

MID SUSSEX DISTRICT COUNCIL**PLANNING COMMITTEE A****13 SEP 2018****INDEX TO ITEMS REPORTED****PART I – RECOMMENDED FOR APPROVAL**

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MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

13 SEP 2018

PART I – RECOMMENDED FOR APPROVAL

East Grinstead

1. DM/18/0285



**78 LONDON ROAD EAST GRINSTEAD WEST SUSSEX RH19 1EP
DEMOLITION OF 1ST AND 2ND FLOOR OF BUILDING (RETAINING
GROUND FLOOR AND BASEMENT) AND CONSTRUCTION OF NEW
UPPER FLOORS TO PROVIDE 11 NO FLATS COMPRISING 6 NO ONE-
BEDROOM FLATS AND 5 NO TWO-BEDROOM FLATS ARRANGED OVER
THREE NEW FLOORS.
MR SIMON STERLING**

GRID REF: EAST 539360 NORTH 138182

POLICY: Ashdown Forest SPA/SAC / Brownfield Land / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 1st May 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: 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 demolition of the first and second floors of this building (retaining the ground floor and basement) and construction of new upper floors to form 11 flats (6 no. 1-bed flats and 5 no. 2-bed flats) arranged over three new floors.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The principle of this development is considered acceptable with sufficient residual floorspace for the existing retail unit being retained. The design and visual impact of the proposal would be deemed appropriate. The proposal will provide 11 additional residential units in a highly sustainable location. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the construction traffic and noise.

There will be a neutral impact in respect of a number of issues such as the design, impact on the setting of the listed buildings and conservation area, drainage and

sustainability, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions and a legal agreement.

For the above reasons, the development is deemed to comply with Policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP31, DP34, DP35, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG4, EG5, EG7, EG8, EG11, EG12 and EG16 of the East Grinstead Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation to secure the required level of SAMM contributions and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 13 December 2018, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason:

"The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policy EG5 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development."

"The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework."

SUMMARY OF REPRESENTATIONS

East Grinstead Society: No objection.

14 letters of objection: The addition of further housing in this location which follows the construction of 126 apartments between Queens Road and Queens Walk poses the following dire consequences:

- loss of quality of life to inhabitants in and around the town centre due to overcrowding;
- essential services already oversubscribed;
- additional burden to mobility, speed of vehicles and parking;

- overdominant and overbearing;
- unlikely to be car-free, so will exacerbate parking elsewhere;
- wheel bins will be left on the street all day on collection days and not in an orderly manner so will become a danger to pedestrians;
- no reference to a large tree at the rear of the existing building;
- rear of the current building is the scene of anti-social behaviour;
- proposed low wall and paved area will be inadequate;
- would residents have the legal right to access bins and cycles through the adjacent car park;
- speed limit should be reduced in the town centre;
- nowhere to park;
- how will residents be encouraged to use public transport;
- no cycle lanes nearby;
- pollution.

SUMMARY OF CONSULTATIONS

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

MSDC Conservation Officer

No objection.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

Conditions recommended.

MSDC Housing Enabling Officer

Proposed development gives rise to an affordable housing contribution, but the District Valuer has concluded that the applicant cannot make a policy compliant contribution on viability grounds. However, this situation should be reassessed at a later date when more accurate information about costs and values will be able to be provided, so must be incorporated into a planning obligation.

MSDC Leisure Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Waste and Outdoor Services

Further information requested for refuse storage arrangements and distance to the highway.

WSCC Drainage Strategy Team

To be reported.

WSCC Highways

No objection, subject to condition.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

TOWN COUNCIL OBSERVATIONS

As per East Grinstead Town Council Planning Committee meeting held on 5th March 2018:- Would support approval.

INTRODUCTION

Full planning permission is sought for the demolition of the first and second floors of this building (retaining the ground floor and basement) and construction of new upper floors to form 11 flats (6 no. 1-bed flats and 5 no. 2-bed flats) arranged over three new floors.

RELEVANT PLANNING HISTORY

In March 2016, planning permission was granted for the change of use and renovation of the upper floors over the existing shop premises, including a second floor rear extension, to form 7 no. new flats (3 x 1-bed and 4 x 2-bed) (DM/15/4265). This permission has not been implemented but is extant.

In July 2017, planning permission was granted for alterations to the first and second floors of the building in order to facilitate a change of use of these floors, including formation of a mezzanine level above the second storey, to create 9 no. flats (6 x 2-bed and 3 x 1-bed) as a revised proposal to planning permission DM/15/4265 (DM/17/1017). This permission has not been implemented but is extant.

SITE AND SURROUNDINGS

The site is located within the town centre of East Grinstead on a corner plot fronting onto London Road with its lengthy flank elevation along Queens Road. It consists of a Superdrug retail store on the ground floor and vacant retail space on the two floors above and part of a basement level to the rear. To the front, the building is 2-storeys in height, whereas further back, it rises to 3-storeys then 4-storeys at the rear when

the basement becomes visible. A shared car parking area is accessed from the rear along Dallaway Gardens, and although the occupiers of the premises have the right to use 4 of these car parking spaces, they do not own them. The building exhibits a mix of architectural styles and materials, with 4 such styles being visible along Queens Road alone.

To the north-west and opposite to the north-east are retail units, generally arranged over 2-storeys. To the south-east on Queens Road is the 3-storey Royal Mail delivery office, the front of which is a Grade II listed building with a much later (and unlisted) extension and service yard at the rear. Further to the south-west is the modern 4-storey Brookland House block of flats. Immediately flanking the other side of the service yard is the 2-storey detached house at 15A Dallaway Gardens.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the first and second floors of this building (retaining the ground floor and basement) and construction of new upper floors to form 11 flats (6 no. 1-bed flats and 5 no. 2-bed flats) arranged over three new floors.

From the London Road frontage, a new double pitched roof will be visible, with fenestration set back behind a new glazed screen at 2nd floor level. From Queens Road, the section behind the frontage will remain at 3 storeys in height, but with a taller roof. The rearmost section will increase from 3 to 4 storeys in height. From the Dallaway Gardens entrance (providing access to the shop storage area and the refuse and cycle stores via a rear service yard), the building will increase from 4 to 5 storeys in height.

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 DP1: Sustainable Economic Development

Policy DP2: Town Centre Development

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP31: Affordable Housing

Policy DP34: Listed Buildings and Other Heritage Assets

Policy DP35: Conservation Areas

Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Affordable Housing Supplementary Planning Document (Jul 2018)

Development Viability Supplementary Planning Document (Jul 2018)

Dormer Window and Rooflight Design Guidance (Aug 2018)

Waste Storage and Collection Guidance for New Developments (May 2015)

East Grinstead Neighbourhood Plan (Nov 2016)

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies include:

Policy EG3: Promoting Good Design

Policy EG4: Designated and Non Designated Heritage Assets

Policy EG5: Housing (full weight for applications within the defined built-up area boundary)

Policy EG7: Housing Mix and Density

Policy EG8: East Grinstead Town Centre

Policy EG11: Mitigating Highway Impact

Policy EG12: Car Parking

Policy EG16: Ashdown Forest SAC and SPA

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "*significantly boosting the supply of homes*".

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

*"For **decision-taking** this means:*

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

*The footnote refers to policies in the Framework (rather than in development plans) relating to (among others): habitats sites, SSSIs, Local Green Space, AONBs, irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest) and areas at risk of flooding or coastal change.

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Paragraph 177 notes that: *"The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."*

Planning Practice Guidance

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

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and visual impact on the character of the area and setting of the Listed Building and Conservation Area;
- The impact on neighbouring amenity;
- Parking and cycle storage facilities;
- Drainage;
- Sustainability;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Standard of accommodation; 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) of the Planning and Compulsory Purchase Act 2004 provides:

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

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 Mid Sussex District Plan (2018) together with the East Grinstead Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

The existing retail unit has a gross internal floorspace of 1370 sq m, and 683 sq m will be lost as a result of this change of use. The applicant's Planning Statement explains that:

"The whole building is currently under lease to Superdrug Stores plc, however only 490 sq m of available 1370 sq m is required and currently used for their trading. The remainder of the building remains vacant and in a poor condition in terms of its construction."

and

"Continued payment of rates, rental and service charges together with liability for dilapidations make the viability of this retail outlet questionable ... Redevelopment, including a new lease, relieving the liabilities and reducing costs for unusable floor areas makes the future retail use sustainable."

The existing floor plans show that the retail premises and shop store on the ground floor will remain as existing and the underused basement level will be developed to provide various welfare facilities associated with the retail use (currently on the first floor). As such, it is not considered that the loss of the ancillary floorspace would render this retail use unviable and hence the change of use to residential would be acceptable.

