

16 May 2018.

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **PLANNING COMMITTEE A** will be held in the **Council Chamber** at these offices on **THURSDAY, 24 MAY 2018 at 7.00 p.m.** when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive.

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4
– Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 26 April 2018. **Document A (attached)**
5. To consider the report of the Divisional Leader for Planning and Economy upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee A:** Councillors Ash-Edwards, M. Hersey, Marsh, Matthews, MUNDIN, Sweatman, Trumble, Walker, Wilkinson and Wyan.

**Minutes of a meeting of Planning Committee A
held on Thursday, 26 April 2018
from 7.00 p.m. to 7.53 p.m.**

Present: Edward Matthews (Chairman)
Antony Watts Williams (Vice-Chairman)

Jonathan Ash-Edwards*
Ginny Heard

Margaret Hersey
Gary Marsh*
Norman Mockford

Neville Walker
John Wilkinson
Peter Wyan

* Absent

Also Present: Cllr Andrew MacNaughton

1. SUBSTITUTES

Cllr Christopher Hersey substituted for Cllr Jonathan Ash-Edwards.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Marsh and Ash-Edwards.

3. DECLARATIONS OF INTEREST

None

4. MINUTES

The minutes of the meeting of the Committee held on 29 March 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/15/2830 – Land at Dunnings Mill, Dunnings Road, East Grinstead, West Sussex, RH19 4QW

Steven King, Planning Applications Team Leader, introduced the report that sought outline planning permission for the erection of 12 houses on land at Dunnings Mill. He confirmed that the application was considered at a previous committee however since the resolution to approve the application the District Plan has been adopted which resulted in a significant change in planning policy circumstances. As such it was necessary to reassess the application in light of the changed planning policy background. It was stated that although the application would be contrary to Policies DP12, DP15 and DP6 of the District Plan, other material considerations such as the provision of 4 affordable housing units outweighed the conflicts to the Plan. The Team Leader advised that policy DP12 sought to protect the intrinsic character of the countryside. He advised that in officer's view the application would not conflict with the aim of policy DP12 because the site was bounded on 3 sides by built development and was not an incursion into the wider countryside. The Planning

Applications Team Leader also highlighted the applicant's fall-back position of submitting a policy compliant scheme for 9 dwellings which would not provide any affordable housing.

Jess Smith and Ivor Humphries, local residents, spoke against the application.

A Member believed the measures to change the levels on the site to prevent the flooding issue and bring the site forward for development to be quite drastic.

Another Member directed the committee to P.22 of the report which outlines that drainage on the site can be brought forward satisfactorily therefore should not be used as a reason for refusal.

A Member noted the conflicts to the District Plan however reminded Members that they cannot refuse every planning application just because the District Plan is in place. He could not find a planning reason to refuse the application as he felt the material considerations outweigh the conflicts with the District Plan.

The Chairman noted that no other Member wished to speak so moved to the recommendation to approve which was agreed unanimously.

RESOLVED

Recommendation A

That permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and mitigation and to the conditions listed at Appendix A.

Recommendation B

That if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure contributions including the affordable housing by 26th July 2018, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for following reason:

'In the absence of signed legal agreement the application fails to deliver the necessary infrastructure, affordable housing and Ashdown Forest mitigation and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan and Policies EG5 and EG16 of the Neighbourhood Plan.'

DM/17/0402 – Tiltwood East, Hophurst Lane, Crawley Down, Crawley, West Sussex, RH10 4LL

Susan Dubberley, Senior Planning Officer, introduced the report that sought full planning permission for the construction of two new 5 bedroom dwellings. She explained that the committee must review the application in light of the District Plan which the officers deem to comply with on a number of policies.

Dr Ian Gibson, local resident, spoke against the application.

Philip Andrews, Agent and Architect for the applicant, spoke in favour of the application.

A Member sought clarification on whether the committee can take into account

previous planning history in their consideration.

The Senior Planning Officer noted that there has been more than one owner of the previous applications on the Tiltwood Estate, therefore the committee cannot re-visit past approvals and must judge the application on its own merits.

The Member expressed how the Council must be conscious of the future in case the applicant brings forward other phases on the site.

Tom Clark, Solicitor to the Council, noted that it is difficult to say that the applicant is avoiding Policy DP6 of the District Plan as the Plan had only been recently made on 28th March 2018, after the application had been submitted.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve which was agreed unanimously.

RESOLVED

Recommendation A

That planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary SAMM contributions and the conditions listed in the Appendix.

Recommendation B

That if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary SAMM payments by 19th July 2018 then the application should be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the District Plan and Paragraph 118 of the National Planning Policy Framework.

DM/17/4280 – Land To The East of Walnut Marches, Crawley Down Road, Felbridge, East Grinstead, West Sussex, RH19 2PS

Steven King, Planning Applications Team Leader, introduced the report for the development of three 5 bedroom detached houses. He confirmed that the planning policy background has changed since the application was considered at a previous Planning Committee as a result of the adoption of the District Plan on 28th March. As such it was necessary to reassess the application in light of the changed planning policy background. The Planning Applications Team Leader highlighted the conflicts with policies DP6, DP12 and DP15 of the District Plan. He advised that other material considerations that outweighed the conflicts to the Plan. The Team Leader advised that policy DP12 sought to protect the intrinsic character of the countryside. He advised that in officers view the application would not conflict with the aim of policy DP12 because the site was not in open countryside, was in close proximity to the built up area boundary of Felbridge and there were a number of other housing developments that had been approved in the immediate vicinity to the site.

Dr Ian Gibson, local resident, spoke against the application.

Richard Plume, spoke on behalf of the applicant, in favour of the application.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve which was agreed unanimously.

RESOLVED

Recommendation A

That permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary financial contributions towards SAMM mitigation, conditions listed at Appendix A and to the additional informative listed on the Agenda Update Sheet.

Recommendation B

That if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 26th July 2018, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the applications fails to deliver the necessary Ashdown Forest mitigation and as such conflicts with Policy DP17 of the Mid Sussex District Plan and Policy EG16 of the Neighbourhood Plan.'

Meeting closed at 19:53

Chairman.

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

24 MAY 2018

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PART II - RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

MID SUSSEX DISTRICT COUNCIL

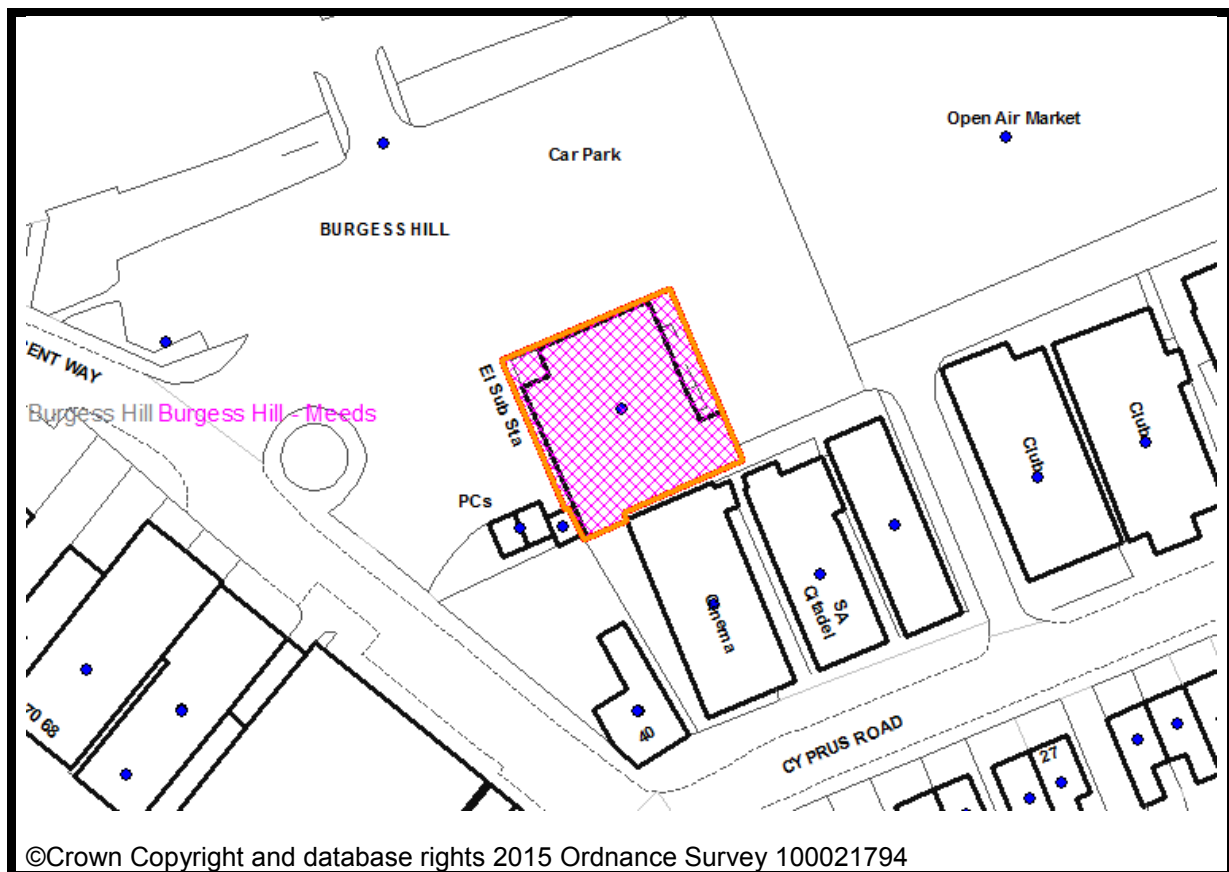
PLANNING COMMITTEE A

24 MAY 2018

PART I – RECOMMENDED FOR APPROVAL

Burgess Hill

1. DM/17/4575



**1 CYPRUS ROAD BURGESS HILL WEST SUSSEX RH15 8DX
DEMOLITION OF EXISTING RESTAURANT AND ANCILLARY STAFF
ACCOMMODATION. CREATION OF 10 NEW FLATS WITH A NEW
RESTAURANT AND RETAIL SPACE ON THE GROUND FLOOR.
(AMENDED PLANS 05/04/2018 REDUCING NUMBER OF UNITS AT THIRD
FLOOR)**

MR AND MRS LAI

GRID REF: EAST 531412 NORTH 119121

POLICY: Built Up Areas / Radon Gas Safeguarding Zone /

ODPM CODE: Smallscale Major Dwellings
13 WEEK DATE: 25th May 2018
WARD MEMBERS: Cllr Richard Cherry / Cllr Anne Jones /
CASE OFFICER: Mr Joseph Swift

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of the existing restaurant and ancillary staff accommodation and creation of 10 new flats with a restaurant and retail space on the ground floor at 1 Cyprus Road, Burgess Hill.

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

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

The application site lies in the built up area of Burgess Hill, the proposal will maintain the commercial use of the ground floor with a net additional increase in 10 residential units on the three floors above. The proposal is considered to be sensitive to the character of the area and will not detract from the street scene. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal would provide a mixed use scheme of residential and commercial, while also providing contributions towards community facilities, while supporting the regeneration of Burgess Hill Town centre.

It is considered that the proposed development will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of highway safety and parking provision, space standards, impact on neighbouring amenities, drainage, contamination and

the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP39 and DP41 of the District Plan, policy TC1 of the Burgess Hill Neighbourhood Plan and the broader requirements of the NPPF.

RECOMMENDATION

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

Recommendation B: It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure requirements by the 24th August 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

SUMMARY OF REPRESENTATIONS

One third party letter of representation has been received, objecting the proposal due to detrimental impact on neighbouring business due to noise and disturbance from construction.

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection.

WSCC S106 Contributions

Contributions required:

Education - Primary:	£10,966
Education - Secondary:	£11,802
Education - 6th Form:	£2,765

MSDC Drainage

No objection subject to conditions.

MSDC Environmental Protection Officer

No objection to this application, subject to the conditions.

MSDC Contaminated Land Officer

No objections subject to conditions.

Parking Services

Disruption to car park should be kept to a minimum.

MSDC Environmental Health Officer

Advised to contact MSDC Environmental Health on internal layout when development is at suitable stage.

WSCC Flood Risk Management

Advice and suggested conditions.

Urban Designer

No objections subject to conditions.

MSDC Community Leisure Officer

Contributions required:

Formal Sports:	£9,724
Community Buildings	£4,224

MSDC Street Naming and Numbering Officer

Recommend Informative.

TOWN COUNCIL OBSERVATIONS

Recommend Refusal.

INTRODUCTION

Planning permission is sought for the demolition of the existing restaurant and ancillary staff accommodation. Creation of 10 new flats with a new restaurant and retail space on the ground floor at 1 Cyprus Road, Burgess Hill.

RELEVANT PLANNING HISTORY

05/01704/COU: Change of Use from Class D2 Assembly and Leisure to mixed use comprising: D2 (Assembly and Leisure), A3 (Restaurant) and A4 (Bar). REFUSED

05/01825/FUL: Change of use to restaurant and windows in south elevation.
PERMISSION

05/02502/COU: Change of use of 1st floor office to staff accommodation.
PERMISSION

05/02503/COU: Supplementary A5 use (take-away) as well as approved restaurant use, and change of operation hours to 12pm - 11:30 pm Sunday to Thursdays and 12 pm to midnight Friday to Saturdays. PERMISSION

BH/200/87: Proposed new shop front. PERMISSION

SITE AND SURROUNDINGS

The application site comprises of a large single storey restaurant (The Emperor Chinese), with a small first floor addition used for staff accommodation. The site is located within the Cyprus Road Car Park, which surrounds the building on three sides with the Orion cinema to the south eastern (rear) elevation. The building shares the Cyprus Road car park access off Crescent Way.

