paragraph 39 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.'

11.22 With specific reference to decision-taking, paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.23 Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions 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...'

11.24 In addition, paragraphs 56 and 57 (planning conditions), 58 (planning obligations), 90 (ensuring the vitality of town centres), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 98 (social, recreational and cultural facilities and services), 109 (promoting sustainable transport), 115 and 117 (highways matters), 124 (making effective use of land), 129 and 130 (achieving appropriate densities), 131 and 135 (design), 139 (design guidance), 161 (transition to net zero by 2050), 163 (planning for climate change), 164, 166 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland), 198 (noise and light pollution), 200 and 201 (integration of new development with existing businesses and community facilities) are considered to be relevant to this application.

11.25 **National Planning Practice Guidance**

Whilst the PPG [Planning Practice Guidance] provides direction on how the Framework's provisions could be applied, it should not be read as an extension to it. Indeed, the PPG does not set out mandatory requirements and has not been subject to the rigours of external scrutiny or consultation.

'...the PPG is merely guidance and ... the development plan remains the starting point for decision making.'

11.26 **National Design Guide**

Published in 2021, the National Design Guide illustrates how the government considers well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

11.27 Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

12.0 Assessment

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

- Principle
- Design and Impact on the character and appearance of the area
- Impact on Residential Amenity
- Highways
- Flood Risk and Drainage
- Sustainability
- Biodiversity Net Gain
- Ashdown Forest
- Infrastructure
- Housing Mix
- Housing Standards
- Accessibility
- Other Matters
- Planning Balance and Conclusion

Principle

12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

12.3 In terms of policy designations, the starting point for this assessment is that the application site falls within the built-up area of Burgess Hill as defined by the District Plan.

12.4 Policy DP6 of the Mid Sussex District Plan 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.'

12.5 In addition to the above, Burgess Hill is classed as a Category 1 settlement in the settlement hierarchy listed under Policy DP6, i.e. 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.'*

- 12.6 Policy TC2 of the Burgess Hill Neighbourhood Plan relates to The Leisure and Entertainment Quarter, and states:

'This Quarter is focused on Church Walk. Proposals for new leisure and entertainment activities will generally be supported. This includes restaurants and cafes and new retail outlets. Proposals for a new town cinema and public square will be supported in this Quarter, linking through to the Retail Quarter. This area will also be the focus for town wide activities such as street market and performance area. The public square should be pedestrian and access friendly and include landmark buildings and gateway treatment at key locations. Opportunities to widen the evening economy offer will be supported in this location.'

- 12.7 Policy TC4 of the Neighbourhood Plan relates to The Retail Quarter and states:

'Development will be brought forward through private sector investment. The Retail Quarter is centred on the existing outdoor and indoor shopping area – linked between Church Walk and the Martlets Shopping Centre as well as the retail units in Church Road. New developments supported for this area include food retail and other new retail opportunities, a new square and employment. This Quarter links with the Leisure and Entertainment Quarter and supports a new cinema for the town.'

The existing retail offer will be maintained and enhanced in this area together with maintaining the level of car parking and improving the quality of the provision.'

- 12.8 As such, the application site can be considered a suitable location to retain the existing retail use and a sustainable location for residential development. Therefore, the principle of development is therefore acceptable in accordance with the above policies, owing to the site's sustainable location and the proposal forming windfall residential development in the built-up area. It is, however, also necessary to consider other planning issues to determine the overall planning balance.
- 12.9 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.
- 12.10 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.11 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking 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 policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*

- i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing 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.'*

- 12.12 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.13 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75% of) the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.14 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.15 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.16 As part of this process, the weight to be given to Development Plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.17 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) of the District Plan are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.18 Policies TC2 and TC4 of the Neighbourhood Plan can be given full weight.
- 12.19 Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

- 12.20 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF, in order to undertake the necessary tilted balance assessment outlined above.

Design and Impact on the character and appearance of the area

- 12.21 Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

- 12.22 Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design.