The site falls within the built up area of East Grinstead as designated in the Mid Sussex District Plan and East Grinstead Neighbourhood Plan. The site is considered suitably sustainable in location and therefore the proposal for residential use on the upper floors accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, Policy EG5 (Housing Proposals) states:

"The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan."

Other proposals for new housing development will only be supported if:

a) The proposed development contributes to sustainable development;

- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);
- f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and
- g) The proposal meets its own infrastructure needs.

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development."

As the application site is within the built-up area boundary of East Grinstead, full weight can be given to this policy, and the principle of the development is thus considered to be acceptable in policy terms.

Design and visual impact on the character of the area and setting of the Listed Building and Conservation Area

The site is located opposite the former Post Office (76 London Road), a designated heritage asset, a Grade II listed building. The site is potentially visible from the East Grinstead Conservation Area, which incorporates the High Street some 200m to the south-east.

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

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

Policy DP34 of the Mid Sussex District Plan states (in part):

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of*

a listed building retain its significance and character whilst ensuring that the building remains in a viable use;

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric."*

Policy DP35 of the Mid Sussex District Plan 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.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."

Paragraphs 192-196 of the NPPF are relevant, as follows:

192. In determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

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

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."

Additionally, Policy DP26 of the Mid Sussex District Plan is relevant, which states:

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

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

The existing building is made up of a number of sections, styles and heights, giving an incoherent appearance to what is a highly prominent corner building in the centre of East Grinstead. The proposed works entail demolishing the first floor levels and above of all sections of the buildings forming part of this site, replacing with a unified structure comprising an additional storey to the rear and simplifying the roof forms. These works will undoubtedly improve the visual amenities of this area with ordered fenestration and consistent elevations. It is recognised that the street scene along London Road is highly varied and hence a more obviously 3-storey building when viewed from the front would not be out of keeping with the street scene - due to being a corner property and there being a 3-storey building opposite at 65 London Road, within a grouping of 2-storey buildings.

As set out above, there are 2 extant planning permissions for additional development on this site, albeit mainly through conversion/extension rather than rebuild. The proposed changes to both extant schemes would therefore not be greatly significant in design terms and would be considered appropriate in relation to the public realm, so would comply with the criteria set out in Policy DP26 of the Mid Sussex District Plan.

The council's Conservation Officer notes that the proposal will increase the height and bulk of the building when viewed from London Road and the west, particularly from the rear. However, she considers that due to the set back of this additional height from the road frontage and the mixed nature of development along this part of

London Road, it will not harm the setting of the Grade II listed former Post Office building (which is the front part of the building only, not the rear). Again, because of the mixed nature of the street scene, she also considers that the proposal would not have a material impact on the contribution that the site makes to the approach to the Conservation Area along London Road. Verified views were provided indicating that the proposal would not be visible looking from London Road to the north-west, and would therefore not have any impact on the current prominence of the landmark church tower of the Grade II* listed St Swithun's church, within the Conservation Area. Accordingly, it is considered that the proposal would comply with Policies DP26, DP34 and DP35 of the District Plan, Policy EG4 of the Neighbourhood Plan and paragraphs 192-196 of the NPPF.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan aims to protect amenity. It is understood that 80 London Road (RSPCA shop) has a residential use above the retail unit, but it is considered that the windows serving the communal corridor and staircase and hallways of two flats will not have an adverse impact on the privacy of these occupants, so there would be no conflict with this policy.

Parking and cycle storage facilities

Policy DP21 of 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.

This development is located in the heart of the town centre of East Grinstead and is proposed to be car-free. Given the highly sustainable location of this site, such a proposal would be acceptable, and as cycle parking is proposed within the basement, it is considered that this alternative transport provision to the car is acceptable in line with the above policy and consistent with the guidance in the NPPF.

Drainage

The means of drainage to serve the proposed development could be controlled by condition, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and the NPPF.

Refuse and recycling facilities will be provided on site to serve these dwellings, and the implementation of this would accord with the above policy, subject to condition.

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.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £19,154 and if the approved scheme provides for a strategic SANG contribution, this would be £11,691.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at East Court and Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted

planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 55 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: 'prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)'. It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to **"a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence"** (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place

until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.

3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.

4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

The Planning Obligation securing the SAMM contribution is being progressed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Infrastructure contributions

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56. Respectively, these paragraphs state:

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

and:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement.

All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

Education - Primary: £5,958 (towards additional equipment at Halsford Park Primary School)

Education - Secondary: £6,413 (towards additional equipment at Imberhorne School)

Education - 6th Form: £1,505 (towards additional equipment at Imberhorne School Sixth Form)

Libraries: £2,731 (towards additional stock at East Grinstead Library)

Waste: No contribution required

Fire & Rescue: No contribution required

No. of Hydrants: To be secured under condition

TAD: £11,868 (towards a pedestrian priority scheme within EG town centre)

District Council Contributions:

Equipped play and kickabout facilities: £4,513 (Orchard Way play area)

Formal sport: £9,411 (Mount Noddy Recreation Ground)

Community Buildings: £5,398 (improvements at East Court)

AND

Local Community Infrastructure: £6,125 (project to be confirmed)

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

Affordable housing

Policy DP31 of the Mid Sussex District Plan states:

"The Council will seek:

1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;
2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;
3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;
4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and

5. free serviced land for the affordable housing.

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

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

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

The proposal is for 11 new dwellings and the above policy therefore applies. However, the applicant submitted a viability report to demonstrate that a policy-compliant scheme would not be viable, which was then assessed by the District Valuer. The DV concluded that, having made certain assumptions based on the limited information provided in the applicant's report, the applicant is unable to make a policy compliant contribution to affordable housing, nor is the applicant able to make a reduced on-site provision or to provide any financial contribution in lieu of that provision.

However, this situation will be reassessed at a later date when more accurate information about costs and values will be able to be provided. This will form part of a planning obligation.

On this basis, it is considered that the above policy and guidance would be met.

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

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

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

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

The schedule of accommodation is as follows, with the space standard in brackets at the end:

Units 1, 6 and 10 (1-bed, 2-person) - 54.4 sq m (50)

Units 2 and 7 (2b, 4p) - 81.6 sq m (70)

Units 3 and 8 (1b, 2p) - 52.1 sq m

Unit 4 (1b, 2p) - 50.6 sq m

Unit 5 (2b, 4p) - 72.1 sq m

Unit 9 (2b, 4p) - 78.0 sq m

Unit 11 (2b, 4p) - 80.7 sq m

It can be seen that all proposed units would exceed the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The principle of this development is considered acceptable with sufficient residual floorspace for the existing retail unit being retained. The design and visual impact of the proposal would be deemed appropriate. The proposal will provide 11 additional residential units in a highly sustainable location. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the construction traffic and noise.

There will be a neutral impact in respect of a number of issues such as the design, impact on the setting of the listed buildings and conservation area, drainage and sustainability, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions and a legal agreement.

For the above reasons, the development is deemed to comply with Policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP29, DP30, DP31, DP34, DP35, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG4, EG5, EG7, EG8, EG11, EG12 and EG16 of the East Grinstead Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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 commence until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building / extension have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

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

4. 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 dwelling 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 and Policy DP41 of the Mid Sussex District Plan.

5. 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 LAmax 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 safeguard the amenity of residents and future residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Construction phase

6. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

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

Pre-occupation conditions

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

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

9. No part of the development hereby permitted shall be occupied until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017 and to comply with Policy DP17 of the Mid Sussex District Plan and Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan.

10. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. These facilities shall thereafter be retained for their designated use.

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

11. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

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

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

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

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

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

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

5. The applicant is advised that to satisfy condition 9 above there are likely to be two options:

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

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
Existing and Proposed Floor Plan	P 2111-001	B	19.01.2018
Existing and Proposed Floor Plan	P 2111-002	B	19.01.2018
Existing and Proposed Floor Plan	P 2111-003	C	19.01.2018
Existing and Proposed Floor Plan	P 2111-004	C	19.01.2018
Existing and Proposed Floor Plan	P 2111-005	B	19.01.2018
Existing Roof Plan	P 2111-006	B	19.01.2018
Proposed Roof Plan	P 2111-006	B	19.01.2018
Existing and Proposed Elevations	P 2111-007	B	19.01.2018
Existing and Proposed Elevations	P 2111-008	B	19.01.2018
Location Plan			19.01.2018
Block Plan			19.01.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 5th March 2018:- Would support approval.