The existing building has been constructed of facing brickwork, with a flat roof, and contains a glazed entrance canopy and a mono pitched front addition. At first floor, the staff accommodation is constructed of timber clad walls and a flat roof.

In terms of planning policy the site falls within the built up area of Burgess Hill as defined by the District and Neighbourhood Plans.

APPLICATION DETAILS

The existing building to be demolished measures a maximum of 24.4 metres in depth, by a maximum of 22 metres in depth, with a maximum height of 8.4 metres.

The proposed replacement building would measure a maximum of 21.7 metres in depth, by a maximum of 19.7 metres in width, with an eaves height of 9.2 metres and an overall height of 12 metres. At ground floor the proposal would form:

- 155 metres square retail unit
- 136 metres square restaurant
- Commercial bin store
- Residential bin store
- Residential bike store; and
- Residential access.

At first floor the proposal would form:

- 1x2 bedroom flat with an internal floor area of 67 square metres
- 1x2 bedroom flat with an internal floor area of 72.6 square metres; and
- 2x2 bedroom flats with an internal floor area of 76.5 square metres.

At second floor the proposal would form:

- 1x2 bedroom flat with an internal floor area of 67 square metres

- 1x2 bedroom flat with an internal floor area of 72.6 square metres; and
- 2x2 bedroom flats with an internal floor area of 76.5 square metres.

At third floor the proposal would form:

- 1x3 bedroom flat with an internal floor area of 124 square metres; and
- 1x3 bedroom flat with an internal floor area of 130 square metres.

The proposed building has been shown to be constructed of facing brickwork walls, with corbelled and perforated brick detailing, grey aluminium framed windows, and zinc standing seam roof and bike/bin store.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP1 - Sustainable Economic Development
 DP2 - Town Centre Development
 DP4 - Housing
 DP6 - Settlement Hierarchy
 DP17 - Ashdown Forest
 DP20 - Securing Infrastructure
 DP21 - Transport
 DP26 - Character and Design
 DP27 - Dwelling Space Standards
 DP39 - Sustainable design and construction.
 DP41 - Flood Risk and Drainage

Neighbourhood Plan

The Neighbourhood Plan for Burgess Hill was 'made' in January 2016. It forms part of the development plan with full weight.

Relevant policies:

Policy TC1: The civic and cultural quarter:

"This Quarter is focused on the Cyprus Road car park area with links through to Church Walk. Development that provides new, high quality and accessible community resources such as a new library, arts centre/theatre, civic offices and police station will be supported. Any development proposals will be required to provide public realm space including green areas, seating and outdoor space to create a focus for the community activities. New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained."

National Policy

National Planning Policy Framework (NPPF) (March 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Para 12 states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- District Plan spatial strategy
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- drainage;
- Ashdown Forest;
- infrastructure;
- Other material considerations; and
- Planning Balance and Conclusion.

Principle of development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan (2016).

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

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

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

In addition Policy TC1 of the 'made' Burgess Hill Neighbourhood Plan states in part:

"New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained."

Details of the community facilities provision is contained within the Infrastructure of this report.

Furthermore, DP1 of the District Plan states effective use of employment land will be made by:

"Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;"

While DP2 goes on to state:

"Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan."*

Impact to the character of the area

The application site is located within the built up area boundary of Burgess Hill and appears as a fairly isolated building, being surrounded on three sides by the Cyprus Road carpark. The existing building to be demolished is not considered to be of any particular merit, being of flat roofed design, with signs of additions and alterations that are not considered to add any interest to the building. Therefore, the demolition of the building would not be resisted.

Policy DP26 of the District Plan relates to character and design and states:

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

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

The Council's urban Designer has been consulted on this application and following some revisions to the plans has raised no objections to the proposal subject to conditions. Full details of these comments are available to view within Appendix B.

The proposed replacement building is larger than the existing building it is to replace, however, it is considered to be in-keeping with the surrounding dwellings, including the Orion Cinema to the south east elevation, which is higher than the proposal,

while also being a significant improvement over the design of the existing building it is to replace. As such the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the wider street scene.

The proposal thereby complies with policy DP26 of the District Plan.

District Plan Spatial Strategy

The NPPF sets out the principles of sustainable development. The District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy at DP6 of the District Plan. Burgess Hill is designated as a Category 1 settlement which is a settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements benefit from good public transport provision and will act as a main service centre for the smaller settlements within the District.

The application site is thus, in principle, a suitable and sustainable location for residential development.

Neighbouring Amenity

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

Due to the location of the application site and its distant relationship with other buildings, being surrounded on three sides by the existing car park and backing onto the Orion cinema, it can be reasonably concluded that the proposal would not cause a significant detrimental impact in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

In regards to noise the application has been submitted with a noise survey and assessment, the Council's Environmental Protection Officer has raised no objections to the proposal subject to conditions on construction hours, odour, plant and machinery, internal and external soundproofing, hours of opening and deliveries. Your planning officer agrees with this assessment, as such subject to these conditions, the proposal is not considered to result in significant harm to the neighbouring amenities and is thereby considered to comply with the above mentioned policy.

Access and Parking

Paragraph 32 of the NPPF is relevant in respect of transport matters and states that:

"Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

It is proposed that the proposal will use the existing vehicular access, which is shared with the Cyprus Road carpark. The proposal is not providing any off road parking provision, however 24 cycle spaces would be provided in the cycle store. In addition the site is only 0.3 miles from Burgess Hill railway station, together with a bus network within the town centre.

The Highways Authority has considered the application and raised no highway objection. They consider that *"The highway Authority would not wish to raise an objection in highway safety terms as the 'access' to the public highway (car park access) is acceptable. The principle of a no parking development in this location would not raise any concerns."*

As such it is considered that the development would not cause a 'severe' residual impact on the nearby road network and would therefore not be contrary to paragraph 32 of the National Planning Policy Framework.

Consequently the proposal is considered acceptable on highway safety and transport grounds, and complies with policy DP21 of the District Plan.

Space Standards

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

The units would meet the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of each of the units proposed.

Sustainability

Paragraph 93 of the NPPF states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the

impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

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

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

While DP39 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"*

A Sustainability Statement has been submitted with the application. It states that the proposal will achieve a thermal performance in excess on Part L1A 2013 guidelines, with potential for photovoltaics, solar hot water and air source heat pump, achieve 10% improvement of the dwelling emissions rate, high efficient class 5 boilers, efficient appliances installed, locally sourced building materials where possible, recycling facilities, water efficient taps, shower heads, dual flush toilets and low water use appliances.

In addition, the development is situated in a sustainable location close to the town centre as well as a bus stop.

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

Drainage

Policy DP41 of the 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.

The most relevant parts of the NPPF are paragraphs 100 and 103 which states:

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- *applying the Sequential Test;*
- *if necessary, applying the Exception Test;*
- *safeguarding land from development that is required for current and future flood management;*
- *using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations."*

"103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."*

The MSDC Drainage Officer has raised no objections to the proposal subject to conditions. The planning officer does not disagree with these comments and therefore the proposal is deemed to comply with the above mentioned policies.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Infrastructure Contributions

Contributions are requested in accordance with the councils adopted Supplementary Planning Document "Development and Infrastructure" and are requested in accordance with Policy DP20 of the District Plan and the NPPF.

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are set out as follows:

Formal Sport: £9,724 (improvements towards pitch drainage at Fairfield Recreation Ground)

Playspace: £8,074 (improvements at Queens Crescent)

Kickabout: £2,288 (improvements at Queens Crescent)

Community Buildings £4,224 (Sydney West Community Centre)

Local Community £5,650 (towards CCTV at St Johns Park)

Education Primary: £10,966 (to be used towards additional equipment at Manor Field Primary School)

Education Secondary: £11,802 (to be used towards additional equipment at Burgess Hill Academy)

Education Sixth Form: £2,765 (to be used towards additional equipment at St Pauls Catholic College sixth-form department)

In accordance with the Recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

Other material considerations

Concerns have been raised about the lack of a fire assessment. However, it is below the criteria for a fire assessment and these details will be controlled under building regulations.

The Council's Contaminated Land Officer has stated that the site has a number of potential contaminated land sources within the vicinity, therefore they have requested a phased contamination land condition together with a condition requiring works to stop if any previously unidentified contamination is encountered and should only proceed once an assessment has been made together with the identification of appropriate mitigation measures.

PLANNING BALANCE AND CONCLUSION

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

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

The application site lies in the built up area of Burgess Hill, the proposal will maintain the commercial use of the ground floor with a net additional increase in 10 residential units on the three floors above. The proposal is considered to be sensitive to the character of the area and will not detract from the street scene. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal would provide a mixed use scheme of residential and commercial, while also providing contributions towards community facilities, while supporting the regeneration of Burgess Hill Town centre.

It is considered that the proposed development will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs and attract a New Homes Bonus.

These factors weigh heavily in support of granting planning permission.

There will be a neutral impact in respect of highway safety and parking provision, space standards, impact on neighbouring amenities, drainage, contamination and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP39 and DP41 of the District Plan, policy TC1 of the Burgess Hill Neighbourhood Plan and the broader requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. 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.

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls, roof, windows and doors of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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

4. No development shall be carried out unless and until the design of the roof and roof structures with a section drawing of the roof to be supplied to show the skylights, lift overrun, plant and any other roof structure of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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

5. No development shall be carried out unless and until detailed 1:20 section and elevation drawings of the eaves and rainwater hopper / downpipe of one of the northern corners of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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

6. No development shall be carried out unless and until detailed 1:20 section and elevation drawings to be provided of the brick pattering detail of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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

7. Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority,

- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practise; and, unless otherwise agreed in writing by the local planning authority,

- c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and to accord with Policy DP29 of the District Plan.

8. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and to accord with Policy DP29 of the District Plan.

9. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and to accord with Policy DP29 of the District Plan.

10. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP19 of the District Plan.

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

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

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

12. Odour: The development hereby permitted shall not be brought into use as a Class A3 establishment until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with best practice e.g. the principles of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and shall include a Risk Assessment for Odour e.g. Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

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

13. Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (e.g. extract fans, condenser units etc.) shall be no higher than 46 dBA Leq during the daytime hours (07:00 - 23:00) and 27dBA Leq during night time (23:00 - 07:00) when measured in at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

14. Soundproofing (internal): The development hereby permitted shall not be brought into use as a Class A/business establishment until a soundproofing scheme, for the protection of the residential unit/s above the commercial use has been implemented and post installation testing documentation has been submitted and approved in writing by the LPA. The testing shall demonstrate that the Floors between the ground floor units and the first floor residential units achieve a sound insulation value of 5dB better than Building Regulations Approved Document E - resistance to the passage of sound performance standard (i.e. a minimum of 50 DnT,w + Ctr dB for airborne sound insulation) for purpose built dwelling-houses and flats (Table 0.1a).

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

15. Soundproofing (external): No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

16. Opening Hours: The business shall not operate outside of the following hours:

Mon to Thurs - 07:30 to 00:00 hrs
Fri and Sat - 07:30 to 01:00 hrs
Sunday - 09:00 to 00:00 hrs

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

17. Deliveries and collections: No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 07:00 to 19:00 hours
Sat 08:00 to 13:00 hours

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

18. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development

which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP19 of the District Plan.

20. The residential and commercial units hereby permitted shall not be occupied until provision for bin and recycling storage has been made within the site in accordance with the approved plans unless otherwise agreed in writing by the local planning authority. Such provision shall thereafter be retained permanently.

Reason: In the interests of sustainability and visual amenity and to accord Policy DP26 of the District Plan.

INFORMATIVES

1. 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.
2. 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.
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning->

[conditions#discharging-and-modifying-conditions](#) (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	5135-001	D	21.02.2018
Proposed Site Plan	5135-002	C	21.02.2018
Proposed Floor Plans	5135-020	B	21.02.2018
Proposed Floor Plans	5135-021	A	21.02.2018
Proposed Floor Plans	5135-022	A	21.02.2018
Proposed Floor Plans	5135-023	C	05.04.2018
Proposed Roof Plan	5135-024	C	05.04.2018
Proposed Elevations	5135-030	C	21.02.2018
Proposed Elevations	5135-031	B	21.02.2018
Proposed Elevations	5135-032	C	21.02.2018
Proposed Elevations	5135-033	B	21.02.2018
Proposed Elevations	5135-034	C	21.02.2018
Proposed Elevations	5135-035	B	21.02.2018
Topographical Survey	LPS2076-1		08.11.2017
Existing Floor Plans	LPS2076-2		08.11.2017
Existing Floor Plans	LPS2076-3		08.11.2017
Existing Elevations	LPS2076-4		08.11.2017
Existing Elevations	LPS2076-5		08.11.2017
Street Scene	LPS2076-6		08.11.2017
Street Scene	LPS2076-7		08.11.2017

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Burgess Hill Town Council Comments 10th May 2018

Recommend Refusal - previous comments reiterated. One fire exit was not acceptable. A Fire Assessment should be included as this development was above a restaurant. Concerns about access and parking.