- 12.23 The existing building does not make a positive contribution to the street scene, both to the Church Walk frontage and to the rear along Crescent Way. Unusually, its frontage above the retail shopfront is blank, thus presenting a brick frontage, unrelieved of any detailing, with flat parapeted roof above. Due to its built form occupying most of the site footprint, the building is particularly prominent in views from the rear. Although this is in keeping with the serviced nature of the buildings to the south-east, the building is dominated by its brick elevations and piecemeal additions such as a vehicle canopy and external staircase with 2 doors and 1 window to the rear. But the side elevation facing north-west, adjacent to 72A Church Walk, has a particularly long flank wall which is highly visible when approaching from the north-west.

- 12.24 The proposal seeks to provide a positive, active frontage at the rear by means of an improved servicing area and new residential entrance area, adjacent to each other but separate. This will enliven the street scene on this rear frontage. The scale of the proposed upward extension would be marginally below that of its immediate neighbour to the south-east (66 Church Walk) and same height as the ridge of 72 Church Walk to the north-west. The façades will be punctuated with recessed balconies and crisp window detailing, with consistent rhythms and treatments, and similar (but not identical) proportions and symmetry. The setback of the top floor to both front and rear will soften the built form of the development, so that it would be in keeping with the scale of the surrounding area.
- 12.25 Extensive negotiations have taken place with the applicant's agent and the Council's Urban Designer has now confirmed that the proposed scheme has overcome most of the previous concerns and sufficiently addresses the principles set out in the Council's Design Guide.
- 12.26 The Urban Designer's comments are agreed with, and in order to secure the quality of the design, conditions relating to detailed design, facing materials and landscaping are recommended. This would ensure that the proposal will make a positive contribution to the character and appearance of the area and comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide.
- 12.27 **Impact on Residential Amenity**
- 12.28 Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- 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)'*

- 12.29 Policy DP29 states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

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

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*

• *an assessment of the effect of noise by an existing noise source upon a proposed development;*

- 12.30 The main properties affected by the proposal would be residential units at 9A Crescent Way (above 66 Church Walk) and 72A Church Walk (above 70 Church Walk).
- 12.31 No windows are proposed in either side elevation, so there will be no loss of privacy to adjoining neighbouring occupants. Front and rear windows and balconies will face onto surrounding buildings, including windows associated with residential uses (e.g. 6 Crescent Way behind to the east and flats above shops on Church Walk opposite)), but all would be front-to-front relationships and in a town centre location, where such a relationship is not uncommon. As such, the proposal would not be significantly harmful to residential amenity.
- 12.32 The plans for the residential units at 9A Crescent Way (above 66 Church Walk) were approved, firstly under planning permission DM/21/3503 for a 2-storey upwards extension consisting of 8 flats on the second and third floors, and then subsequently under prior approval DM/23/1161 for 4 flats on the first floor. They show an approximate 1m wide strip of undeveloped area between its flank wall and that of the application site. Various windows have been inserted looking out onto this area, both on the ground floor (as originally built) and more recently under the above approvals, including a small, enclosed courtyard flanked by windows on 3 sides. In respect of the living conditions for the second and third floors, the officer report stated the following:
- 'It is also relevant to consider living considerations of future residents in respect of light. Flats 3, 4, 7 and 8 face out onto a small, enclosed courtyard. As such plans have been amended during the course of the application so that there are secondary windows to serve the bedrooms for flats 3 and 7 to allow additional outlook and a good level of amenity to future occupiers. Flats 4 and 8 have been amended to 1-bed flats with a projecting bay window to serve the bedroom to allow for a multi-directional outlook and a longer view down the alley towards Church Walk. All the flats are to have open plan living, kitchen-dining areas which are to have dual aspect windows to ensure a good level of light and amenity to these rooms of accommodation. Notwithstanding this, para 125 of the NPPF does state that in 'considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*
- 12.33 The proposed building at 68-70 Church Walk would be extended upwards from this flank elevation by approximately 3.8m. However, given the narrowness of the gap between the two buildings, in addition to the small courtyard, it is not considered that this additional height will result in additional loss of daylighting to the rooms already permitted. It is noted that the living/dining/kitchen area also contains windows to the front or rear, so these windows would be secondary ones in any case. The bedroom courtyard window to the Church Walk facing flats would contain a further window to the side, so it is considered that the proposal would not worsen the existing situation for these flats.
- 12.34 The existing property at 72A Church Walk is in use as a flat above a café/restaurant, the latter of which projects towards the rear of the site (albeit not the same extent as no. 68-70 does) and is accessed via an external stair and across the flat roof. There are 2 first floor windows and a door and 2 second floor

windows above. Given that this outlook is towards the north-east, it is unlikely that the additional height proposed will worsen the existing situation in terms of daylighting.