MSDC Conservation Officer

The application site is an unlisted late 19th/early 20th century building with rear additions. It is outside the East Grinstead Conservation Area, but forms part of the wider approach to it moving south along London Road. There is also a listed building located just to the south east of the site at 76 London Road. This is a late 19th century former post office of three storeys, which is Grade II listed.

The current proposal, which is for partial demolition of the existing upper storeys of the building and construction of new upper floors, will increase the height and bulk of the building as viewed from London Road and from the west, particularly towards the rear of the building where an additional storey is proposed. However, given the set back of this additional height from the road frontage, and the mixed nature of the existing development along this part of London Road, it is not considered that the proposal will harm the setting of the listed former post office at 76 London Road or detract from its current prominence within the street scene. In this respect the proposal would meet the requirements of District Plan Policy DP34 and paragraphs 189 to 202 of the NPPF.

Given the mixed nature of the street scene the proposal is not considered to have a material impact on the contribution that the site makes to the approach to the Conservation Area along London Road. Verified views have been provided which indicate that the proposal will not be visible looking from London Road to the

northwest, and will therefore not have any impact on the current prominence in these views of the landmark church tower of II* listed St Swithun's within the Conservation Area. The proposal is therefore considered not to harm the settings of the East Grinstead Conservation Area or of St. Swithun's Church. This meets the requirements of District Plan Policies DP34 and DP35 and paragraphs 189-202 of the NPPF.

MSDC Drainage Engineer

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 to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. However, Dallaway Gardens highway is shown to be at high surface water 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

No details have been provided as to how surface water drainage shall be managed on site. However, the application suggests surface water shall be discharged to the local sewer.

Foul Water Drainage Proposals

No details have been provided as to how foul water drainage shall be managed on site. However, the application suggests foul water shall be discharged to the local sewer via the basement of the development.

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 a variety of sources associated with the commercial operations on the ground floor and typical town centre noise:

Regarding noise from the commercial unit, 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, it 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

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

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.

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 LAmax 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 and future residents.

MSDC Housing Enabling Officer

The applicant is proposing a development of 11 units of residential accommodation involving the demolition and subsequent reconstruction of the 1st and 2nd floors of the building. The number of dwellings on the application gives rise to the requirement for an affordable housing contribution, however the applicant has stated that it is unviable to provide any affordable housing. The District Valuer was commissioned to assess the viability of the development and whether any affordable housing provision is possible. At the current time, having made certain assumptions based on the limited information provided in the applicant's report, the DVS are of the view that the applicant is not able to make a policy compliant contribution to affordable housing. They are also of the view that the applicant is not able to make a reduced on-site provision or to provide any financial contribution in lieu of that provision. If consent is granted the situation will however be reassessed at a later date in the project when more accurate information about costs and values will be able to be provided. Potential affordable units will be identified in an 'Additional Affordable Housing Schedule' appended to the Planning Obligation and this schedule will comprise a plan identifying the potential housing units together with a table stating the flat numbers, unit types and sizes.

MSDC Leisure Officer (Updated contributions)

Thank you for the opportunity to comment on the plans for the development of 11 residential dwellings at Superdrug 78 London Road East Grinstead West Sussex RH19 1EP on behalf of the Head of Leisure and Sustainability. 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

Orchard Way, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £4,513 is required to make improvements to play and kickabout provision. 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 £9,411 is required toward formal sport facilities at Mount Noddy Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,398 is required to make improvements to community buildings at East Court.

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

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 1st February 2018 to 7th February 2018 that the applications listed below will require address allocation if approved.

Planning application number
DM/18/0123
DM/18/0285
DM/18/0380
DM/18/0310
DM/18/0423
DM/17/5232

Please could I ask you to ensure that the following informative is added in 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 and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Waste and Outdoor Services

I have viewed the plans for application DM/18/0285 and can make the following comments on the bin storage and collection.

The plans show a bin store with 22 x 240 bins. This would be 1 set of bins for each of the 11 flats. We would expect there to be larger 1100 litre bins to be used in a communal development for residents to use on a communal basis. 11 flats would need 4 x 1100 bins in total, with 2 for refuse and 2 for recycling. We would not service 11 sets of bins from within the bin store.

In order for our contractors to service the bins from within the communal bin store, we would need to be able to get the collection vehicle within 10 metres of the bin store doors. Therefore, we would need to know the distance from the bin store door to the road (Dallaway gardens).

There would also need to be level access from the bin store to the road in order for the bins to be wheeled out for collection purposes. A slight gradient would be acceptable but no steep slopes of steps/kerbs that have not been dropped.

If it can be confirmed that the bin store is able to store 4 x 1100 bins and the route for bin movements can be mapped, we can then confirm whether the waste storage arrangements would meet with our requirements.

WSSC Drainage Strategy Team

To be reported.

WSSC Highways

The highway authority has no objection to the application. The site is accessible to a range of local bus services and East Grinstead railway station is nearby. Access for pedestrians is very good.

Parking for 22 bicycles is proposed in the building's basement. Level access must be provided to match ground levels outside for these spaces and for rubbish bins.

The applicant may wish to consider a passenger/goods lift for the building and/or easy-going stairs in line with the Lifetime Homes Standard.

I assume that any planning consent for the site will ensure that the building is constructed in line with the submitted plans (to ensure bicycle parking is included) and that a condition is included to ensure that construction activity does not interfere with highway users' rights.

WSCC Infrastructure

Summary of Contributions

Education			
Locality	East Grinstead		
Population Adjustment	17.3		
	Primary	Secondary	6th Form
Child Product	0.0475	0.0475	0.0257
Total Places Required	0.3325	0.2375	0.0514
Library			
Locality	East Grinstead		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,731		
Population Adjustment	17.3		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	11		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	17.3		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£5,958
Education -	£6,413
Education - 6th Form	£1,505
Libraries	£2,731
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£11,868

Total Contribution	£28,475
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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 proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions Consultation Draft April 2018.

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

The calculations have been derived on the basis of an increase in 11 Net dwellings and no additional car parking spaces.

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

5. Deed of Planning Obligations

a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.

b) The deed would provide for payment of the financial contribution upon commencement of the development.

c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019.

d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

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

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

The contributions generated by this proposal shall be spent on additional equipment at Imberhorne School.

The contributions generated by this proposal shall be spent on additional equipment at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be spent on additional stock at East Grinstead Library.

The contributions generated by this proposal shall be spent on a pedestrian priority scheme within East Grinstead town centre.

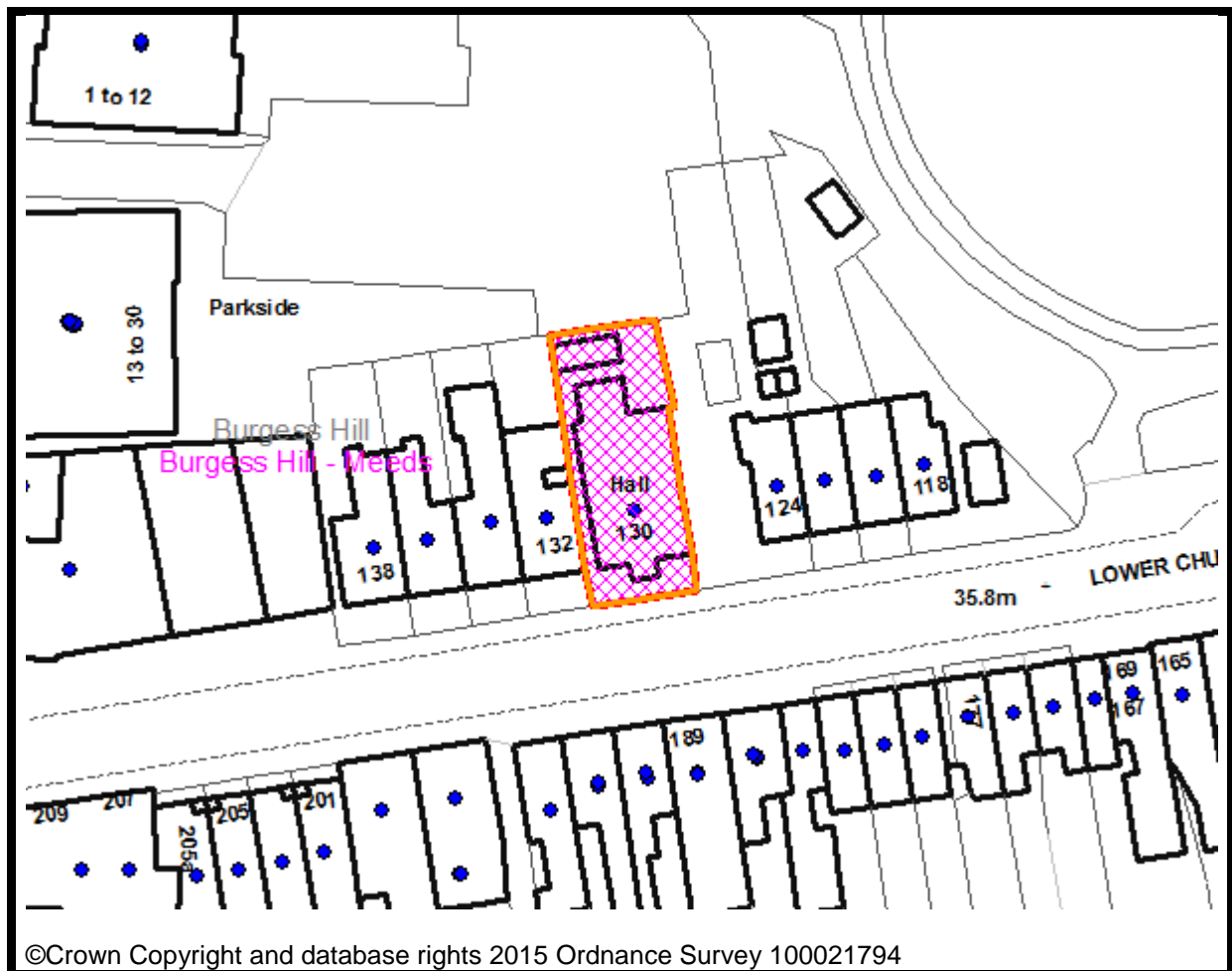
Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations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