Previous comments of 27th March 2018

Recommend Refusal - previous comments were reiterated as follows:

"There was no detailed layout of the kitchen facilities which is a concern. There was no Fire Risk Assessment provided and there was a deep concern that fire concerns must be checked. The Committee also expressed concern about parking provision.

Residents would not want to pay short term rates in the car park therefore likely to add to the already congested roads within the town centre as they park there for free."

The height of the building was not sympathetic to the surrounding area. It was an overdevelopment of the site. A Fire Assessment should be included as this development was above a busy restaurant.

If Mid Sussex District Council is minded to recommend approval, the Town Council's Planning Committee's recommendations with regard to Section 106 needs associated with this development are as follows:

St John's Park - Local CCTV Scheme.

WSSC Highways

The site is located in a central location close to Burgess Hill town centre with good transport links and access to local amenities and services. No car parking is available on site for restaurant or residential use, however the site is surrounded on 3 sides by public car parks. Vehicles will access the site through the Cyprus Road car park via Crescent Way. The highway Authority would not wish to raise an objection in highway safety terms as the 'access' to the public highway (car park access) is acceptable. The principle of a no parking development in this location would not raise any concerns.

An area for deliveries should be agreed with MSDC/Car Park operator.

A Construction Management Plan should also be discussed and agreed with MSDC/Car Park operator prior to commencement of development.

WSSC S106 Contributions

Summary of Density per Infrastructure Demands

Education			
Locality	Burgess Hill		
Population Adjustment	20.0		
	Primary	Secondary	6th Form
Child Product	0.1000	0.1000	0.0540
Total Places Required	0.7000	0.5000	0.1080

Summary of Contributions

S106 type	Monies Due
Education - Primary	£10,966
Education - Secondary	£11,802
Education - 6 th Form	£2,765

Total Contribution	£25,533
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the

National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The basis for this advice is contained in the County Council's adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1".

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 Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

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 2018. 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 DfF 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.

The contributions generated by this proposal shall be spent on additional equipment at Manor Field Primary School.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing and Social Rented Housing as a nil child product is assumed for these dwellings.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2017/2018, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - £15,666 per child
- Secondary Schools - £23,604 per child
- Sixth Form Schools - £25,600 per child

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

WSCC Flood Risk Management Team Comments

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

Flood Risk Summary

Modelled surface water flood risk: Low risk

Comments: Current uFMfSW mapping shows the proposed site is at low risk from surface water flooding.

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

However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility: Low risk

Comments: The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any historic flooding within the site? No

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

Watercourses on site? No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the boundary of the proposed development area.

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

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

Future development - Sustainable Drainage Systems (SuDs)

No FRA or Drainage Strategy has been included with this application. The application form states that a 'Main Sewer' will be used to dispose of the site's surface water.

There is not enough information contained within this application to comment further. Further information is required to help clarify as to whether Defra's Non Statutory Technical Standards for Sustainable Drainage Systems will be met.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

MSDC Drainage

Recommendation:

No objection subject to conditions

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

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

Surface Water Drainage Proposals

It is proposed that the development will discharge surface water directly to the existing local surface water system.

As the impermeable footprint of the site appears not to change, the post development run-off rate will remain the same, even if the roof area of the proposed building is smaller. This is because it appears that the ground level areas that surround the proposed building are to remain impermeable.

Therefore, we would expect some form of attenuation to reduce surface water run-off to the existing surface water system.

We expect every effort to be made to reduce surface water to as low as possible - ideally to Greenfield rates.

This is a matter to be addressed at detail design stage as part of meeting the suggested drainage condition.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water to the existing local foul system.

Suggested Conditions

C18F - Multiple Dwellings

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

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

MSDC Environmental Protection Officer

This application has the potential to negatively impact the residential amenity of the future residents of the flats, due to noise and possibly odour, most likely from the following sources (although it should be noted that it is not clear what type of businesses will occupy the new commercial units):

- Noise from kitchen extract fan of new (if applicable) and existing units
- Odour from kitchen extract fan of new units if applicable
- Noise from condenser/refrigeration unit of new units
- Noise from customers and car park users
- Noise from waste bins being filled/emptied
- Noise from commercial unit e.g. kitchen staff preparing food and clearing down at end of shift, stock being moved in storage area, equipment/machinery being used etc.

The applicants have submitted an acoustic report which recommends standard double glazing as being sufficient to protect residents from external noise but relies on the windows being closed in order to afford sufficient protection during the night time period due to the high levels of noise at this time. As a result of this the flats will require alternative means of ventilation (see recommended condition below) in order to avoid residents being forced to choose between being kept awake by noise or overheating. The report recommends a number of alternatives, in my opinion MEV or MVHR systems will be required in order to provide adequate ventilation/cooling.

Regarding noise from the commercial unit/kitchen and preparation area affecting the flat above given the late hours applied for, Building Regulations Part E covers the soundproofing of Dwelling Houses and Flats formed by material change of use as well as construction of new buildings but does not deal with the situation here where a residential flat requires protection from potentially noisy commercial premises. I therefore recommend that a soundproofing condition be imposed in order to protect the residents, should this development receive approval (see soundproofing condition below).

I feel that areas where there is an interface between commercial and residential property will always present a difficult challenge in trying to find a balance between encouraging local business, with its attendant social and economic benefits, and protecting the quality of life of nearby residents

In the event that planning permission is granted, I would recommend that the following conditions are applied:

Conditions:

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

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

- Odour: The development hereby permitted shall not be brought into use as a Class A3 establishment until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with best practice e.g. the principles of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and shall include a Risk Assessment for Odour e.g. Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.
- Plant and Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (e.g. extract fans, condenser units etc.) shall be no higher than 46 dBA Leq during the daytime hours (07:00 - 23:00) and 27dBA Leq during night time (23:00 - 07:00) when measured in at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

- Soundproofing (internal): The development hereby permitted shall not be brought into use as a Class A/business establishment until a soundproofing scheme, for the protection of the residential unit/s above the commercial use has been implemented and post installation testing documentation has been submitted and approved in writing by the LPA. The testing shall demonstrate that the Floors between the ground floor units and the first floor residential units achieve a sound insulation value of 5dB better than Building Regulations Approved Document E - resistance to the passage of sound performance standard (i.e. a minimum of 50 DnT,w + Ctr dB for airborne sound insulation) for purpose built dwelling-houses and flats (Table 0.1a).
- Soundproofing (external): No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAm_{ax} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reasons for above: To safeguard the amenity of residents.

- Opening Hours: The business shall not operate outside of the following hours:

Mon to Thurs - 07:30 to 00:00 hrs

Fri and Sat - 07:30 to 01:00 hrs

Sunday - 09:00 to 00:00 hrs

- Deliveries and collections: No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri - 07:00 to 19:00 hours

Sat - 08:00 to 13:00 hours

Reason: To protect the amenity of residents.

Urban Designer Comments

This is a prominent site by virtue of its isolated position in the middle of the large Cyprus Road car park. This single-site proposal does not follow the Burgess Hill Town Centre Masterplan Supplementary Planning Document that envisaged a comprehensive redevelopment but as over eleven years have elapsed since this SPD was adopted, it has limited weight allowing the current proposal to be considered in its own terms. There is scope for a 3+1 storey building on this site, and the revised drawings now sufficiently address my previous concerns about the quality of some of the design elements particularly in terms of the reconfiguration of the roof and the improved articulation of the prominent east and west facades. I therefore withdraw my objection to this planning application but to secure the quality of the design, I would recommend the following is subject to further approval through conditions:

- The design of the windows and window reveals with 1:20 section and elevation drawings of a typical window to be supplied.
- The design of the roof and roof structures with a section drawing of the roof to be supplied to show the skylights, lift overrun, plant and any other roof structure.
- Detailed 1:20 section and elevation drawings of the eaves and rainwater hopper / downpipe of one of the northern corners of the building.
- Detailed 1:20 section and elevation drawings to be provided of the brick patterning detail.
- Samples of facing materials.

Massing

Because the site stands relatively alone within the extensive plain of the surrounding car park, its prominence is exaggerated. The adjacent cinema building that backs on to the application site is nevertheless a similar scale and provides some context for the proposal. For this reason I think the height and massing is broadly acceptable but its prominence requires a well-designed building.

Elevations

The symmetrical north elevation is well ordered with three gabled bays that break down the scale of the building in regular subdivisions. The revised drawings now pick-up the same approach for the east and west elevations except with recessed balconies punctuating the 3 gabled bays; this allows them to provide the consistency and order with the strong vertical articulation that was previously missing.

The roof is now less cluttered and more ordered with reduced size and number of dormer windows that are well spaced in relation to the gables. The combination of mansard and crown-topped roof contrasts with the pitched-roofed cinema building with the proposals deeper plan revealing some of the less-articulated southern elevation as it sticks out beyond the building line of the cinema. However this too has been improved with the introduction of windows in this façade that animates this façade and brings in additional natural light.

Additional architectural interest is provided by brick patterning but a 1:20 detail is needed to show exactly how this is to be designed. Unfortunately the architect has chosen not to opt for hidden gutters and rainwater pipes that would have generated a crisper eaves detail. Nevertheless the rainwater downpipes have been carefully integrated so they nestle into the recessed return flanks of the gabled bays, but a condition is recommended to show in more detail how this works at the most prominent corners.

The windows are now realistically detailed with glazing bars that are of a sufficient thickness to provide for opening lights. Window reveals of 100mm approximately are required to provide some sense of structural depth, and without it the building risks looking too flat; I therefore recommend this too is conditioned.

Because of the building's prominence from longer views, I also have concerns about roof clutter that is not shown on the elevation drawings (or fully shown on the roof plan) and could arise from various roof extrusions that risk littering the roof; it therefore needs to be clarified through a condition. This includes: (a) flues/plant serving the restaurant; (b) solar panels on the roof that are put forward in the sustainability statement; (c) skylights; (d) the lift over-run. For this reason a section drawing is needed to show this is to be accommodated.

Layout

The footprint of the building has been slightly reduced in the revised drawings so that it now shows a satisfactory threshold and footway area around the building.

Internally, two of the top floor flats have been sensibly change from two-bed to one-bed flats allowing the dormer windows to be more comfortably accommodated in the roof.

MSDC Street Naming and Numbering Officer

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & 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.

Urban Designer Previous Comments 30th January 2018

Summary and Overall Assessment

This is a prominent site by virtue of its isolated position in the middle of the large Cyprus Road car park. This single-site proposal does not follow the Burgess Hill Town Centre Masterplan Supplementary Planning Document that envisaged a comprehensive redevelopment but as over eleven years have elapsed since this

SPD was adopted, it has limited weight allowing the current proposal to be considered in its own terms. While I accept there is scope for a 3 storey building on this site, I am not convinced about the quality of some of the design elements particularly the roof and the additional floor in the roof. As the quality of the design is particularly important on this prominent site, I object to the planning application in its current form.

Massing

The buildings in the near vicinity generally vary between 2 and 3 storeys, and normally a 3+1 storey building would not stand-out so much within this context. However because the site stands relatively alone within the extensive plain of the surrounding car park, its prominence is exaggerated. The adjacent cinema building that backs on to the application site is nevertheless a similar scale some and provides some context for the proposal. For this reason I think the height and massing is broadly acceptable but its prominence requires a well-designed building.

Elevations

The symmetrical north elevation is well ordered with three gabled bays that break down the scale of the building in regular subdivisions. The east and west elevations pick-up the same elevational language but are less successfully articulated with just two gabled bays that are asymmetrically positioned. As a consequence there is less consistency and order with the strong vertical articulation around the gabled bays breaking down in the southern half of these elevations which is also characterised by a roof that has an awkward stepped profile and is over-crowded with dormer windows. The combination of mansard and crown-topped roof also has an uncomfortable juxtaposition with the pitched roof on the cinema building. Because the proposal has a deeper plan than the cinema building it extends beyond it, incongruously that will reveal part of the blank flank south elevation when viewed from the southern end of Crescent Way.

The architectural interest and crisp elevational language suggested in the elevations is dependent on the quality of the detailing. The clipped eaves and absence of rainwater downpipes is a key element. However there is no indication how rainwater discharge is to be handled, and while it could be routed internally, this option is not popular with developers and the lack of roof guttering suggests this has not been fully considered; consequently I question whether the chosen aesthetic is achievable. This also applies to the window detailing as the thin glazing bars are unrealistic, and the deep window reveals suggested by the shadow lines across the windows are typically compromised by wall insulation requirements.

Particularly because of the building's prominence from longer views, I am concerned about roof clutter that is not shown on the elevation drawings (or fully shown on the roof plan) and could arise from various roof extrusions that risk littering the roof. This includes: (a) flues/plant serving the restaurant; (b) solar panels on the roof that are put forward in the sustainability statement; (c) skylights; (d) the lift over-run.

The brick patterning could nevertheless be an attractive feature but it would be helpful to have a 1:20 detail to show exactly how this is to be designed.

Layout

The site has an unsatisfactory threshold as the kerb line is tightly positioned around the existing restaurant footprint and the proposed footprint which generally follows the existing alignment. In particular this requires a footway area that is below the kerb line on the north side, while the proposed arrangement on the west side is unclear.