- 12.35 In terms of future occupants, the Council's Environmental Protection Officer has made comments (reported in full in Appendix B). A soundproofing condition is recommended to mitigate noise from early morning deliveries, late night activity and lifts, plus a construction hours condition and deliveries condition.
- 12.36 Overall, therefore, it is considered that the proposal would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

Highways

- 12.37 Policy DP21 of the Mid Sussex District Plan states (in part):

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

- 12.38 The Highway Authority has raised no objection to the application, noting particularly that: *'This is a car free development, but as the site is also centrally located within*

the town centre it has good access to both bus and rail transport, making this a highly sustainable site.'

- 12.39 Therefore, conditions can be applied to any consent to secure cycle storage facilities, promote travel plan information and mitigation of construction impacts. Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

Flood Risk and Drainage

- 12.40 Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land. SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

- 12.41 The Council's Drainage Engineer has raised no objection the development, recommending that drainage is managed via the Building Regulations.
- 12.42 As such, the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

- 12.43 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.'*

12.44 Principle DG37 of the Council's Design Guide SPD deals with 'sustainable buildings' and states:

'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'

12.45 It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

12.46 Paragraph 164 of the NPPF seeks to ensure new development helps *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications, paragraph 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.47 The proposal sets out the following sustainability measures:

- High levels of thermal insulation and thermally efficient windows and doors will keep heat loss to a minimum while the dual aspect layout of the residential units will provide good natural ventilation
- Water usage will be reduced through water efficient taps and sanitaryware with the aim of reducing consumption to 110 litres per person, per day.
- The scheme will also include energy efficient lighting and proximity sensor lighting to all communal residential areas.

12.48 The submitted Sustainability Statement is therefore considered acceptable in meeting the terms of the above policies and guidance. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

- 12.49 Having regard for all the above, and given the context of the application, it is considered that the application complies with Policy DP39 of the Mid Sussex District Plan, the Design Guide SPD and paragraphs 164 and 166 of the NPPF.

Biodiversity Net Gain

- 12.50 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application for planning permission was made before 12 February 2024 and so is exempt from the requirement to provide biodiversity net gain.

Ashdown Forest

- 12.51 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).
- 12.52 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.
- 12.53 A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

- 12.54 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.
- 12.55 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the 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.

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

Atmospheric pollution

- 12.57 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.

- 12.58 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

- 12.59 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.
- 12.60 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.61 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Infrastructure

- 12.62 Policy DP20 of the Mid Sussex District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.63 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
 - b) An Affordable Housing SPD
 - c) A Development Viability SPD
- 12.64 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

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

and:

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

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

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

- 12.66 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified below will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.
- 12.67 It is considered that the infrastructure obligations below would meet policy requirements and statutory tests contained in the CIL Regulations.
- 12.68 The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

Education - Primary	£2,930
Education - Secondary	£3,154
Education - 6th Form	£739
Libraries	£2,750
Waste	N/A
Fire & Rescue	N/A
No. of Hydrants	0
TAD	£11,956

District Council Contributions:

Equipped play	£5,415
Kickabout facilities	£4,549
Formal sport	£6,202
Community Buildings	£5,179
Local Community Infrastructure	£5,026

TOTAL £47,900

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

Housing Mix

- 12.70 Policy DP30 of the Mid Sussex District Plan states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale,*

commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.

- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

- 12.71 It is considered that the proposal for 4 x 1-bed and 6 x 2-bed flats would comply with this policy and provide for a suitable mix within this town centre location.