Burgess Hill

2. DM/18/0484



**130 LOWER CHURCH ROAD BURGESS HILL WEST SUSSEX RH15 9AB
PROPOSED TWO STOREY EXTENSION TO THE REAR OF EXISTING
MOSQUE AND INSTALLATION OF MEZANINE FLOOR AT FIRST FLOOR
LEVEL. PROPOSED ALTERATIONS TO THE FRONT ELEVATION FOR
DISABLED ACCESS TO INCLUDE A RAMP. PLANNING STATEMENT
AND AMENDED PLANS RECEIVED 17.07.2018 SHOWING PROPOSED
DORMERS WINDOWS REMOVED FROM ROOF.**

MR MUSTAK MIAH

GRID REF: EAST 530865 NORTH 119185

POLICY: Built Up Areas / Classified Roads - 20m buffer / Radon Gas
Safeguarding Zone /

ODPM CODE: Minor Other

8 WEEK DATE: 11th September 2018

WARD MEMBERS: Cllr Richard Cherry / Cllr Anne Jones /

CASE OFFICER: Deborah Lynn

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission to add a two storey extension to the rear of 130 Lower Church Road and insert a mezzanine at first floor level. The building is currently used as a mosque and the proposed extensions and mezzanine will provide an additional prayer area for women and enhanced wash areas to be provided.

This application has been called in to be determined at committee by Councillors Richard Cherry and Anne Jones for the reasons set out in the report below.

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.

Weighing in favour of the scheme is the fact that the proposed development would improve a community facility, providing disabled access to the building, enhanced wash areas and a separate prayer area for women.

In other respects, the proposed development is considered to have a neutral impact in terms of impact on highways, taking into account the sustainable location of the site and surrounding parking provision and restrictions. The proposal would also have a neutral impact upon the Ashdown Forest SAC and SPA in respect of nitrogen deposition. The proposal is not considered to have a significant harmful impact on neighbouring amenities in terms of affecting light levels, outlook or privacy. The Council's Environmental Protection Officer is satisfied that potential impact upon adjoining residents in respect of noise and disturbance can be controlled via a Noise Management Plan.

The proposed development is therefore considered to comply with policies DP7, DP17, DP21, DP25, DP26, DP28 and DP29 of the Mid Sussex District Plan 2014-2031 and policy S3 of the Burgess Hill Neighbourhood Plan.

In light of the above, the planning balance is considered to fall in favour of granting planning permission.

RECOMMENDATION

It is recommended permission be granted subject to the conditions outlined at Appendix A.

SUMMARY OF CONSULTATIONS

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

WSCC Highways

The Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

MSDC Environmental Protection

No objections subject to conditions in respect of a Noise Management Plan and a Lighting scheme.

SUMMARY OF REPRESENTATIONS

A total of 8 letters of representation have been received raising the following concerns:

- Proposal is overdevelopment of site - more than doubling floor area of the building;
- The site has no parking provision and will exacerbate existing parking and traffic issues on Lower Church Road;
- Parking issues have progressively worsened in street as residential properties have been converted to flats and commercial properties have been converted to residential, with nil parking provision.
- Increased parking demand would be met with limited on street parking, making it more difficult for local residents to park; residents often having to park several streets away;
- In reality, cars are frequently parked on single yellow lines outside of the restricted time and on double yellow lines; queuing traffic at traffic lights is often pushed onto the other side of the road, resulting in traffic mounting the pavement
- Development will increase capacity of congregation, there is no guarantee that amount of people using the mosque would not quickly increase;
- Proposed extension is huge, reducing light levels to rear elevation and back garden at no. 132 - failing to comply with 45 degree rule; a two storey rear extension at no. 134 was refused on amenity grounds;
- Side alleyway is not currently used, proposal will result in increased noise and disturbance from people using alleyway, and will significantly affect privacy at no. 132 with people being able to view directly into house through glazed side door;

- Proposal will result in increase in noise and light pollution;
- Proposed hours of use are anti-social; there has been an increase in anti-social behaviour within the street over the past year.
- Development will have negative impact on the street scene.
- A more suitable site is required to meet the growing needs of the local Muslim Community;
- The proposed rest area for the Imam is a self-contained unit of accommodation which will be permanently occupied - representing a change in use of the building;
- Local residents have had to wait for congregation to disperse before being able to leave front garden.

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council recommend refusal of the application for the following reasons:

"It was an over-development of the site. It was unneighbourly and overbearing. The opening hours were anti-social. Concerns were raised over lack of parking and access via the shared walkway.

It would cause loss of light to the neighbouring property"

INTRODUCTION

This application seeks planning permission to erect a two storey extension to the rear of the building and install a mezzanine floor at first floor level. Alterations to the front of the property are also proposed to include a disabled access ramp.

This application has been called in to be determined at committee by Councillor Richard Cherry on the following grounds:

1. "The application proposes a massive over-development of the site which will triple its floor space.
2. The new elevation will be overbearing to neighbouring properties.
3. Already difficult parking and traffic problems will further be exasperated on a major thoroughfare into the town centre.
4. Despite assurances to the contrary, it is difficult to imagine that a public building, open around the clock for prayer and worship, will not generate significant noise levels during unsocial hours.
5. Finally, despite assurances that the narrow approach to the proposed rear entrance to the building will only be used once a week by a limited number of the congregation, there is no guarantee that this promise will survive, over time.

There is no doubt that the Muslim community in Burgess Hill need and deserve an adequately sized mosque in the town and there is also little doubt that this community will grow, as the overall population of Burgess Hill grows. It is for these

reasons that I strongly feel that the plans to extend the current facility are misplaced and that a bigger and better site should be sought."

This call-in request has been seconded by Councillor Anne Jones who confirmed that she is "also concerned about the lack of parking facilities and the impact on residents and busy traffic."

RELEVANT PLANNING HISTORY

BH/31/83 - Planning permission was granted on the 22.03.1983 for the change of use from a Plymouth Brethren meeting hall to the British Red Cross (Burgess Hill Branch) Building.

BH/23/84 - Planning permission was granted on the 15.03.1984 for the erection of a storage building.

DM/17/1333 - An application for a lawful development certificate for the confirmation of existing use as a D1 planning use, to include use as a meeting hall and first aid training centre for British Red Cross members in Burgess Hill for over 10 years, was approved on the 18.05.2017.

SITE AND SURROUNDINGS

No. 130 Lower Church Road is a Victorian building which benefits from a D1 planning use and is currently used as a mosque, having previously been used by the Red Cross as a meeting hall and training centre for many years. The building is essentially single storey although it has the appearance of a one and a half storey building. It is situated at a slightly higher level to the road, accessed via steps, and is enclosed by brick walls to the front. To the rear, the building has been extended with a single storey extension and benefits from a small enclosed yard area with prefabricated outbuilding. A small alleyway to the west provides access to the rear of the site.

The building lies within a row of residential properties with no. 124 situated to the east of the site, separated by a side garden and driveway. No. 132 lies in close proximity to the west of the site, separated by a narrow alleyway. To the north lies a parking area, used in association with the flats at Parkside on London Road. A mix of residential and commercial properties lie to the south of the site on the opposite side of the road.