Internally, the deep narrow rooms in the single aspect flats will restrict the amount of natural light reaching the back of them. The living rooms serving the one bedroom flats in the roof space seem very narrow when the constraint of the roof slope is also considered.

Parking Services Comments

With regard to the above proposed planning application, whilst we have noted the intention of the application and the provision of mixed use development, we have some concerns regarding the potential impact of the development on the neighbouring car park operated by MSDC.

In terms of the overall development, we note that access to the development is stated via Crescent Way but in reality will be via the Cyprus Road car park as there is no direct frontage to the road. Whilst it is noted that there is an existing food outlet on the site this business has minimal impact on the daily operation of the car park. There is concern that 12 residential units, retail space and restaurant has the potential to increase vehicle and pedestrian movement in the car park and we do not feel that this impact has been adequately clarified in the application details.

It is noted that the development does not include parking provision due to the location. Whilst it is acknowledged that pay and display parking provision is adjacent, we feel that provision needs to be made for the safe and non-disruptive servicing of the development for example deliveries, waste collection, residential incidentals (removals, deliveries) to minimise the impact on car park users. Any of the above will require access requirements that would need to be covered in the form of a legal agreement with the Estates team -we see no mention of this within the supporting documents.

The north, west and eastern boundaries of the site are surrounded by the Cyprus Road short stay car park via a mix of parking spaces (both pay and display and disabled bays), a pedestrian walkway and vehicle access routes. We are concerned that during the development of the site there is the potential to impact the operation of the car park and safety of users through construction and deliveries required for the site. With the regeneration of the town centre underway, it will be a priority to ensure that the loss of car parking spaces is kept to a minimum to ensure the town centre retains adequate parking provision over the next 5 - 10 years.

In liaison with the Corporate Estates team we would seek assurances that the potential impact to the car park both during construction and once completed would be kept to a minimum.

Environmental Health Officer

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 food hygiene, health and safety and the provision of sanitary accommodation, however the plans do not show sufficient detail to enable me to comment fully on whether requirements of the relevant legislation have been met completely. In particular the following:

- The facilities in the kitchen
- Provision of toilets in both units

If you are granted planning permission, I would strongly advise you to consult Mid Sussex Environmental Health on internal layout when the development is at a suitable stage. Please see attached guidance notes on the general structural requirements for food businesses.

Contaminated Land Officer Comments

The site has a number of potentially contaminated land sources within the near vicinity.

Adjacent to site is an electricity substation, which historical mapping indicates has been there since 1972. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Additionally historical mapping indicates that the site had pits to the North East, the South East, and the North West, which were infilled at different points in the past. It is unknown what materials were used to infill these pits, and therefore there is a concern that they may have been infilled with potential contaminants.

Lastly Burnetts Printing Works Ltd, Cyprus Road, Burgess Hill, RH15 8DX, which is considered to be potentially contaminated land due to the chemicals involved, is less than 10 metres away from the proposed site.

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

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

Recommendation: Approve with conditions

1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practise; and, unless otherwise agreed in writing by the local planning authority,
- c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Community Leisure Officer

Thank you for the opportunity to comment on the revised plans for the development of 10 residential dwellings at 1 Cyprus Road, Burgess Hill RH15 8DX on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance

with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Queens Crescent, owned and managed by the Council, is the nearest locally equipped play area approximately 380m from the development site. This facility will face increased demand from the new development and a contribution of £10,362 is required to make improvements to play equipment (£8,074) and kickabout provision (£2,288). 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 £9,724 is required toward senior pitch drainage at Fairfield Recreation Ground.

COMMUNITY BUILDINGS

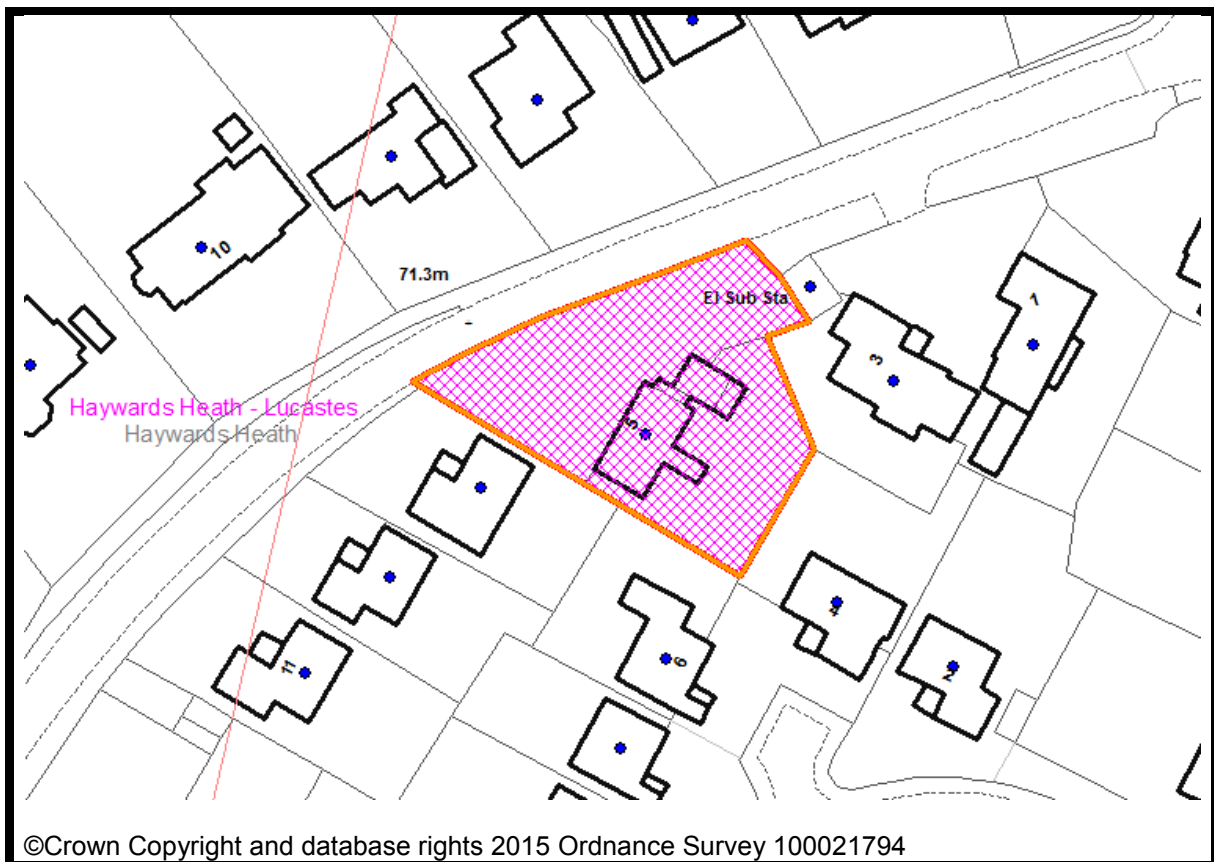
The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £4,224 is required to make improvements to the Sydney West community centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development 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.

Haywards Heath

2. DM/18/0302



**5 LUCASTES ROAD HAYWARDS HEATH WEST SUSSEX RH16 1JJ
PROPOSED TWO STOREY SIDE EXTENSION, REPLACEMENT PORCH,
DETACHED DOUBLE GARAGE, ALTERATION TO THE POSITION OF THE
ACCESS AND DRIVEWAY (AMENDED PLANS RECEIVED 28 MARCH
2018)**

MR TED TURNER

GRID REF: EAST 532466 NORTH 124385

POLICY: Built Up Areas / Conservation Area / Archaeological Notification
Area (WSSC) /

ODPM CODE: Householder

8 WEEK DATE: 23rd March 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Mr Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for a proposed two storey side extension, replacement porch, detached double garage and alteration to the position of the access and driveway at 5 Lucastes Road, Haywards Heath.

The proposed development, as amended, is deemed to be of an appropriate design and scale and will not be harmful to the character and appearance of the Lucastes Conservation Area. Significant harm to the amenities of neighbouring properties will not be caused. There will be no adverse impact upon highway safety. The application complies with policies DP21, DP26 and DP35 of the Mid Sussex District Plan 2014-2031, policies E9 and H9 of the Haywards Heath Neighbourhood Plan 2016 and the design, amenity and historic environment requirements of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

The application has been amended from original submission. The amended plans have been through a further period of advertisement for comment.

1 objection from neighbouring no.3 Lucastes Road:

- Overbearing impact
- Loss of privacy

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection, recommended conditions should permission be granted.

TOWN COUNCIL OBSERVATIONS

The Town Council notes a) the objections to this application raised by the residents of no. 3 Lucastes Road, and b) the receipt of amended plans by Mid Sussex District Council on 28/3/18. It is regrettable that a difference of opinion between neighbours remains but Members hope that through continuing dialogue and with advice from

the District Council's Planning Department, this can be settled to the satisfaction of both parties.

INTRODUCTION

Planning permission is sought for a proposed two storey side extension, replacement porch, detached double garage and alteration to the position of the access and driveway at 5 Lucastes Road, Haywards Heath.

The application has been referred to committee because it was called in by Cllr Jim Knight, with Cllr Rawlinson seconding that recommendation. The reason provided for calling the application to committee is that Cllr Knight *"believes this to be over bearing, unneighbourly, out of character with the area and an over development especially considering the proximity to neighbouring homes"*.

RELEVANT PLANNING HISTORY

DM/17/3938 T1 Conifer - fell and replant. T2 Conifer - fell and replant. T3 Hazel - recoppice. G4 - Conifers - fell and replant. G5 Mixed Species - Crown reduce by 2 metres T6 Apple - Fell and replant. No objection

SITE AND SURROUNDINGS

The application site is formed of a two storey four bedroom detached house of Georgian style, together with a detached double garage, situated approximately mid way back into an irregular shaped plot. The dwelling sits across a southwest-northeast axis, which itself is at an angle to the highway. The rear sun room, greenhouse and shed shown on the plans have since been removed. Materials are facing brickwork walls, white timber sash windows and plain tiles on a hipped roof. A large chimney projects up from the southern side elevation. The garage has a flat roof. A tarmac driveway runs in front of the garage before turning northwards and adjoining the highway.

Unlike the prevailing character of the streetscene, the dwelling has a largely open plan aspect to the road. A number of trees have recently been removed under application reference DM/17/3938. Ground levels drop gently towards the east.

To the northwest is the grassed front garden area leading to the highway, with enclosed dwellings situated further beyond. To the north east is a small substation and beyond a boundary close boarded fence and line of conifer trees is no. 3 Lucastes Road. To the south east beyond the rear garden boundary fence and mixed tree and hedging is no. 4 Heatherbank. To the southwest is 6 Heatherbank and also 7 Lucastes Road beyond a boundary hedge.

Lucastes Road forms part of the wider Lucastes Conservation Area. This designation is primarily notable for its wide variety of attractive, traditional and spacious dwellings within a verdant setting.

APPLICATION DETAILS

Proposed plans have been amended from original submission. The amended scheme has been through a further advertisement period. The amendment slightly reduced the width and depth of extension, changed the roof design of the garage and pushed the garage further back from the road.

There are a number of elements to the application, the first of which involves the removal of the existing garage and erection of a two storey side extension over part of this footprint. The extension measures 4.7 metres width by 9.3 metres depth, including a 3.2 metre projection back from the rear building line. It is set 0.9 metre back from the front building line and at the northern corner is 10 metres back from the highway. The design uses a matching angle hipped end, matching eaves level and a subordinate height ridgeline. The extension is to provide a single kitchen and dining room at ground floor, with two bedrooms and an ensuite above. Plans also show internal alterations to the existing dwelling on both levels, such to form new rooms, enlarge existing bedrooms and provide new ensuites. As a result the property is to remain a 4 bedroom dwelling. Walls and roof materials are to match existing. Matching style windows are to be used to front and northern side, whilst it is proposed to install contrasting aluminium casement window units and aluminium sliding and folding doors to the rear and southern return wall across both the extension and existing building. At its closest point the extension measures 6.2 metres from the side boundary fence with no. 3 and 12 metres from the rear boundary fence with no. 4.

It is proposed to erect a replacement porch of slightly greater depth than the existing porch. This measures 1.8 metres depth by 1.2 metres width. It is designed with a flat roof of matching height to the adjacent window frames. Matching style windows are used within the side walls.

Finally it is proposed to erect a replacement detached double garage to face perpendicular to the highway, together with an associated new access point in front of this and the existing access shown closed off. A large part of the front garden is shown as an enlarged driveway area. The garage measures 6 metres square and is designed with a pyramid roof with an apex height of 5.5 metres. The eaves height is 2.4 metres. It is positioned 9.5 metres back from the highway, 0.4 metres from the side boundary line and 1 metre from the side wall of the extension. Wall and roof materials are to match the dwelling. A single composite or timber door is shown to the front elevation.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted 28 March 2018 and forms part of the Development Plan.

DP21: Transport

DP26: Character and Design

DP35: Conservation Areas

Haywards Heath Neighbourhood Plan 2016

Made 2016 and forms part of the Development Plan.

E9: Local character

H9: Household extensions

The **National Planning Policy Framework** is a material consideration. Paragraphs 7, 14, 17, 32, 56, 58, 60, 61, 131 and 132 are of particular relevance to the application.

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority or, as the case may be, the Secretary of State shall have special attention to the desirability of preserving or enhancing the character or appearance of that area.