Housing Standards

- 12.72 Policy DP27 of the Mid Sussex District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

- 12.73 The proposed development would provide the following accommodation:

First floor:

Unit 1 – 1 bed, 2 person - 51m²
Unit 2 – 2 bed, 3 person – 63m²
Unit 3 – 2 bed, 3 person – 63m²
Unit 4 – 1 bed, 2 person – 51m²

Second Floor:

Unit 5 – 1 bed, 2 person - 51m²
Unit 6 – 2 bed, 3 person – 63m²
Unit 7 – 2 bed, 3 person – 63m²
Unit 8 – 1 bed, 2 person – 51m²

Third Floor:

Unit 9 – 2 bed, 4 person – 88m²
Unit 10 – 2 bed, 4 person – 88m²

- 12.74 Therefore, the units would all exceed the space standards (i.e. 1-bed, 2-person of 50 sqm; 2-bed, 3-person of 61 sqm and 2-bed, 4-person of 70 sqm). In addition, all would have individual private balconies. Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high-quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

12.75 Policy DP28 of the Mid Sussex District Plan states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 –accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:

- *Where new dwellings are created by a change of use;*
- *Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- *Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- *Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.76 The MHLG PPG says in part:

'What accessibility standards can local planning authorities require from new development?

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body...'

12.77 The agent has confirmed by way of updated plans that Units 2 and 3 on the First Floor will be built to Requirement M4(2) – Accessible and Adaptable. Subject to

compliance with a suitable condition, it is considered that the proposal would comply with this policy.

Other Matters

- 12.78 Southern Water has provided a consultation response (set out in Appendix B) and an informative is recommended accordingly.
- 12.79 The site is located within a designated Great Crested Newt – Impact Risk Zone (Green). Therefore, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with the above legislation, policy and guidance.

13.0 Planning Balance and Conclusion

- 13.1 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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP38, DP39 and DP41 and Neighbourhood Plan Policies TC2 and TC4.
- 13.3 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.4 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework 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), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.5 Paragraph 125 states in part (at criteria c) that planning decisions 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. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.
- 13.6 On the positive side, the benefits of the scheme would be to provide 10 new dwellings in a highly sustainable location, retain the existing retail unit, the increased population likely to spend in the community. Substantial weight should therefore be given to this in accordance with paragraph 125 of the NPPF. The development will also result in contributions towards local and county infrastructure,

which should be given positive weight. Additionally, the design of the scheme will be a clear improvement to the existing building and hence will enhance the existing street scene to the main shopping frontage and to the rear, both views being highly prominent.

- 13.7 On the negative side, the increased height of the building may have a further impact on neighbouring amenity, but this is unlikely to significantly worsen the existing situation. Future residents may be subject to noise issues from the surroundings, but they will be aware of this before moving in.
- 13.8 There will be a neutral impact in respect of a number of issues such as highways, parking, drainage and sustainability.
- 13.9 There will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 13.10 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.11 In these circumstances the NPPF states that permission should be granted.
- 13.12 There are no other material considerations that would alter the above planning balance.
- 13.13 Accordingly, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

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

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

2. **Approved Plans**

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

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

3. Pre-commencement conditions

No development shall be carried out until a schedule of materials and finishes to be used for the external walls, fenestration and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works

shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority showing:
- Schedule of windows and doors facing the light-well
 - Detailed landscape drawings including maintenance plan for the Green Wall and internal light-well
 - Details and samples of the facing materials
 - Details of windows, doors, glazed canopy, bike store mesh enclosure and glazed balustrades
 - Roof plan drawing showing PV panels
 - 1:20 sections and front elevations of typical features (shown in context) including entrance canopy/doors, glazed balustrade, roof/eaves details, windows, doors, PV panels.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

5. No development shall take place until a scheme for protecting the noise sensitive units from noise (including internal sources such as lifts or commercial noise, as well as external noises) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the current Planning Noise Advice Guidance for Sussex, and shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

6. Construction phase

Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent 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: No work permitted

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

7. No commercial goods or commercial waste shall be loaded or unloaded within the application site outside the hours 07:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours on Saturday, and no work permitted on Sundays or Bank/Public Holidays.

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

8. Pre-occupation conditions

Upon the first occupation/commencement of use, the applicant shall implement the measures listed below to provide a residents welcome pack and travel vouchers worth at least £150 per dwelling to exchange for a rail season ticket, purchase of a bicycle, cycle training or membership to a car club:

- A map of the local area highlighting schools, shops and any areas of major employment, hospitals, doctor's surgeries, dentists, bus and rail stations and leisure facilities etc.
- Information about how to access the above by bus, including approximate journey times, route numbers, and a cost comparison with car travel and parking
- Information about how to access the above on foot or by bicycle including approximate journey times, route numbers, and a cost comparison with car travel and parking
- Information about areas served by any local rail station including approximate journey times and a cost comparison with car and travel parking
- Details about grocery home delivery services operated by local shops and supermarkets, including the benefits such service offer compared to private car travel such as reduced CO2 and greater convenience.