In terms of planning policy, the site lies within the built up area of Burgess Hill as defined by the Mid Sussex District Plan and Burgess Hill Neighbourhood Plan.

APPLICATION DETAILS

Plans show that a first floor mezzanine is proposed to be installed within the existing building. To the rear of the building, the existing single storey extension and outbuilding will be removed and replaced with a two storey extension that projects 6 metres from the original rear wall, measuring 7.02 metres wide by 6.8 metres high with a gable pitched roof. The extension will be constructed from facing brickwork

with a plain tiled roof to match the exterior of the existing building; 2 no. roof lights are proposed to each roof slope of the extension with 3 no. roof lights proposed to each roof slope of the existing building. To the front of the property, alterations are proposed to provide a disabled access ramp; this will involve blocking up the existing pedestrian access and altering metal railings on the side boundary. Cycle racks and a bin store are also proposed to the front. In the planning statement submitted, the agent advises that the existing floor area of the building is 79 square metres. The proposed mezzanine floor will add 75 square metres, with the proposed extension adding a further 70 square metres over two floors.

The proposed mezzanine will provide a separate prayer area for women at first floor level, to be used in conjunction with the wash area and wc, which will be provided by the rear extension. A rest room with kitchenette and shower room is also proposed at first floor level, to be used by the Imam. At ground floor level, the extension will provide an extended prayer area to the main hall with an improved wash area and wcs proposed to the front of the building.

A supporting statement has been included with the application detailing that approximately 40 to 50 people currently pray at Friday midday prayer which is the biggest gathering of the week. There is currently no prayer area for women and the proposed mezzanine would provide such an area. Women would only use the mosque for midday prayer on Friday lunchtimes and for two Eid days a year as well as one or two other special days throughout the year. The existing alleyway to the west of the building is currently not used but would be used by any women wishing to pray, as a separate access point to and from the building; lighting will be installed along the alleyway.

The existing use has been carried on for over a year, with prayers taking place 5 times a day. In summer time, the first prayer of the day takes place at 3.15 am; the second prayer of the day takes place at 1.30 pm, with the third taking place at 7pm and the fourth at 9.05 pm. The fifth and final prayer of the day takes place at 11 pm. During winter time, prayer times are likely to change with the first prayer taking place at 7am and the last at 11pm.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

DP7	General principles for strategic development at Burgess Hill
DP17	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21	Transport
DP25	Community facilities and local services
DP26	Character and design
DP28	Accessibility
DP29	Noise, air and light pollution

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on the 28th January 2016 and therefore forms part of the development plan, carrying full weight.

S3 protect and enhance existing community and medical / health facilities

National Planning Policy Framework (July 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

"For decision-taking this means:

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

However, paragraph 12 makes clear that:

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

Paragraph 47 states: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as

quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

Paragraph 92 relates to promoting healthy and safe communities and states:

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

National Planning Policy Guidance

ASSESSMENT

The main issues considered relevant to this application are:

- the principle of development;
- impact on the character of the area;
- impact on the amenities of neighbouring residents;
- parking provision and impact on highways;
- impact on the Ashdown Forest SPA and SAC.

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 Mid Sussex District Plan and the Burgess Hill Neighbourhood Plan.

The building benefits from a D1 'non-residential institution' planning use which was confirmed by a lawful development certificate under planning reference DM/17/1333; the building having previously been used as a meeting hall and first aid training centre by the British Red Cross for many years. For the past year, the building has been used as a mosque which falls within the D1 planning use class; the existing use can therefore be considered to be lawful.

Policy DP25 of the District Plan allows for the improvement of community facilities:

"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."

Policy S3 of the Burgess Hill Neighbourhood Plan also allows for the improvement of such facilities:

"The existing community facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones. The Town Council will consider registering some of the existing community buildings as Assets of Community Value. Proposals involving the loss of community facilities for which there continues to be an

established need will be resisted unless adequate alternative provision is or will be made available in a location supported by the local community within an appropriate and agreed timescale"

The principle of improving the mosque is therefore deemed acceptable under both District and Neighbourhood Plan policies. The proposed development therefore falls to be considered against other planning policy considerations in order to determine whether the proposed development is deemed acceptable.

Impact on the character of the area

Policy DP26 of the Mid Sussex District Plan relates to 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 DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The existing building dates from the Victorian era and is simple in form and relatively modest in scale. The proposed development would involve the replacement of an existing single storey rear extension and outbuilding with a two storey extension that reflects the design and form of the existing building, sitting just below the ridgeline of the main roof. Plans as originally submitted showed 3 no. dormer windows proposed

to the eastern roof slope and 4 no. dormer windows proposed to the western roof slope; plans have since been amended to show 5 no. roof lights proposed to each roof slope in place of the dormer windows. The proposed roof lights are considered more appropriate to the existing building, appearing less intrusive within the street scene and in relation to neighbouring properties. Plans indicate that a disabled ramp will be installed to the front of the building, improving access; this will result in the existing front pedestrian access being blocked up and metal railings altered to the side boundary.

The proposed extension and alterations are considered appropriate in terms of design, size and scale to the existing building and are not considered to detract from the character and appearance of the area, thereby according with policy DP26 of the Mid Sussex District Plan.

Concerns have been raised by the town council and local residents that the proposal would represent an overdevelopment of the site. It is acknowledged that the application site is constrained, with little external space around the building; the proposed extension is relatively large, taking up most of the rear yard area. However, the proposed extension would replace an existing rear extension and outbuilding and is considered of an appropriate size and scale in relation to the existing building. In addition, one must consider the fall-back position in that the proposed internal alterations to the existing building such as the mezzanine floor could be carried out without the need for planning permission, as the works would not be considered to constitute development. Taking this into account, it is not considered that the proposed development would represent an over development of the site.

Impact on highway safety

Policy DP21 of the Mid Sussex District Plan relates to transport and requires development to be sustainably located to minimise the need for travel and provide adequate car parking taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport. Schemes should avoid severe additional traffic congestion and should protect the safety of road users and pedestrians.

The application site does not include on-site parking provision, being a constrained site with little external space. This part of Lower Church Road is covered by double yellow lines, with double and single yellow lines also lining the southern side of the road. Further to the east of the site, on street parking is available on Lower Church Road to the south of St. Johns Park; this extends around to the east and north of the park with laybys and on street parking available in St. Johns Road and Park Road. A public car park owned by Mid Sussex District Council is also available at St. Johns Park, providing free parking for a maximum of 4 hours. Lower Church Road is also served by a bus service. The applicant has confirmed that the majority of people using the mosque live in Burgess Hill, with one or two coming from Hassocks and Hurstpierpoint; many people walk with just a few using cars.

Local residents have voiced concerns that parking issues on Lower Church Road have progressively worsened over the years with the demand for on street parking

increasing due to the conversion of commercial properties to residential and the conversion of houses to flats. Local residents often have to park several streets away and have noted that cars are often parked on double and single yellow lines, causing congestion and forcing traffic at times to mount the pavement.

The Local Highways Authority (LHA) at West Sussex County Council has been consulted on the proposal and has advised that on the basis of the information submitted and taking into account WSCC maximum parking standards, as a worst-case scenario the proposal would be anticipated to create demand for up to 14 additional car parking spaces. However, lower anticipated demand can be expected in sustainable locations where there is good access to transport modes other than the private motor car.

The LHA confirm that the site is considered to be sustainably located, being approximately 500 metres from the town centre where there is access to other modes of transport and paid parking provision. "Places where on street car parking would create a highway safety issue are protected from on street car parking by no waiting restrictions. These restrictions are enforceable. On balance, and from experience of other applications creating additional on street car parking demand within town centre locations, I would be minded to conclude that substantiating a highway safety objection citing additional parking demand would be difficult to substantiate". Further comments received following on from a site visit confirmed "any additional parking demand would take place on-street or in paid public car parks. Considering the nearby road network is protected by extensive road markings prohibiting parking in locations that would be detrimental to highway safety, the LHA could not substantiate a highway safety grounds to resist the proposals. The LPA may wish to assess the impact on additional nearby parking pressures from an amenity point of view."

Taking into account the amount of on street and off street parking (around the park) that is available within the vicinity of the application site and existing parking restrictions, it is not considered that the proposal would cause harm to the visual amenity of the area.

In light of the above, the proposed development is considered acceptable from a highways perspective, thereby according with policy DP21 of the Mid Sussex District Plan.

Impact on amenities of adjacent residents

Policy DP26 of the Mid Sussex District Plan relates to amenity and states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);

Policy DP29 states that the quality of people's life will be protected from unacceptable levels of noise, light and air pollution.