ASSESSMENT

The main issues are considered to be the appropriateness of the design and scale of the scheme and the impact upon the character and appearance of the Lucastes Conservation Area, the impact upon neighbouring amenity and highways considerations.

Scale, design and character impact

Policy DP26 states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);

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

Policy DP35 states:

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

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

Policies E9 and H9 of the Haywards Heath Neighbourhood Plan set out similar design, character and amenity impact considerations, including that *"Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should conserve and or where practicable enhance their special interest and/or distinctive character"*.

Many dwellings of traditional appearance in the locality have been extended from their original form and many occupy most of the width of the plots in which they sit. Contemporary design elements and materials for rear enlargements and alterations have also been approved by the Council on the basis that these elevations are not open to public view and so do not harm the characteristics for which the conservation area is recognised. Therefore whilst the site is within a conservation area, the proposal is to be assessed within this context.

It is considered that scale, form, design and materiality proposed in each of the elements making up the application are acceptable. Whilst it is of considerable size, the side extension is nonetheless sensitively positioned and proportioned such that it will read as a secondary element to the building. The design approach is suitably inkeeping with the essential character of the building. The extension brings the house closer to the road, however the resulting building line can be seen as closely comparable to that of adjacent nos. 3 and 7. The resulting dwelling (and adjacent garage) will still sit comfortably within the plot; it is not considered that this is an overdevelopment of the site such to be detrimental to the character of the streetscene.

The garage is positioned only marginally closer to the front boundary than the resulting dwelling and is equally deemed to be satisfactory in respect of its visual impact. The replacement porch is a minor element which is not considered contentious. The limited dimensions of this are also such that it would appear to be permitted development in any event.

The relocation of the access further to the northeast is not deemed to have any adverse impact upon the character of the area.

The Council's Conservation Officer has informally advised that the proposed installation of modern aluminium window and door units to the rear is not considered to be inappropriate, given that this elevation is not in view from the streetscene and that such an approach has been used elsewhere in the locality. The proposed use of matching traditional window units to the front and north side elevation is however proper. Similarly the use of matching wall and roof materials for both the side extension and garage is suitably complementary.

It is considered that the scheme complies with development plan policy and the statutory requirement setting out the desirability for the preservation or enhancement of the character or appearance of conservation areas.

In summary, the proposed development complies with the above policies guiding the extension and alteration of dwellings in this location.

Impact on neighbouring amenity

Policy DP26 protects neighbouring residents from significant harm to amenity. Similarly, policy H9 safeguards neighbouring privacy, light and outlook. As the more recently adopted development plan document, policy DP26 has primacy and therefore this sets the test for the scheme.

Representations received in respect of neighbouring amenity impact have been carefully considered. Given the positioning of the developments, the only affected properties are deemed to be no. 4 to the southeast and no. 3 to the east. However, given the distance of the extension and garage from no. 4, it is considered that any increased overlooking from the rear bedroom window and loss of outlook will be only minor. Therefore it is no. 3, to which the developments are closest to, where the main sensitivity lies.

It is recognised that no. 3 is at lower ground level than the application site. The north-south boundary line between the two properties is formed of a 6 foot close boarded fence and for the most part, a line of tall conifers. There is a more open, treeless section at the northern end, however this where the garage would be situated. The conifers provide an effective year round screen between the properties and are located within the application site. The extension (therefore including the rear facing bedroom window) would be largely concealed from view from no. 3 by the trees. The removal of these would open up the rear of the site to view from no, 3, therefore it is considered highly unlikely that a future occupier would elect to do so (an application to the Council would be required). Nevertheless, it would not be appropriate to entirely rely upon the retention of the trees in their current guise for the purpose of assessing the neighbouring amenity impact of the extension and garage.

No. 3 has a small patio area adjoining the northwest of the house, with the main outdoor amenity space situated further to the southeast. There are clear northwest side and southwest rear facing elevation windows. On the basis of either the current situation or the unlikely event of the removal of the screening trees, taking into account the positioning and spacing of the extension and garage versus no. 3, together with their respective scale and design, it is not considered that a significantly harmful degree of loss of privacy, outlook or light will result.

Whilst it is inevitable that the massing of the both developments will result in a reduction in outlook, the visual impact is not deemed to be inappropriately overbearing. Any loss of direct late afternoon sunlight or daylight should be only minimal. The garage has a modest eaves height and is designed with a pyramid roof which balances mitigating the impact upon no. 3 whilst also achieving a good quality appearance. Should the trees be removed, both the extension and existing house would be in clear view from no. 3. The extension rear bedroom window would provide angled overlooking towards this neighbouring property, as well as no.4. The distance and angle of this window from the boundary and windows within no. 3 is however such that the resulting relationship would not be unsuitable, particularly given that a degree of overlooking is widely accepted as commonplace within such built up environments.

In summary, whilst the scheme will have a limited adverse impact upon the amenity of no. 3, a significant degree of harm is not considered to arise in any respect. The proposal is therefore acceptable in neighbouring amenity terms.

Highways

Policy D21 states:

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

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;

- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

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

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

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

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

The Local Highways Authority (LHA) has been consulted on the application and their comments are appended in full. In summary, the LHA advise that they *"do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal."*

The LHA recommend conditions concerning the approval of details for the new driveway, visibility splays and vehicle parking and turning. It is not considered that

there any highways reasons to reject the proposal. The requirements of the above policy, where applicable, are therefore met.

CONCLUSION

The proposed development, as amended, is deemed to be of an appropriate design and scale and will not be harmful to the character and appearance of the Lucastes Conservation Area. Significant harm to the amenities of neighbouring properties will not be caused. There will be no adverse impact upon highway safety. The application complies with policies DP21, DP26 and DP35 of the Mid Sussex District Plan 2014-2031, policies E9 and H9 of the Haywards Heath Neighbourhood Plan 2016 and the design, amenity and historic environment requirements of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

2. 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. No external materials shall be used other than those specified on the application form and approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031 and E9 and H9 of the Haywards Heath Neighbourhood Plan 2016.

4. The parking area shall not be used until the driveway as shown on the Block Plan serving the dwelling has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

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

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

6. Within six months of the implementation of the development, maximum visibility splays shall be provided at the site access onto Lucastes Road in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of 0.6 metre above the adjoining road level.

Reason: In the interests of road safety to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays, 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
 - No burning of materials shall take place on site at any time

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

2. 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.
3. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	-	-	22.01.2018
Block Plan	-	B	28.03.2018
Existing Floor Plans	01	-	22.01.2018
Existing Sections	02	-	22.01.2018
Existing Elevations	03	-	22.01.2018
Proposed Floor and Elevations Plan	B.048.17.01	A	28.03.2018
Proposed Floor and Elevations Plan	B.048.17.02	B	10.05.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council notes a) the objections to this application raised by the residents of no. 3 Lucastes Road, and b) the receipt of amended plans by Mid Sussex District Council on 28/3/18. It is regrettable that a difference of opinion between neighbours remains but Members hope that through continuing dialogue and with advice from the District Council's Planning Department, this can be settled to the satisfaction of both parties.

West Sussex County Council Highways

Summary:

The applicant has provided amended plans which outline the removal of the hedging from the highway boundary and back into the applicants' residential curtilage. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at either the junction with the public highway, onto Lucastes Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed two storey side extension, replacement porch, detached double garage, alteration to the position of the access and driveway would exacerbate an existing safety concern.

Access and Visibility:

The proposed new access point allows an improved visibility to the west as it is moved further away from the bend in the road. The LHA advises that maximum achievable visibility splays are provided from the proposed site access and maintained in perpetuity to ensure adequate visibility is retained from this access point.

Ample space is available for parking within the associated hardstanding, a garage has been provided which measures 6m x 6m which is considered appropriate to serve two average sized vehicles and allows space for cycle storage.

Space is available for turning in the site and allows egress onto Lucastes road in a forward gear.

The frontage hardstanding is to be made from a bound material to prevent overspill into the highway.

The access works on the highway will require a license from the area officer; this can be obtained following the informative below. The original access must be closed off and returned to match the existing street scene, this can also be arranged upon contact with the Area Engineer.

Capacity:

The replacement porch and two storey side extension is not anticipated to materially alter or increase the vehicular movements to this location, we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF.

Conclusion:

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal. Should the LPA be minded to approve this proposal, the following should be sealed via condition.

Access (details required, provided prior to access use)

The parking area shall not be used until the driveway as shown on the Block Plan serving the dwelling has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

Maximum Achievable Visibility

Within six months of the implementation of the development, maximum visibility splays shall be provided at the site access onto Lucastes Road in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

Vehicle parking and turning

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

Reason: To provide adequate on-site car parking and turning space for the development.

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

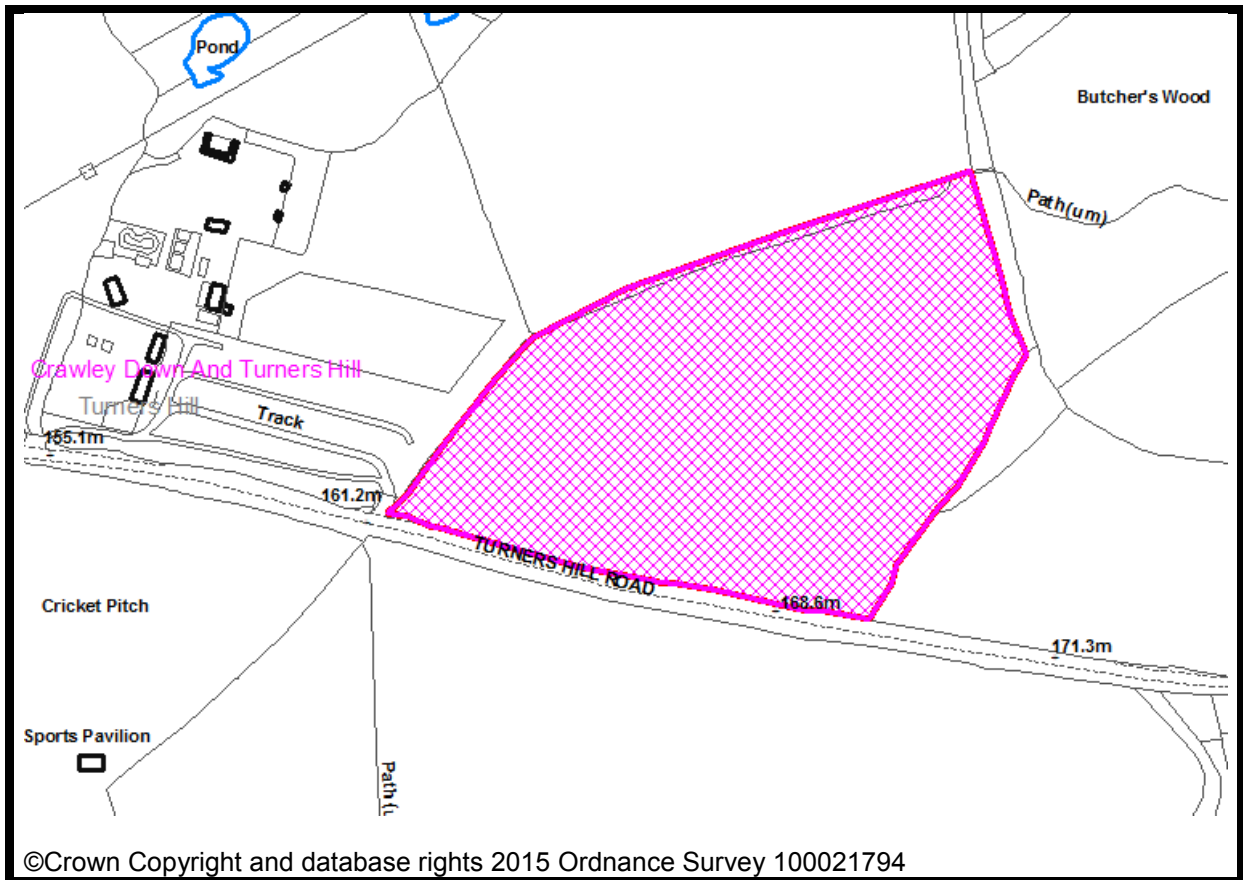
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Turners Hill

3. DM/18/0677



**TURNERS HILL BURIAL GROUND TURNERS HILL ROAD TURNERS HILL
WEST SUSSEX**

**PROPOSED RE-SITING OF CONSENTED CHAPEL BUILDING WITH
EXCAVATION AND CONSTRUCTION OF A NEW BASEMENT, INTERNAL
SITE ACCESS ROAD AND ASSOCIATED LANDSCAPING (AMENDED
PLANS RECEIVED)**

HARTMIRES INVESTMENTS LTD

GRID REF: EAST 533454 NORTH 135544

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Countryside Area of Dev. Restraint / Planning Agreement / Planning
Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding
(NATS) / Strategic Gaps /

ODPM CODE: Minor Other

8 WEEK DATE: 11th April 2018

WARD MEMBERS: Cllr Phillip Coote / Cllr Bruce Forbes / Cllr Neville
Walker /

CASE OFFICER: Mr Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the re-siting of an approved chapel building, together with excavation and construction of a new basement, extended access road and associated landscaping within an approved natural burial ground site.

The application has been called-in to committee for determination by Cllr Forbes, and seconded by Councillor Coote, as follows:

"Due to the local concerns and interest in this application I think it would be better served for a Planning Committee to determine this application.