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan.

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

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

10. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan

11. Units 2 and 3 hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

12. Post-occupation monitoring / management conditions

The refuse/recycling storage areas shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

13. All proposed first, second and third floor windows and doors facing onto the internal lightwell of the building hereby permitted shall be glazed with obscured glass.

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

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £298 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

3. 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 developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.
 If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
5. 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.
6. During the renovation works the applicant should ensure all construction traffic or construction related works that might obstruct the highway are considered and the appropriate licences obtained. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

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 Floor Plans	PL_101_00	10	26.02.2024
Existing Floor and Elevations Plan	EL_00_100	-	17.01.2023
Proposed Floor Plans	PL_100_00	09	26.02.2024
Location and Block Plan	EL_00_105	00	17.01.2023
Proposed Floor Plans	PL_00_200	01	26.01.2023
Street Scene	PL_00_300	-	17.01.2023
Proposed Elevations	PL_00_400	-	17.01.2023
Proposed Sections	PL_00_500	-	17.01.2023
Proposed Sections	PL_00_600	-	17.01.2023
Drainage Details	PL_400_00	-	01.02.2023
Drainage Details	PL_401_00	-	01.02.2023

APPENDIX B – CONSULTATIONS

Parish/Town Council

Recommend Approval. The Committee requested that if the application was approved that a Section 106 Contribution towards Community Buildings and/or Community Infrastructure, with monies to go towards the Burgess Hill Community Buildings Fund be made. The Committee asked to bring to attention of the applicant that one set of the Town Council's Christmas festive lights catenary wires and power supply/meter is attached to the frontage of this building, and that they would like to have continued access to this.

MSDC Drainage Engineer

The development is largely restricted to the first floor and above and does not increase the impermeable footprint on site. The site is at very low surface water flood risk and our records do not appear to show any public sewers on the site itself. Based on the above information we have no objection to this development and advise drainage can be managed via Building Regulations.

MSDC Environmental Health Housing Standards

I have been informed that you have applied for planning permission to carry out alterations to the above mentioned premises. I have examined your plans with respect to Housing Standards. Based on the plans submitted the following comments are made with specific reference to compliance with Housing Standards legislation. Please note that this may differ from planning legislation, but respective minimum standards must be followed.

To prevent future enforcement action under Environmental Health legislation the developer must ensure that all bedrooms in the proposed development meet the following minimum room sizes:

Comments:

Room sizes:

To prevent future enforcement action under Environmental Health legislation the developer must ensure that all bedrooms in the proposed development meet the following minimum room sizes:

- Single Bedroom: Minimum size 6.5 square metres
- Double Bedroom Minimum size 10 square metres

Please note that specific requirements in the Technical Housing Standards – Nationally described space standard used by planning departments.

Advice Note for Building Control and Planning Applicants regarding the Housing Health and Safety Rating System.

The Housing Health and Safety Rating system (HHSRS) was introduced in July 2006 and is used by Environmental Health Officers in Council's Private Sector Housing departments to assess the condition of residential dwellings. The HHSRS replaced the historic Fitness Standard and disrepair. HHSRS evaluates potential risks to health and safety from any deficiencies identified in dwellings – it is not a standard.

Residential new build dwellings and conversions can fall foul of the HHSRS despite meeting Building Control and planning requirements. This situation usually arises if the dwelling is subsequently let and the tenant complains about a particular issue.

Unfortunately there is not a guide to 'designing to conform to the HHSRS', however you may be interested in looking at the HHSRS Operating Guidance which contains notes on the perceived optimum standard derived from the British Standards or Building Regulations Approved Documents.

Operating guidance for HHSRS:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

Means of Escape:

- Suitable interlinked fire alarm systems installed in kitchens and living areas and hallways.
- Suitable and sufficient fire protection and means of escape must be provided including fire doors and interlinked fire alarm systems where appropriate. Access should be avoided via high risk rooms such as kitchens.