The proposed development will increase the floor area of the mosque, providing a separate prayer area for women, with the proposal likely to result in an increase in people using the building. There is therefore potential for an increase in noise and disturbance for neighbouring amenities, particularly as the existing unused alleyway to the side of the mosque would be used by women as a separate access to the building.

The Council's Environmental Protection Officer has been consulted on the proposal and has met with both the applicant and neighbour at no. 132 to better understand the concerns of residents as well as the intentions of the mosque owners. The applicant has confirmed that the women who come to pray are likely to be few in number; they will only attend the mosque on Friday for the midday prayer, and for two additional prayers during the year at times of special celebration.

On the basis of this information, the Council's Environmental Health Officer is satisfied that there should not "be any significant adverse effect on residential amenity. The passageway will be used for one prayer session per week, during the daytime so any disturbance will be minimal.

There is also the intention to use small speakers upstairs to allow the female worshippers to hear the Imam's words. Again, this will be once per week and the applicant has agreed to ensure that windows are kept shut during worship. Fans will be used for thermal comfort.

There may be an increase, over time, in the numbers of worshippers, but it is claimed that the impact will be minimal as the only time there is a large number of worshippers is during Friday daytime and special celebrations. Environmental Health has received no noise complaints regarding the mosque to date.

With regard to light disturbance, the applicant advises that the intention is to install motion activated lighting for security purposes. As the alleyway is not to be used at night, this will not affect residents, but I would recommend that lighting plans be subject to condition to ensure this.

Accordingly, should permission be granted, we recommend that a Noise Management Plan and a Lighting scheme be required by condition to ensure that residential amenity is protected."

The proposed development includes a large extension to the rear (north) of the building, replacing a single storey extension and outbuilding. The proposed extension is shown to project 6 metres from the rear wall of the building and will measure 6.8 metres high. Neighbours at no. 132 have raised concerns that the extension will affect light levels to their property and garden, blocking the morning sun.

The rear wall of the dwellinghouse at no. 132 falls in line with the original rear wall of the mosque; a ground floor extension has been added at no. 132, infilling the north-eastern corner of the original house. In order to assess impact upon adjoining light levels, The BRE Trust advises that a rule of thumb test can be carried out - this involves drawing a 45 degree line diagonally down from the near top of the extension

and drawing a 45 degree diagonal line back from the end of the extension towards the window wall affected. If the centre of any affected windows lie within the extension side of both of the 45 degree lines, then the proposal can be considered to cause a significant reduction in the skylight received by the windows. In this instance, the ground floor rear windows at no. 132 are the most likely to be affected by the extension; a pair of French doors serve the infill extension and a kitchen window is sited in the original rear wall of the house. The doors serving the extension are likely to be most impacted by the development; however, as the extension has a glazed roof it is not considered that such impact would be significantly harmful, with the extension still benefitting from good light levels throughout the day. The kitchen window should be sited sufficient distance from the extension as to not be significantly affected.

A first floor bedroom window at no. 132 is set back from the rear wall of the mosque, and currently looks out onto the side roof slope of the building. Considering the existing relationship between the buildings, it is not considered that the extension would be significantly harmful in terms of affecting outlook and light levels to this room. First floor side windows at no. 132 that face onto the mosque serve a bathroom and are obscure glazed; consequently any impact upon such windows would be limited.

The proposed extension would appear more imposing than the existing extension when viewed from the adjoining garden area at no. 132, reducing outlook and blocking the morning sun. However, the eaves height of the extension at 3 metres is not considered to be excessively high and with the pitched roof slope facing away from no. 132, should not appear overly imposing. As such, it is not considered that the proposed extension would appear so overbearing as to warrant refusal of the application. Nor should outlook or light levels be significantly impeded.

A number of side windows are situated in the eastern wall of the dwellinghouse at no. 124. Considering the existing relationship between the properties, it is not considered that the proposal would significantly harm adjoining amenities at no. 124.

In light of the above, it is considered that the proposed development would not result in significant harm to neighbouring amenities in terms of affecting light levels, outlook, privacy or creating additional noise and disturbance. The proposed development is therefore considered to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

Ashdown Forest SPA and SAC

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.

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.

Planning balance and conclusions

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.

Weighing in favour of the scheme is the fact that the proposed development would improve a community facility, providing disabled access to the building, enhanced wash areas and a separate prayer area for women.

In other respects, the proposed development is considered to have a neutral impact in terms of impact on highways, taking into account the sustainable location of the site and surrounding parking provision and restrictions. The proposal would also have a neutral impact upon the Ashdown Forest SAC and SPA in respect of nitrogen deposition. The proposal is not considered to have a significant harmful impact on neighbouring amenities in terms of affecting light levels, outlook or privacy. The Council's Environmental Protection Officer is satisfied that potential impact upon adjoining residents in respect of noise and disturbance can be controlled via a Noise Management Plan.

The proposed development is therefore considered to comply with policies DP7, DP17, DP21, DP25, DP26, DP28 and DP29 of the Mid Sussex District Plan 2014-2031 and policy S3 of the Burgess Hill Neighbourhood Plan.

In light of the above, the planning balance is considered to fall in favour of granting planning permission.

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 Applications".

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

Construction phase

3. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 08:00 to 18:00 hrs on Mondays to Fridays and between 09:00 to 13:00 hrs on Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

5. The materials and finishes of the external walls and roof of the extension and alterations hereby permitted shall match in colour and texture those of the existing building.

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.

Pre-occupation conditions

6. No use of the upper floor shall take place until a Noise Management Plan (NMP) has been submitted to, and approved in writing by, the local planning authority. Thereafter all use shall be carried out in accordance with the approved Statement unless otherwise agreed in writing.

The NMP shall provide for:

- i) the times and frequency of use of the side alleyway;
- ii) the control of noise from the upper floor during worship

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. The development hereby permitted shall not be brought into use unless and until the bin store has been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

8. The development hereby permitted shall not be brought into use until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. The development hereby permitted shall not be brought into use unless and until the disabled access ramp and associated works have been carried out in accordance with detailed drawings to be submitted to and approved in writing by 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.

10. Prior to the installation of any external lighting on the site details of the lighting scheme (including intensity, spread and any shielding) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

Post-occupation monitoring/management conditions

11. The roof lights hereby permitted shall be glazed obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. The first floor rest room area shall be used for purposes ancillary to the use of the mosque and shall not be used as an independent unit of residential accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between dwellings and to accord with Policy DP6 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

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			03.04.2018
Block Plan			03.04.2018
Existing and Proposed Elevations	mm/17/003	D	30.08.2018
Proposed Floor Plans	mm/17/004	E	30.08.2018

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Refusal - previous comments were reiterated:

'It was an over-development of the site. It was unneighbourly and overbearing. The opening hours were anti-social. Concerns were raised over lack of parking and access via the shared walkway.'

It would cause loss of light to the neighbouring property.

WSCC Highways

Comments received 14.05.2018

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.

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

Context & Principle

This application has been identified in the MSDC RAG (Red, Amber and Green) Report as "Amber"; a site visit will be undertaken in due course with an additional response provided advising any additional observations.

This application seeks the proposed two storey extension to the rear and installation of mezzanine floor at first floor level of an existing mosque at 130 Lower Church Road, Burgess Hill.

The application documents do not specify the increased floor space proposed. Scaling the proposed plan I would estimate the increase in D1 floor space to equate to circa 215 sqm.

Parking

The site does not seem to be afforded any car parking provision.

WSCC operates a maximum parking standard for places of worship of 1 space per 22 sqm or 1 space per 15 sqm if the assembly serves more than 1 local catchment. As a worst case scenario the proposed would be anticipated to create the additional demand for up to 14 additional car parking spaces.

It should be noted that these are maximum standards. Lower anticipated demand can be expected in sustainable locations with good access to transport modes other than the private motor car.

Any additional parking demand would need to be accommodated on street or within paid for parking locations.

The site is circa 500 metres away from Burgess Hill town centre where paid for parking opportunities are available.

The Local Highway Authority considers this site to be sustainably located and accessible by transport modes other than the private motor car.

Places where on street car parking would create a highway safety issue are protected from on street car parking by no waiting restrictions. These restrictions are enforceable.

On balance, and from experience of other applications creating additional on street car parking demand within town centre locations, I would be minded to conclude that substantiating a highway safety objection citing additional parking demand would be difficult to substantiate.

The Local Planning Authority may wish to consider the amenity implications of this additional parking demand.

Trip Rate

The Local Highways Authority has undertaken a Trip Rate Information Computer System (TRICS) assessment to investigate what additional vehicular trips could be created by an increase of 215 sqm D1 floor space (place of worship). A total trip rate of 15.43 per 100 sqm was generated.