Therefore I would like to call in the application, on the grounds that the details of the application on the appeal dated the 13th March 2017 that was granted, have now been changed by the re-siting of the consented Chapel. The overall size of the Chapel has increased plus an addition of a basement and the need for a separate internal site access road. The design document submitted refers to the site being brownfield or semi-brownfield, it is not.

The Appeal and this application refer to the site being the Burial Ground?

The original planning application granted was for a Natural Burial Ground, there is a big difference between the two.

This call is seconded by Councillor P Coote, Ward Councillor for Crawley Down & Turners Hill."

The proposed re-siting of the chapel building and additional access are considered acceptable on this site. Overall, it is considered that the proposal would comply with Policies DP12, DP14, DP21, DP25, DP26, DP37, DP38 and DP39 of the Mid Sussex District Plan, Policy THP8 of the Turners Hill Neighbourhood Plan, and the provisions of the NPPF and should therefore be approved.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

Petition signed by 48 residents: "We the undersigned strongly object to Hartmires' application to move their so-called 'chapel' at Turners Hill further across the strawberry field complete with vast basement. We believe it is a ruse to turn it into offices or flats and then try for the houses already refused. This application must be rejected. It still ruins views in an area of outstanding beauty, it's still outside the approved Turners Hill village plan. Its 'new access' is still a traffic hazard. It is still unwanted by anybody in the village. Not only must it be rejected, but the original permission overturned and Hartmires told firmly that the Planning Department will in future stick to the village plan it and everybody else has agreed."

3 letters of objection:

- Proposed location increases visual dominance of the Chapel within a rural landscape.
- Proposed cladding looks dreadful, looks like a prison block.
- I define a basement to be an underground floor a lot like a cellar.
- Looking at the pictures of the east elevation, it looks like they are excavating all the surrounding earth creating an extra floor which is not technically a basement.
- The north elevation is not clear and does not give a full side profile of the building of the basement.
- Unclear whether windows are being proposed on this northern elevation.
- This is a greenfield site, not brownfield.
- There is a perfectly good burial ground at the church opposite.
- Permission should never have been granted. F
- Finds it astonishing that reference is made to reducing the impact of a building within the horizon line by pushing it further into an open field rather than lessening the impact closer to the main road, reducing the impact in shadow and form within the rear tree line.

1 letter of support:

- Sick and tired of paying council tax so the LPA can refuse permission and lose at appeal, costs money and reduces local services.
- Another example of failing to read the facts.
- Expert opinion is there is no impact.
- The basement is irrelevant so no reason for objections.
- A costs application will surely be successful.

SUMMARY OF CONSULTATIONS

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

WSCC Highways

No objection.

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

Recommend for approval in principle subject to the imposition of conditions.

PARISH COUNCIL OBSERVATIONS

We object to this application.

There is no reason, or justification, given for the addition of a basement, the need to move the building from its original site and the addition of a new internal road.

It is difficult to accurately compare the various drawings as no measurements are supplied and the drawings do not easily compare to those submitted under DM/17/1167.

The overall size of the building is not shown on the plans, but we note on the application form question 18 that the overall square metres has increased from 176 to 352. An already overlarge building is doubled in size by the addition of an unnecessary basement, which we strongly object to. This must surely impact even further on the character and appearance of the rural area. There is already a storage area within the reception building.

No Visual Perspective has been provided as required in our Neighbourhood Plan THP12.

The permission granted on appeal showed a pedestrian path from the reception building and another coming directly from the car park. This provides adequate entrance to the Chapel for everyone and negates the need for a separate internal site access road.

It also appears that the proposed site access road ends at the basement level meaning it does not serve the actual Chapel and is therefore completely unnecessary. See Drawing 461/52B.

The document submitted by Lizard on the Landscape Character and Visual Impact Assessment is out of date and does not take account of the Dismissal of the appeal for 22 Affordable Homes nor the Granting of Permission for the Chapel on appeal. It does not address the re-siting of the Chapel as requested in this application. The lack of any truthful information on the reasons for this application make it impossible to support.

In the Inspectors Appeal Decision he stated:

"Given the planning permission for the site as natural burial ground, the provision of a commensurate chapel building is not unreasonable. The siting of the building close to and parallel with the consented reception building is appropriate and would concentrate activity close to the car park."

This would no longer be the case if this application is granted.

The Inspector also stated:

"The appellant has not objected to the conditions suggested by the Council and I concur on their necessity. I see no reason to vary from the default three year period for commencement of works. A condition to list the plan numbers is appropriate in the interests of certainty and to enable the submission of minor material amendments. Conditions in relation to the approval of materials for the building and hard surface areas and to control lighting are necessary to ensure a satisfactory appearance to the development."

We object to the use of external lighting which causes light pollution in a countryside area. The Natural Burial Ground is unlikely to be open between the hours of darkness and therefore lighting of any type is completely unnecessary.

The original Operation Statement for the Natural Burial Ground dated January 2015, stated:

Item 6. Burials may take place Monday to Friday, normally up to one each morning and each afternoon. This would give a capacity of around ten burials per week, however, it is envisaged that there would be roughly one burial per week in the first six months of operation, rising to around three burials per week after a year.

Item 8. Funeral corteges would arrive via Turners Hill Road and the site would have parking for a hearse and 22 cars, including 2 wheelchair accessible spaces. The reception building comprises a small reception area with WC, office and equipment store, with an external covered area of some 40sqm, where mourners can gather before moving to the grave.

Item 9. The burial plots will initially be located within the new woodland area. There will be no formal pathways, so that visitors can experience the woodland as a natural environment.

Item 11. Those visiting graves will be encouraged to use non-car modes of transport. The No.84 bus connecting Crawley with East Grinstead passes the site, connecting it to the local bus and rail network. The site can also be accessed by bicycle or on foot via the new footpath linking the site to the east, or the existing public footpath, which runs north to south around the edge of the site.

Planning statement 2015:

The proposed use of the site as a natural burial ground is considered to be acceptable in principle, being an appropriate, low intensity countryside use, in a sustainable location that will make significant enhancements to the rural character of the area and to natural habitats for protected species.

Recycling facilities are included within the waste and recycling area, which provides sufficient space to accommodate all waste and recycling for the whole development.

In our opinion the planning granted on appeal is more than adequate in light of the above statements.

We are still concerned by:

1. Constant referral to a Burial Ground - permission granted under reference DM/15/1035 was for a NATURAL burial ground.
2. The design document submitted by Lizard Landscapes refers at 2.1 to the site being brownfield or semi brownfield - it is not.
3. Highway matters are still of great concern to the Parish Council and it seems to be of concern to WSCC Highway Authority from the comments they previously submitted and which have not been acted on by the applicants. (WSCC comments dated 19.04.17) The applicant still refers a footpath link to a path outside of St. Leonards Church. There is no such path and in our view no space for such a path. The land within the Church boundary is private and not available for use.

We ask that this application is Refused due the impact it will have on this rural location and all matters raised above.

INTRODUCTION

Full planning permission is sought for the re-siting of an approved chapel building, together with excavation and construction of a new basement, extended access road and associated landscaping within an approved natural burial ground site.

RELEVANT PLANNING HISTORY

A hedgerow application for the removal of the frontage hedgerow was refused on 12 May 2014 (14/01227/HEDGE) and a prior notification application for the erection of a proposed agricultural building on a field parcel to the north of that which adjoins the highway was refused in May 2014.

Full planning permission was refused on 23 May 2014 for the construction of a new access to two field parcels on the site, including removal of a boundary hedgerow and replanting of a replacement boundary hedgerow (14/01226/FUL). The reason for refusal stated:

"In the opinion of the Local Planning Authority, the proposed access is considered to be too large for the intended use of the land such that it would have an unacceptably harmful impact on the rural character of the area, contrary to paragraphs 7, 14, 17, 56 and 58 of the National Planning Policy Framework and policies C1 and C10 of the Mid Sussex Local Plan."

An appeal was lodged against this decision and dismissed in September 2014.

In September 2015, planning permission was granted for a change of use of the land to a natural burial ground and the erection of a reception building with associated access, parking and landscaping (DM/15/1035).

In August 2016, outline planning permission was refused for the development of 22 affordable dwellings with new footway and means of access (DM/16/1887). The reasons for refusal were as follows:

1. The proposed development lies within a relatively isolated and unsustainable rural location and would be unacceptable in principle, as the extent of the built form would result in harm to the rural character of the area and setting of the High Weald Area of Outstanding Natural Beauty, which would not be contiguous with the built-up area boundary of the village and the existing scattered settlement pattern of housing in the immediate vicinity. Future residents would be more dependent upon the car to access day-to-day services as the footpath link to the village would be largely unlit and consequently unsafe. The proposed development would therefore be socially and environmentally unsustainable and these adverse impacts would significantly and demonstrably outweigh the benefits (in terms of helping to meet a District-wide need for housing, including provision of affordable housing, and economic benefits through the construction phase and spending in the local area from future residents). Moreover, the site is not allocated for housing in the 'made' Turners Hill Neighbourhood Plan. Accordingly the application would conflict with Policies C1, C4, B1 and T4 of the Mid Sussex Local Plan, Policy THP8 of the 'made' Turners Hill Neighbourhood Plan, Policies DP10, DP14, DP19 and DP24 of the draft Mid Sussex District Plan and paragraphs 7, 8, 14, 17, 29, 35, 115 and 198 of the National Planning Policy Framework.

2. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and SAC and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy C5 of the Mid Sussex Local Plan, Policy DP15 of the draft Mid Sussex District Plan and paragraph 118 of the National Planning Policy Framework.

3. The application fails to comply with Policies G3 and H4 of the Mid Sussex Local Plan, Policy THP19 of the 'made' Turners Hill Neighbourhood Plan, Policies DP18 and DP29 of the draft Mid Sussex District Plan and paragraphs 203 and 204 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development.

An appeal was lodged against this decision and dismissed in June 2017.

In June 2017, planning permission was refused for the construction of a new chapel building with associated landscaping within the approved burial ground and enlarged car parking area for 37 cars (DM/17/1167). The reason for refusal was as follows:

1. The scale and design of the proposed chapel building and the extent of the hard standing car park would have an adverse impact on the landscape, contrary to Policies C1 and B1 of the Mid Sussex Local Plan, Policy THP8 of the Turners Hill Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.

An appeal was lodged against this decision and allowed in December 2017.

SITE AND SURROUNDINGS

The red-lined site area forms a field parcel, mainly grassland but with the southern part having been subject to groundworks and some planting to implement planning permission DM/15/1035. There is an access to the site onto Turners Hill Road in the centre of the field parcel, with visibility splays achieved by means of a translocated hedgerow.

The site lies immediately adjacent to an access to Tulleys Farm to the west, and is located just beyond the village church to the south-east. Turners Hill Road is a 60mph road of rural character, bounded by hedging on both sides, which connects the village of Turners Hill with Crawley some 2 miles or so to the west. Running along the western and north-western boundaries is a public right of way. A further field parcel within the applicant's ownership is located further north. To the east is an ancient woodland (Butchers Wood). Land to the south on the opposite side of Turners Hill Road consists of fields within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Full planning permission is sought for the re-siting of an approved chapel building, together with excavation and construction of a new basement, extended access road and associated landscaping within an approved natural burial ground site.

In detail, the changes from the consented scheme, allowed on appeal in December 2017, are as follows:

- Re-siting of the approved chapel building approximately 25m to the north-east. Previously it was located 8m directly north of the approved reception building; now, it is proposed to be approximately 15m to the east and 25m to the north of the approved reception building.
- Excavation of the ground and formation of a new basement entirely beneath the approved chapel - an internal area of 20m in length by 8.7m in width.
- New access road and turning area to the chapel building extended from the spur car parking area to the north-east.
- Rationalising the 2 approved footpaths connecting the approved chapel to the reception building and car park into 1 longer footpath (ramped walkway) to the car park only.
- Additional tree planting between the consented car parking area and chapel.

The access to the site off Turners Hill Road, the car parking areas for 37 cars, the reception building and the footprint and basic design of the chapel building will be as previously approved.

As before, the chapel building has been designed in a contemporary style with materials consisting of cedar shingle clad walls and roofs. It will rise to a maximum height of 11m when viewed from the natural ground levels to the south, west and north (for comparison, the maximum height of the reception building will be 4m). However, where the full height of the building is apparent from the east, it will rise to 13m in height. The building will have a width of 10.4m and length of 24.4m.

LIST OF POLICIES

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP12: Protection and Enhancement of Countryside
Policy DP14: Sustainable Rural Development and the Rural Economy
Policy DP21: Transport
Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction

Development and Infrastructure Supplementary Planning Document (Feb 2006)
Sustainable Construction Supplementary Planning Document (Jul 2006)

Turners Hill Neighbourhood Plan (Mar 2016)

Mid Sussex District Council formally 'made' the Turners Hill Neighbourhood Plan part of the Local Development Plan for the Parish of Turners Hill as of 24 March 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Turners Hill.

Relevant policies include:

Policy THP8: Countryside Protection

"Outside the Built up Area Boundary (which is shown on the proposals map on page 24), priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy THP1 or would be in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area; and:
- b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and
- c) It must not have an adverse impact on the landscape setting of Turners Hill and
- d) It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area; and
- e) Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan.
- f) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.