Heating:

- The system shall be capable of maintaining the following internal temperatures when the external temperature is -1degrees C
- Living room and dining room 21degrees C
- Bathroom 22degrees C
- Elsewhere 18degrees C
- All storage heaters shall have automatic charge control and thermostatically controlled damper outlet. Living rooms to be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.
- Gas Central heating systems should satisfy the design and installation requirements of British Standard 5449: 1990 in accordance with Part L of the current Building Regulations (as amended).

Ventilation:

- All kitchen/living areas must be provided with open-able windows of a suitable size to ensure sufficient ventilation without causing excessive draughts.
- The bedrooms have large windows. Smaller casement windows will provide adequate ventilation without excessive draughts.
- The living areas requires smaller casement windows which will provide adequate ventilation without excessive draughts.
- The windows to all the units second bedrooms are located into the atrium. Ensure the atrium has openable windows to the outside to provide natural ventilation. Without adequate ventilation this area could heat up in the hot months and there could also be a build up of condensation in cooler months

Lighting:

- Provision of adequate natural lighting via windows to kitchen, bedroom and living rooms to provide adequate natural lighting. BS8206 Code of practice Parts 1 & 2.
- There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain.
- Roof lights can be problematic in that they can leak and require cleaning regularly to allow good natural light.
- The windows to all units second bedrooms are located into the atrium. This is borrowed light for the bedrooms that face into this area.

MSDC Environmental Protection Officer

This application is for a town centre location with licensed premises and retail premises nearby.

Residential amenity could be affected by early morning deliveries and late noise activity (people noise) from the night-time economy. Mixed use could mean internal noise from any lifts, deliveries or commercial activity.

In order to mitigate against this, I recommend a soundproofing condition, as well as a construction hours condition to protect all neighbouring residents:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday – Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the noise sensitive units from noise (including internal sources such as lifts or commercial noise, as well as external noises) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the current Planning Noise Advice Guidance for Sussex, and shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded within the application site outside the hours 07:00 - 18:00 Hours Monday – Friday, 09:00 - 13:00 Hours, Saturday, no work permitted on Sundays or Bank/Public Holidays.

Reasons – To accord with MSDC Policy DP29: Noise, Air and Light Pollution

MSDC Community Facilities Project Officer

Thank you for the opportunity to comment on the plans for the redevelopment of an existing 2 storey commercial building to create a 4 storey mixed use building which includes 10 No. flats at 68 - 70 Church Walk, Burgess Hill RH15 9AS. 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 over 5 units.

CHILDRENS PLAYING SPACE

St Johns Park and Queens Crescent, both owned and managed by the Council, are the nearest locally equipped play area approximately 400m from the development site. These facilities will face increased demand from the new development and a contribution of £9,964 is required to make improvements to play equipment (£5,415) and kickabout provision (£4,549) for older children at one or both of these playgrounds. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD.

FORMAL SPORT

In the case of this development, a financial contribution of £6,202 is required toward formal sports and ancillary facilities at the Centre for Outdoor Sport, the Triangle Leisure Centre and/or St Johns Park, Burgess Hill.

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 £5,179 is required to make improvements to the Park Centre and/or St Johns Park pavilion, and/or The Beehive (Royal British Legion building) in Burgess Hill.

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

MSDC 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 Urban Designer

The proposed scheme has addressed most of the concerns raised in the previous consultations and sufficiently addresses the principles set out in the Council's Design Guide and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- Schedule of windows and doors facing the light-well.
- Detailed landscape drawings including maintenance plan for the Green Wall and internal light-well.
- Details and samples of the facing materials.
- Details of windows, doors, glazed canopy, bike store mesh enclosure and glazed balustrades.
- Roof plan drawing showing PV panels.
- 1:20 sections and front elevations of typical features (shown in context) including entrance canopy/doors, glazed balustrade, roof/eaves details, windows, doors, PV panels.

WSSC Drainage Strategy Team

Thank you for your re-consultation on the above site, received on 15 November 2024. This application received suggested conditions on the 21 May 2024 from Mid Sussex District Council regarding Flood Risk Management and Surface Water Drainage. Since this response, no further information has been provided for LLFA review with regards to surface water or drainage. On this basis, we recommend referral to the response on 21 May 2024 and have no further comments to make.