For this proposal the anticipated trip generation would be below that for which the Local Highways Authority would seek additional scrutiny by way of a formal Transport Assessment or Stage One Road Safety Audit.

Conclusion

The Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Additional comments received 23.05.2018

The Local Highway Authority (LHA) carried out a site visit on 23rd May 2018.

We observed that the junction of Lower Church Road and London Road is protected by double yellow junction protection road markings. Whilst we did observe vehicles parked on the footway in this location (associated with the garage), any illegal parking is a matter that can be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

As per previous comments the LHA consider the town centre location and opportunity for sustainable modes of transport. Any additional parking demand would take place on-street or in paid public car parks. Considering the nearby road network is protected by extensive road markings prohibiting parking in locations that would be

detrimental to highway safety, the LHA could not substantiate a highway safety grounds to resist the proposals. The LPA may wish to assess the impact on additional nearby parking pressures from an amenity point of view.

MSDC Environmental Protection

I have considered the above application to expand the mosque, and have visited both the mosque itself and an immediate neighbour in order to better understand the concerns of residents as well as the intentions of the mosque owners.

The residents' concerns (relating to Environmental Protection) are increased noise and disturbance, particularly relating to the use of the side alleyway and especially at night, as well as possible light nuisance.

Mr Miah, from the mosque, assures me that the women who come to pray are likely to be few in number. He advises that they will only come on Friday for the main prayers, which are during the daytime, and for perhaps two additional prayers during the year at times of special celebration. He has said that he would be happy to accept a planning condition to this effect.

This being the case, I can see no reason to think that there will be any significant adverse effect on residential amenity. The passageway will be used for one prayer session per week, during the daytime so any disturbance will be minimal.

There is also the intention to use small speakers upstairs to allow the female worshippers to hear the Imam's words. Again, this will be once per week and Mr Miah has agreed to ensure that windows are kept shut during worship. Fans will be used for thermal comfort.

There may be an increase, over time, in the numbers of worshippers, but it is claimed that the impact will be minimal as the only time there is a large number of worshippers is during Friday daytime and special celebrations. Env Health have received no noise complaints regarding the mosque to date.

With regard to light disturbance, Mr Miah advises that the intention is to install motion activated lighting for security purposes. As the alleyway is not to be used at night, this will not affect residents, but I would recommend that lighting plans be subject to condition to ensure this.

Accordingly, should permission be granted, we recommend that a Noise Management Plan and a Lighting scheme be required by condition to ensure that residential amenity is protected.

Conditions:

13. 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.

14. Smoke: No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

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

Noise: No use of the upper floor shall take place until a Noise Management Plan (NMP) has been submitted to, and approved in writing by, the local planning authority. Thereafter all use shall be carried out in accordance with the approved Statement unless otherwise agreed in writing.

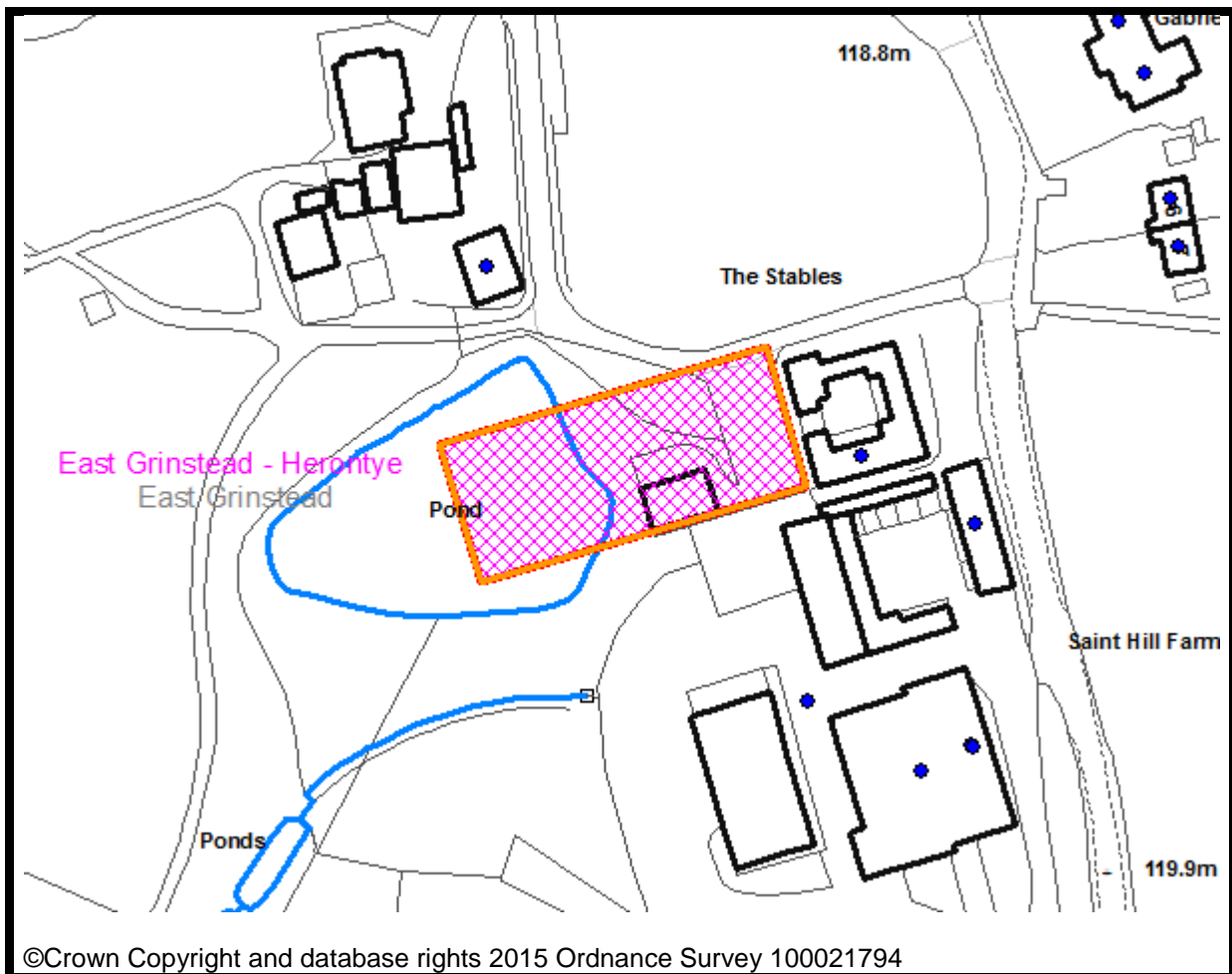
The NMP shall provide for:

- i) the times and frequency of use of the side alleyway
- ii) the control of noise from the upper floor during worship

Lighting: Prior to the installation of any external lighting on the site details of the lighting scheme (including intensity, spread and any shielding) shall be submitted to and approved in writing by the Local Planning Authority.

East Grinstead

3. DM/18/0946



SAINT HILL MANOR SAINT HILL ROAD EAST GRINSTEAD WEST SUSSEX

PROPOSED THREE STOREY SELF CONTAINED BUILDING FOR STAFF USE. AMENDED PLANS RECEIVED 1ST AUGUST 2018 SHOWING REVISED ELEVATIONS OF PROPOSED BUILDING

THE CHURCH OF SCIENTOLOGY

GRID REF: EAST 538237 NORTH 135885

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 18th July 2018

WARD MEMBERS: Cllr Edward Belsey / Cllr Dick Sweatman /

CASE OFFICER: Steven King

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

This application seeks planning permission for the erection of a new staff building on the Saint Hill Manor Estate in East Grinstead.

Policy DP12 of the District Plan has an overarching objective to protect the countryside in recognition of its intrinsic character and beauty. It states that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and *"it is necessary for the purposes of agriculture; or it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

Policy DP25 of the District Plan relates to community facilities and local services. The accompanying text to the policy advises that the community facilities and local services referred to in the policy include education facilities and places of worship. Given the use of the site by the Church of Scientology it is considered that there is policy support for the principle of this development in the countryside.

It is considered that the proposal is for a well designed building that will fit in appropriately within the site. The building will be located behind an existing building and will take advantage of the natural fall in levels by being cut into the land. It is therefore considered that the proposal will conserve both the character of the area of outstanding natural beauty (AONB) and will preserve the setting of the listed Manor House.

Based on the applicant's intentions for how the building is to be used, it is not considered that it should result in any material increase in vehicular movements at the site because it will be serving staff that are already at the site.