Our Strategic Gaps are identified in MSDC Local Plan policy C2 and the High Weald Area of Outstanding Natural Beauty by Local Plan policy C4.

Policies in the emerging District Plan will provide protection and enhancement in relation to trees, woodland and hedgerows as well as biodiversity."

National Policy, Legislation and Other Documents

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Chapter 11 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve or enhance biodiversity, and that 'opportunities to incorporate biodiversity in and around developments should be encouraged.'

In particular, paragraph 118 states:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [such as]:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged.
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh its loss."

Legislation

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

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- The design and visual impact on the character of the area;
- Highways matters;
- Land contamination;
- Biodiversity; and
- Habitats Regulations.

Design and visual impact on the character of the area

The change of use of the land to a natural burial ground has been lawfully implemented, with groundworks having been carried out. While no building works have yet been undertaken, the permission provides for a modestly-scaled reception building and car parking area (with spur), located close to the site access. The most recent permission provides for a chapel building to be associated with this use, therefore the principle of such a building on this site has been previously considered acceptable.

In allowing the appeal for the chapel building, the Inspector made the following point:

"Given the planning permission for the site as natural burial ground, the provision of a commensurate chapel building is not unreasonable. The siting of the building close to and parallel with the consented reception building is appropriate and would concentrate activity close to the car park. The building would be longer and higher than the reception building, but its bold modern design form would reflect its use as a chapel. In view of its height, it would be a conspicuous building when viewed from close quarters but the proposed materials would help its assimilation into this rural setting. Overall, I consider that the chapel would accord with the provisions of Policy B1 of the Local Plan that requires a high standard of design, construction and layout in new buildings including a sensitive approach respecting the character of the locality and material appropriate to the site."

The applicant's Planning Statement advises that the proposed basement area "forms an additional space under the building for storage and operational management of

the facilities and the proposed internal site access road will help movement and connectivity within the site in a sensitive manner."

Officers requested further detail to this Statement. The response from the applicant's agent stated:

"The need for and proposed uses of the basement have been derived from ongoing commercially confidential work with a Burial Ground operator.

The use of the proposed basement area is ancillary to the main use of the building as a secular Chapel facility. It is intended to be used for a variety of utility and maintenance storage using wall or free mounted shelving/racks as appropriate. Such storage may include grounds and building maintenance equipment, cleaning equipment, etc. In addition, the basement may be used for the garaging of a Burial Ground operational vehicle such as a hearse."

and

"The enclosed, additional cross section plan (461/565 Section D-D) shows the basement area in greater detail. The proposed height, 2.2m and overall basement floorspace area is sufficient to accommodate these uses.

With respect to internal access between the ground and basement floor level, the written statement is incorrect and the submitted plans are correct. Access to the basement would be via the external basement level doors."

A final request to provide topographical information about existing and proposed site levels and earthworks around the building was refused by the applicant.

It is noted that the council's Landscape consultant has not objected to the current application, whereby the building is located on lower ground but at a greater distance from the car parking area and reception building. These findings have been informed by the submission of an addendum to the original Landscape Character and Visual Impact Assessment (LVIA) updated in February 2018, which also notes that "... the Client has commenced the planting of 600 indigenous trees along the northern and western boundary and inside of the public right of way". It advises that the re-siting of the chapel building would be 9m further away from the public footpath and a further 15m from the AONB boundary, so would have a lower visual impact than the approved position. The overall conclusion remains as it did before (which the Inspector accepted), that the scheme would have a "short term moderate adverse" effect on landscape character but that the "short to mid term adverse impacts ... are judged to be extensively mitigated and in the long term would offer landscape enhancement to the wider rural setting." The Inspector further stated that the "landscape measures proposed in the landscape masterplan would filter these views [from close positions along the public footpath] over time. From positions farther away to the north-west along the footpath, land levels fall and the rising brow of the intervening field would contain the proposal, particularly during summer months with the growth of scrub vegetation." The Inspector also determined that "there would be limited visibility of the proposal from other directions outside the wider application site ... [and] the chapel ... would not be readily discernible from the

highway" and "there is a higher belt of trees to the southern side of Turners Hill Road that would break up any views of the site from footpaths on this side of the road and from the AONB." Finally, a key point made by the Inspector was that "the landscape measures close to the building and along the public right of way are not designed to totally obscure the building, but to permit its successful integration in to its surroundings."

As before, the building is of a modern design with both gable ends consisting of glazed elevations beneath deep eaves. However, the long elevations, viewed from the south and north, will be more rustic and rural in character. The building will be sunken into the ground and will clearly be expressed as a chapel in terms of its scale, but this would not be deemed to be unacceptable in this location because of this. The land take associated with this enlarged development would still be deemed to be fairly modest, allowing the remaining land to be landscaped.

The increased height of the building would only be apparent from the eastern elevation, where the new (extended) access road would be at grade with the set of double doors to the basement. This would be a relatively localised view that would be obscured by earthworks to enclose this area.

As before, while acknowledging this is a rural area, the site is nevertheless adjacent to Tulleys Farm and its associated leisure/recreational facilities (maze, fun park, accesses, car parking, etc.) to the west. Immediately opposite that is the cricket ground and pavilion. As such, it is considered that the proposal would still be read in context with the scattering of other buildings and uses in this area and hence would not be out of place. There would not be any adverse impact to the setting of the AONB on the southern side of Turners Hill Road.

Given that the council's Landscape consultant has not raised an objection to this latest proposal and conditions could be imposed on any consent, it is considered that the proposal can be supported and would comply with Policies DP26 of the Mid Sussex District Plan and Policy THP8 of the Turners Hill Neighbourhood Plan.

Access, parking and impact on highway safety

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

The Highway Authority has considered the proposal and raises no objection to the additional floorspace and no change has been made to the parking arrangements. On this basis, the proposal would comply with the policy above.

Land contamination

No objection was previously raised on these grounds in previous applications or appeals and therefore the proposal would comply with the provisions of the NPPF.

Biodiversity

An Extended Phase 1 Habitat Survey, Great Crested Newt Survey and Reptile Survey have been submitted. Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 11 of the NPPF (including paragraph 118) and the legislation outlined above.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

CONCLUSION

The proposed re-siting of the chapel building and additional access are considered acceptable on this site. Overall, it is considered that the proposal would comply with

Policies DP12, DP14, DP21, DP25, DP26, DP37, DP38 and DP39 of the Mid Sussex District Plan, Policy THP8 of the Turners Hill Neighbourhood Plan, and the provisions of the NPPF and should therefore be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

2. 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.

Pre-commencement conditions

3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, windows, doors and roof 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 DP24 of the Mid Sussex District Plan and THP8 of the Turners Hill Neighbourhood Plan.

4. No development shall take place until details of the materials to be used on the surface of the extended access and new footpath link have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

5. No development shall commence until details of soft landscape works in accordance with the landscape masterplan (and updated to reflect this latest development) have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

6. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including proposed contours, earthworks and typical sections through earthworks in relation to both the proposed access road and the chapel building. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP24 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

7. The development hereby permitted shall be implemented in accordance with the recommendations and mitigation measures identified in the submitted Extended Phase 1 Habitat Survey, Great Crested Newt Survey and Reptile Survey by Urban Edge Environmental Consulting dated January 2015.

Reason: To safeguard the ecology of the area and to comply with paragraphs 109 and 118 of the NPPF and Policy DP38 of the Mid Sussex District Plan.

8. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

Reason: To safeguard the visual appearance of the area, and to accord with Policy DP26 of the Mid Sussex District Plan.

9. The basement hereby permitted shall be used solely for the storage of items used for grounds or building maintenance equipment and cleaning equipment in connection with the use of this specific site as a natural burial ground and for no other purposes, including garaging of vehicles.

Reason: To avoid an overdevelopment of the site to comply with Policy DP26 of the Mid Sussex District Plan.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

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 Sections	461/57		03.05.2018
Proposed Sections	461/56		02.05.2018
Block Plan	501/10	-	14.02.2018
Location Plan	501/19	B	02.05.2018
Proposed Site Plan	501/15	B	14.02.2018
Proposed Site Plan	501/16	B	14.02.2018
Proposed Floor Plans	461/50	B	14.02.2018
Proposed Roof Plan	461/51	B	14.02.2018
Proposed Sections	461/52	B	14.02.2018
Proposed Elevations	461/53	B	14.02.2018
Proposed Elevations	461/54	B	14.02.2018
Proposed Floor Plans	461/55	B	14.02.2018

APPENDIX B – CONSULTATIONS

Turners Hill Parish Council

We object to this application.

There is no reason, or justification, given for the addition of a basement, the need to move the building from its original site and the addition of a new internal road.

It is difficult to accurately compare the various drawings as no measurements are supplied and the drawings do not easily compare to those submitted under DM/17/1167.

The overall size of the building is not shown on the plans, but we note on the application form question 18 that the overall square metres has increased from 176 to 352. An already overlarge building is doubled in size by the addition of an unnecessary basement, which we strongly object to. This must surely impact even further on the character and appearance of the rural area. There is already a storage area within the reception building.

No Visual Perspective has been provided as required in our Neighbourhood Plan THP12.

The permission granted on appeal showed a pedestrian path from the reception building and another coming directly from the car park. This provides adequate entrance to the Chapel for everyone and negates the need for a separate internal site access road.

It also appears that the proposed site access road ends at the basement level meaning it does not serve the actual Chapel and is therefore completely unnecessary. See Drawing 461 /52B.

The document submitted by Lizard on the Landscape Character and Visual Impact Assessment is out of date and does not take account of the Dismissal of the appeal for 22 Affordable Homes nor the Granting of Permission for the Chapel on appeal. It does not address the re-siting of the Chapel as requested in this application. The lack of any truthful information on the reasons for this application make it impossible to support.

In the Inspectors Appeal Decision he stated:

'Given the planning permission for the site as natural burial ground, the provision of a commensurate chapel building is not unreasonable. The siting of the building close to and parallel with the consented reception building is appropriate and would concentrate activity close to the car park.'

This would no longer be the case if this application is granted.

The Inspector also stated:

'The appellant has not objected to the conditions suggested by the Council and I concur on their necessity. I see no reason to vary from the default three year period for commencement of works. A condition to list the plan numbers is appropriate in the interests of certainty and to enable the submission of minor material amendments. Conditions in relation to the approval of materials for the building and hard surface areas and to control lighting are necessary to ensure a satisfactory appearance to the development.'

We object to the use of external lighting which causes light pollution in a countryside area. The Natural Burial Ground is unlikely to be open between the hours of darkness and therefore lighting of any type is completely unnecessary.

The original Operation Statement for the Natural Burial Ground dated January 2015, stated:

Item 6. Burials may take place Monday to Friday, normally up to one each morning and each afternoon. This would give a capacity of around ten burials per week, however, it is envisaged that there would be roughly one burial per week in the first six months of operation, rising to around three burials per week after a year.

Item 8. Funeral corteges would arrive via Turners Hill Road and the site would have parking for a hearse and 22 cars, including 2 wheelchair accessible spaces. The reception building comprises a small reception area with WC, office and equipment store, with an external covered area of some 40sqm, where mourners can gather before moving to the grave.

Item 9. The burial plots will initially be located within the new woodland area. There will be no formal pathways, so that visitors can experience the woodland as a natural environment.

Item 11. Those visiting graves will be encouraged to use non-car modes of transport. The No.84 bus connecting Crawley with East Grinstead passes the site, connecting it to the local bus and rail network. The site can also be accessed by bicycle or on foot via the new footpath linking the site to the east, or the existing public footpath, which runs north to south around the edge of the site.

Planning statement 2015:

The proposed use of the site as a natural burial ground is considered to be acceptable in principle, being an appropriate, low intensity countryside use, in a sustainable location that will make significant enhancements to the rural character of the area and to natural habitats for protected species.

Recycling facilities are included within the waste and recycling area, which provides sufficient space to accommodate all waste and recycling for the whole development.

In our opinion the planning granted on appeal is more than adequate in light of the above statements.

We are still concerned by:

1. Constant referral to a Burial Ground ' permission granted under reference DM/15/1035 was for a NATURAL burial ground.

2. The design document submitted by Lizard Landscapes refers at 2.1 to the site being brownfield or semi brownfield ' it is not.

3. Highway matters are still of great concern to the Parish Council and it seems to be of concern to WSCC Highway Authority from the comments they previously submitted and which have not been acted on by the applicants. (WSCC comments dated 19.4.17.) The applicant still refers a footpath link to a path outside of St. Leonards Church. There is no such path and in our view no space for such a path. The land within the Church boundary is private and not available for use.

We ask that this application is Refused due the impact it will have on this rural location and all matters raised above.

WSCC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The proposal is to relocate the permitted Chapel building which will be linked to the car park via an internal estate road. It is not proposed for the footprint of the Chapel to increase, however a basement, to be used for storage, has been include within the application. No changes are proposed to the permitted vehicle access onto the public highway and the relocation of the Chapel/new internal road will not have an impact on the access. As the increased size of the Chapel is for storage only it is unlikely there will be an intensification in use of the existing, permitted vehicle access.

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

With reference to your letter of 20th February 2018 asking for comments on the above application, having reviewed the documents I have the following comments with regard to the potential landscape and visual impacts.