Informative:

Please note if the LPA decide to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

WSSC Highways

The proposal to develop an existing retail store to create a 4-storey mixed use building has been considered by WSSC as the County Highways Authority. No objection is raised subject to any conditions attached.

Access

The site is accessible from Crescent Way a 'D' classified 30mph street providing a mixture of servicing areas and residential access points. The site will create 10 flats above the existing M and co retail outlet, and a pedestrian access will be provided from the rear of the site onto Crescent Way. This is a car free development, but as the site is also centrally located within the town centre it has good access to both bus and rail transport, making this a highly sustainable site.

Cycle storage will be provided, in secure stores at the rear of the building, and this will help to encourage more sustainable travel choices in and around the local area.

WSCC would like to see the applicant offer residents welcome packs and should include the following:

- A map of the local area highlighting schools, shops and any areas of major employment, hospitals, doctor's surgeries, dentists, bus and rail stations and leisure facilities etc.

- Information about how to access the above by bus, including approximate journey times, route numbers, and a cost comparison with car travel and parking

- Information about how to access the above on foot or by bicycle including approximate journey times, route numbers, and a cost comparison with car travel and parking

- Information about areas served by any local rail station including approximate journey times and a cost comparison with car and travel parking#

- Details about grocery home delivery services operated by local shops and supermarkets, including the benefits such service offer compared to private car travel such as reduced c02 and greater convenience.

We expect to see some sort of travel voucher offering to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged the following:

- a. a season ticket for the local bus service

- b. a rail season ticket or network card

- c. a contribution towards the purchase of a new bicycle and/or equipment

- d. Cycle training up to 4 members of the household (further details and course costs are available at www.westsussex.gov.uk/cycletraining)

- e. 12 months free membership to any local Car Club (including joining fee)

Construction

During the renovation works the applicant should ensure all construction traffic or construction related works that might obstruct the highway are considered and the appropriate licences obtained. See condition below.

Promoting sustainable travel

Upon the first occupation/commencement of use, the Applicant shall implement the measures listed above to provide a residents welcome pack and travel vouchers worth at least £150 per dwelling to exchange for a rail season ticket, purchase of a bicycle, cycle training or membership to a car club.

Reason: To encourage and promote sustainable transport.

Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction

related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

WSCC Infrastructure

Summary of Contributions

Education				
School Planning Area	0			
Population Adjustment	14.2			
	Primary	Secondary	6th Form	
Child Product	0.0190	0.0190	0.0103	
Total Places Required	0.1330	0.0950	0.0205	
Library				
Locality	Burgess Hill			
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0			
Contribution towards Burgess Hill	£2,750			
Contribution towards East Grinstead/Haywards Heath	£0			
Population Adjustment	14.2			
Sqm per population	30/35			
Waste				
Adjusted Net. Households	10			
Fire				
No. Hydrants	TBC			
Population Adjustment	N/A			
£/head of additional population	N/A			
TAD- Transport				
Net Population Increase	14.2			
Net Parking Spaces	0			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			
Summary of Contributions				
S106 type	Monies Due			
Education - Primary	£2,930			
Education - Secondary	£3,154			
Education - 6th Form	£739			
Libraries	£2,750			
Waste	No contribution			
Fire & Rescue	No contribution			
No. of Hydrants	secured under Condition			
TAD	£11,956			
Total Contribution	£21,529			

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

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

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2024 West Sussex County Council will increase the S106 monitoring fee to £260 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £780 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1560.

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

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

The calculations have been derived on the basis of an increase in 10 net dwellings.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2025. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

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

The contributions generated by this proposal shall be spent on providing additional facilities at Manor Field Primary School or another primary school in the planning area of Burgess Hill should this be more suitable at the time that the contribution is made.

The contributions generated by this proposal shall be spent on providing additional facilities at Burgess Hill Academy.

The contributions generated by this proposal shall be spent on providing additional facilities at St. Paul's Catholic College Sixth Form.

The contributions generated by this proposal shall be spent on providing additional facilities at Burgess Hill Library.

The contributions generated by this proposal shall be spent on the Place and Connectivity programme across Burgess Hill.

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

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

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

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

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

WSCC Minerals and Waste Safeguarding

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development.

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

Southern Water

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

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

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 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.

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.