1) Summary Recommendation

Recommend for approval in principle subject to the imposition of conditions

It is noted that the application could comply with Paragraph 17, Core Planning Principles of the NPPF which states that planning should:

"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic beauty and character of the countryside and supporting thriving rural communities."

It is noted the application documentation could meet the requirements of Section 7, paragraphs 56 -68 of the NPPF which addresses the issue of good design by the application of planning conditions.

It is noted the application documentation has met the requirements of Section 109 of the NPPF with regard to the need to protect and enhance valued landscapes.

It is accepted that the potential adverse impacts on landscape character and visual amenity can mitigated.

2) Reason for Recommendation

2.1 Paragraph 17, Core Planning Principles of the NPPF which states that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic beauty and character of the countryside and supporting thriving rural communities.

2.2 Section 11 of the NPPF addresses the conservation and enhancement of the natural environment. The policies in this section require development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (paragraph 109).

2.3 Section 7 of the NPPF addresses the issue of good design. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and add to the quality of an area. Developments are required to respect local character and materials in both built form and open space detailing.

2.4 If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external hard works and planting.

2.5 The planning history for the site is noted and in particular the Inspector's appeal decision with regard to the chapel which was approved in December 2017.

2.6 There have been various landscape and visual reports which have established the baseline landscape and visual context for the site. These conclude that a sensitively designed building could be accommodated on this site without having an unacceptable impact on local landscape character and views. According to these reports the chapel and associated car park are supported by a comprehensive landscape mitigation scheme and some planting has already been carried out around the boundaries of the site.

2.7 As outlined in the Landscape Statement, Harper Landscape Architecture, February 2018, the relocation of the chapel would not alter the conclusions with regard to potential landscape and visual impacts.

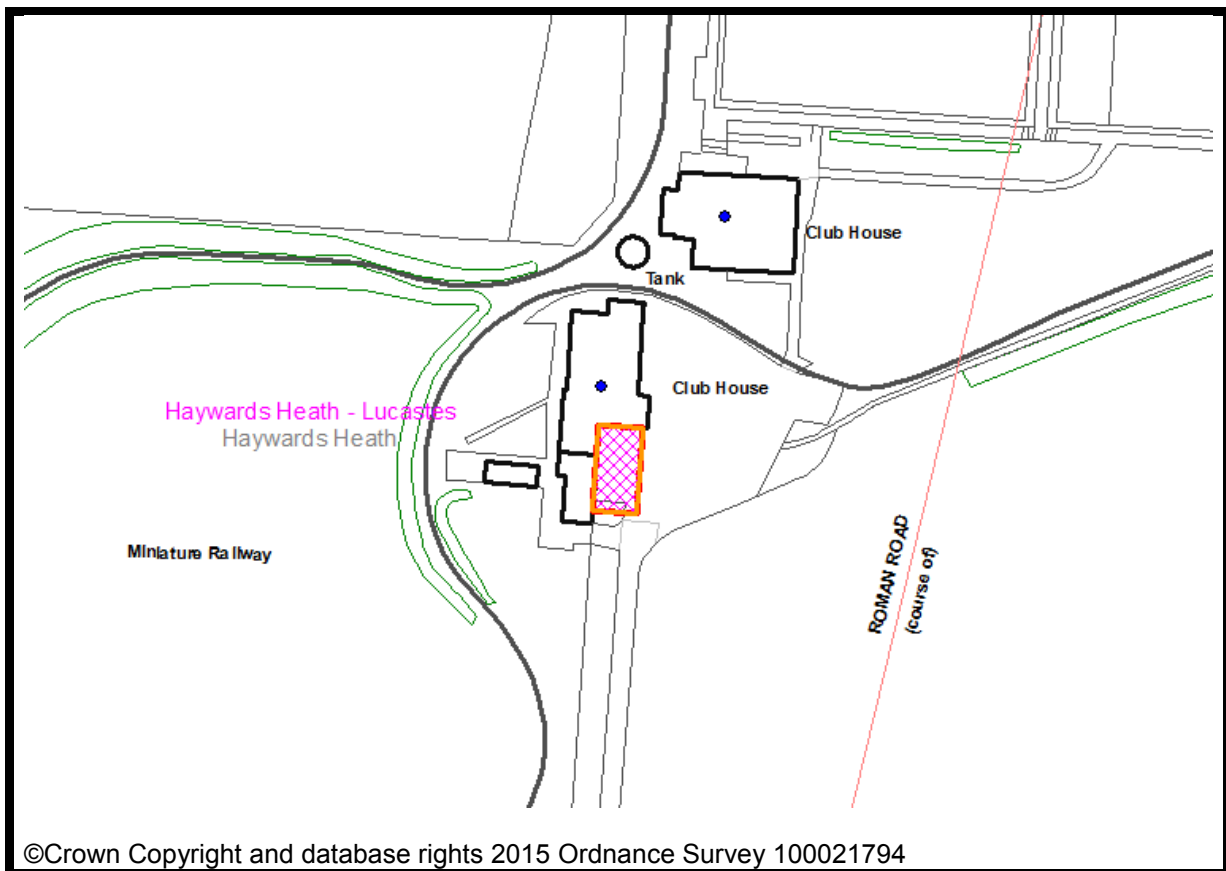
2.8 Should the planning authority be minded to permit the development it is recommended that the following are required as conditions:

- a) Updated detailed hard and soft landscape schemes.
- b) A long term management plan for the successful establishment and care of the landscaped areas.

2.9 It is recommended that the application can be supported subject to consideration of the detailed landscape mitigation measures.

Haywards Heath

4. DM/18/1003



**SUSSEX MINIATURE LOCOMOTIVE SOCIETY LTD MINIATURE RAILWAY
OFFICE BEECH HURST GARDENS BUTLERS GREEN ROAD
ERECTION OF A DEDICATED LEARNING CENTRE CALLED THE
BRANCH LINE IN BEECH HURST GARDENS PARK ASSOCIATED WITH
THE MINIATURE RAILWAY. THE BUILDING WILL BE SINGLE STOREY
AND ATTACHED AT THE SIDE TO THE SUSSEX MINIATURE
LOCOMOTIVE SOCIETY CLUB HOUSE
DR ROY PRESTON
GRID REF: EAST 532226 NORTH 123741**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Strategic Gaps / SWT Bat Survey / Archaeological
Notification Area (WSSC) /

ODPM CODE: Minor Other

8 WEEK DATE: 14th May 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Mr Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a single storey extension to the existing club house building for D1 learning centre use at Sussex Miniature Locomotive Society Ltd Miniature Railway, Beech Hurst Gardens, Butlers Green Road, Haywards Heath.

The proposed development will provide a new community educational facility and is acceptable in design and character impact terms. The application complies with policies DP24, DP25 and DP26 of the Mid Sussex District Plan 2014-2031, policies E9 and L5 of the Haywards Heath Neighbourhood Plan 2016 the applicable paragraphs of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTATIONS

None.

TOWN COUNCIL OBSERVATIONS

The Town Council supports this application wholeheartedly. Members feel that the learning centre is a welcome initiative which will underline the town's railway heritage. However, the Town Council will remain watchful to ensure that this facility does not get designated as a re-provision for the kick about area that might be lost if the Beech Hurst Depot site were to be developed (see Policy H5 of the Haywards Heath Neighbourhood Plan).

INTRODUCTION

Planning permission is sought for the erection of a single storey extension to the existing club house building for D1 learning centre use at Sussex Miniature Locomotive Society Ltd Miniature Railway, Beech Hurst Gardens, Butlers Green Road, Haywards Heath.

The application has been referred to Committee because the site is owned by the Council.

RELEVANT PLANNING HISTORY

CU/272/79 Provision of a carriage shed and workshop facility for the repair, maintenance and storage of rolling stock.

HH/232/93 Concrete building.

HH/235/99/AP/1 Replacement station building.

SITE AND SURROUNDINGS

The application site comprises part of an area of hardstanding adjoining the south side of the single storey club house building for the Sussex Miniature Locomotive Society. The building has a partly gabled, partly flat roof and is used for a variety of purposes in connection with the operation of the miniature railway within Beech Hurst Gardens. Materials are facing brickwork walls, plain clay roof tiles and brown window frames.

Adjoining the building's south side is a carriage shed, situated behind a close boarded fence. There is an also large tree stump to which the proposal would extend to, and therefore this would need to be removed. To the east is the remaining part of the hardstanding parking area, with the gardens beyond. To the north is the single storey bowls clubs house building, backed to the northwest by a mature boundary tree line. To the south is the driveway into the site, leading from Bolnore Road. To the west is a meadow enclosed by the railway line.

The application site lies within the Haywards Heath built up area boundary. Ground levels fall towards the south.

APPLICATION DETAILS

Proposed plans show the removal of the fence and the erection of a gabled roof single storey extension to the south side of building measuring 10.7 metres width by 5.8 metres depth. Eaves and ridge heights match in with existing. The entrance door and three windows are located within the front facing east elevation, whilst there is a fire door and single window to the southern gable end. There is a ramped access. External materials are simply proposed to match existing.

The floor plan shows that the area will mainly be a single space labelled as an exhibition hall; however there will also be small kitchen and WC rooms. A supporting Planning Statement provides the rationale and specification for the proposal. In brief, the scheme provides for a learning centre associated with the railway. The centre, to be known as The Branch Line, is to be volunteer operated by a charitable incorporated organisation. It is understood that the project is aimed at increasing public knowledge of the technology and engineering associated with miniature steam locomotives, wider a wider goal of promoting science, technology and engineering as careers.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted 28 March 2018 and forms part of the development plan.

DP24: Leisure and Cultural Facilities and Activities

DP25: Community Facilities and Local Services

DP26: Character and Design

Haywards Heath Neighbourhood Plan 2016

Adopted 2016 and forms part of the development plan.

E9: Local Character

L5: Community Facilities

The **National Planning Policy Framework** is also a material consideration and paragraphs 7, 14, 17, 56, 69, 70 are considered to be of particular relevance to this application.

ASSESSMENT

The main issues are considered to be the principle of development together with design and character considerations.

Principle

The miniature railway has been in operation since 1951. Improvements over the years have seen the line extended to almost half a mile, together with tunnels, steaming bats, covered stores for stock, workshops areas and the club house. The railway operates a public service between Easter and October. It is operated by a Sussex Miniature Locomotive Society, a voluntary organisation.

District Plan policy DP24 states:

"Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported."

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

District Plan policy DP25 states:

"The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality.

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council."

Neighbourhood Plan Policy L5 states:

"The provision of new community buildings in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents.

Paragraphs 69 and 70 of the NPPF emphasise the importance of community facilities to meet the day to day needs of local communities.

There is therefore widespread policy support for the provision of buildings which contribute to sustainable communities.

The facility is put forward as a learning centre in connection with the leisure and recreational activities of the railway. This is therefore within the scope of community and cultural facilities described and supported by the above policies.

The proposal takes up part of an existing hardstanding area which is informally used for parking and turning in connection with the railway. The proposal does not therefore result in the loss of open space used for recreational purposes. It is further considered that there will remain plentiful space for such parking and turning on the remaining existing hardstanding.

It is therefore considered that the principle of the scheme is supported by development plan policy.

Design and Character

Policy DP26 states:

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

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

Neighbourhood Plan policy E9 sets out similar design, character and amenity impact considerations.

The extension's internal floor area of approximately 42 square metres will provide a modest size learning space which is appropriately proportionate to the moderate scale of the existing building and the parkland setting. The scale and nature of the proposed use is deemed to be inkeeping with the character of the area and mixture of leisure uses within the gardens.

The design of the extension is straightforward such that it will be viewed as a sympathetic addition to the club house building. The dimensions, roof form and materials are appropriately inkeeping, and so in design and scale terms the proposal is acceptable. The loss of the tree stump and its small surrounding grass verge will not be detrimental to the setting.

In summary therefore the proposed development is deemed to satisfactory in design and character terms.

It should be noted that the site lies within an Archaeological Notification Area, due to an old Roman Road passing through Beech Hurst Gardens. A Historic Environment Record report has been submitted with the application. This report does not identify any designated or non-designated heritage assets which are likely to be impacted by the location of the extension. It is therefore not considered that any conditions are necessary concerning archaeological mitigation surveys/ recording.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as 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. Sufficient windfall capacity exists within the development area. This means there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

CONCLUSION

Planning permission is sought for the erection of a single storey extension to the existing club house building for D1 learning centre use at Sussex Miniature Locomotive Society Ltd Miniature Railway, Beech Hurst Gardens, Butlers Green Road, Haywards Heath.

The proposed development will provide a new community educational facility and is acceptable in design and character impact terms. The application complies with policies DP24, DP25 and DP26 of the Mid Sussex District Plan 2014-2031, policies E9 and L5 of the Haywards Heath Neighbourhood Plan 2016 the applicable paragraphs of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

2. 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. No external materials shall be used other than those specified on the application form and approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with policies DP26 of the Mid Sussex District Plan 2014-2031 and E9 of the Haywards Heath Neighbourhood Plan 2016.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays, 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
 - No burning of materials shall take place on site at any time.

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

2. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council supports this application wholeheartedly. Members feel that the learning centre is a welcome initiative which will underline the town's railway heritage. However, the Town Council will remain watchful to ensure that this facility does not get designated as a re-provision for the kick about area that might be lost if the Beech Hurst Depot site were to be developed (see Policy H5 of the Haywards Heath Neighbourhood Plan).