In light of all the above it is felt that the proposal complies with policies EG1, EG2, EG3, EG4 and EG16 in the East Grinstead Neighbourhood Plan and policies DP16, DP17, DP21, DP26, DP29, DP34, DP38 and DP41 in the District Plan.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole as well as the broader requirements of the National Planning Policy Framework. It is therefore recommended that planning permission is granted subject to the conditions listed at Appendix A.

[See over page for Recommendation]

Recommendation A

It is recommended that permission be granted, subject to the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

East Grinstead Society:

No objection.

1 letter raising the following concerns:

- neighbouring site has a lawful consent to use the land for B1 (light industrial), B2 (general industrial) and B8 (storage use) and we are concerned that the proposed development could impact on the future business use of the site
- request that consideration is given to moving the building further away from the mutual boundary with the commercial premises
- concerned that our lawful use of our land could lead to conflict with the stated use of the proposed building for teaching

1 letter received objecting to the application:

- this application builds where, until recently, core characteristic features of the High Weald existed. Just a year ago, MSDC saw to the destruction of the woodland, pond and gill that were here and allowed development of a coach depot in a rural hamlet. With this latest application, there is very little character left of the site and surrounding area to destroy.
- The undisputable impact of this further development to the rural character and our amenity is unquestionable.
- MSDC have no consideration or respect for preserving this part of the AONB nor for its residents.
- We shall not waste further time and effort in objecting. Any resistance is clearly futile.

SUMMARY OF CONSULTEES

Highway Authority

No objection subject to condition.

Conservation Officer

I would therefore consider that the proposal will preserve (will not cause harm to) the setting of Saint Hill Manor. This meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Urban Designer

The Design Review Panel (DRP) supports the scheme and the design is of a quality that justifies its sensitive AONB setting; I therefore raise no objections. In line with the DRP's recommendation and to secure the quality of the design, I would nevertheless recommend conditions to control details of material, landscaping and the sustainability of the building.

Design Review Panel (DRP)

The panel support the scheme subject to conditions securing the above elements, including: 1:20 scale drawings of the key details; pre-agreed sustainability targets and a restriction on external plant.

Environmental Health Officer

No objection subject to conditions.

Drainage Engineer

No objection subject to conditions.

EAST GRINSTEAD TOWN COUNCIL

As per East Grinstead Town Council Planning Committee meeting held on 29th August 2018:- Would support approval.

INTRODUCTION

This application seeks planning permission for the erection of a new staff building on the Saint Hill Manor Estate in East Grinstead.

RELEVANT PLANNING HISTORY

There have been numerous consents for additions and alterations to buildings within the Saint Hill Manor complex. In terms of physical proximity, the most recent consents are the following:

- DM/16/1569: Repairs and alterations to estate works area incorporating the removal of a number of structures, repairs and alterations to maintenance building and the demolition and replacement of the greenhouse, workshop and groundsman building.
- DM/16/3611: Provision of coach drop-off area, 6 contractor parking bays, minor alterations to access onto West Hoathly Road and associated landscaping.
- DM/17/1199: Part retrospective application for the replacement of estates buildings including removal of several existing structures

SITE AND SURROUNDINGS

The site of the application is an area of land to the east of the car park and coach drop off area that was approved under application reference DM/16/3611. The area of land is accessed via a single width driveway, some 40m in length that emerges onto the West Hoathly Road to the east. The site itself is a used parcel of land with a fall in levels from north to south. The remains of the foundations of a building that used to occupy part of the site can still be seen. The site is at a lower level than West Hoathly Road to the east. The site is tucked away behind existing buildings. This combined with the drop in levels means that the site is not prominent when viewed from the road to the north.

To the north is part of the coach drop off area and then there are a collection of recently rebuilt maintenance buildings. To the east there is a rise in levels and then a pitched roof stone building that is used by the Church of Scientology as a staff café. To the south there is a 1.8m fence on part of the boundary. To the southeast the boundary there is a redundant building on the neighbouring site that has planning permission to be converted into B1 office units. To the west there is a fall in levels and then a landscaped area.

The site of the application is within the grounds at Saint Hill Manor. In planning policy terms the site is within the countryside as defined in the District Plan (DP) and the High Weald area of outstanding natural beauty (AONB).

APPLICATION DETAILS

The application seeks planning permission for the erection of a new staff building at the site. The building would have a broadly rectangular footprint measuring some 43m by 13m. It would be located some 14m to the west of the existing staff canteen building. The building has been designed to take advantage of the change in levels through the site so that it is partially cut into the ground.

The building has been designed with a linking element to join the eastern end of the building with the larger western parcel of the building. Externally the building would feature sweet chestnut timber elevations, a zinc sheet standing seam roof.

Internally the lower ground floor would provide an open space to be used for teaching, with smaller classrooms and offices around this. The ground floor would contain more classrooms for teaching. The roof space would contain toilets and plantroom. The applicants have stated that around 140 people could be accommodated within the building.

The building has been designed as a modern building using a mix of modern and traditional materials. The design of the scheme has evolved during the course of the planning application, with the applicants adjusting their scheme following comments from the Design Review Panel and the Urban Designer.

The applicants supporting statement describes the need for the new building as follows:

"There are a large number of staff working at Saint Hill in connection with the wide range of activities that take place there. The staff members live away from the site at a residential complex in Crowborough, some 13 miles away. They are brought in by coach or mini- bus each day. In addition to providing services to the public they also take time to study each day and engage in spiritual exercises known as "auditing".

There used to be a staff study facility in the Basement of the Castle prior to 2015 but there were no auditing rooms for staff at all. This is not what Mr. Hubbard wanted for the staff. The demand for public services has gradually been increasing over the years and this has led to pressure on the Castle accommodation. The 2015 renovations optimised the Castle space for services to the public. This has been seen to work well and the Church now want to develop better quality accommodation for their staff in the same way. When the Castle was improved and refurbished the Basement staff rooms were done away with because they had no windows and were sub-standard. There is therefore currently inadequate dedicated study or auditing accommodation for staff on the Saint Hill Estate.

The desire is to separate this function from the public areas. As the staff predominantly study in the mornings it makes sense from a time-motion point of view that they arrive at the Stables, have breakfast and then go to study next door. They then come out at noon, have lunch at the Stables and then go to the Castle or elsewhere on the site. Staff auditing would be the same even though it may continue throughout the day. This is why a location next to the Stables was chosen. It is also the site of a former Engineers building that has recently been demolished, but provided a total of 420 m2 floorspace."

In relation to the design of the building, the applicants state *"The building is designed to have the appearance of a rural utilitarian structure with vertical timber cladding, slatted full height windows and articulated to give the appearance of two, linked, smaller buildings to reduce mass. It is also set into the ground to reduce the overall height."*

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 Transport
- DP25 Community Facilities and Local Services
- DP26 Character and Design
- DP29 Noise, Air and Light Pollution
- DP34 Listed Buildings and Other Heritage Assets
- DP38 Biodiversity
- DP41 Flood Risk and Drainage

Neighbourhood Plan

The East Grinstead Neighbourhood Plan (2016) is a made plan with full weight.

EG1 Development in the AONB

EG3 Promoting Good Design

EG4 Designated and Non Designated Heritage Assets.

EG16 Ashdown Forest Protection

National Policy and Legislation

National Planning Policy Framework (NPPF) (July 2018)

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

Paragraph 12 of the NPPF states that the NPPF 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. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

ASSESSMENT

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

- Principle of the development
- Impacts on listed buildings
- Design and impact of the proposal on the character of the area
- Highways issues
- Impact of the proposal on the amenities of surrounding occupiers

Principle of the 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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the East Grinstead Neighbourhood Plan (2016). The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

Policy DP12 of the District Plan has an overarching objective to protect the countryside in recognition of its intrinsic character and beauty. It states that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and *"it is necessary for the purposes of agriculture; or it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

Policy DP25 of the District Plan relates to community facilities and local services. The accompanying text to the policy advises that the community facilities and local services referred to in the policy include education facilities and places of worship. Given the use of the site by the Church of Scientology it is considered that there is policy support for the principle of this development in the countryside.

The applicants have put forward a case that the proposed building is required to provide improved facilities for staff training, as set out earlier in this report. It is considered that the justification put forward for the proposal is reasonable. The site is the UK headquarters for the Church of Scientology and as such it can be reasonably expected that it will have appropriate facilities for teaching on the site. Therefore officers accept the principle that it is appropriate to have the facilities provided by this building on the estate. The remaining sections of this report will discuss the location of the proposed building and its design.

Impacts on listed buildings

The application site is an area of land within the grounds of Saint Hill Manor, which is a Grade II listed early 18th century mansion. The setting of a listed building is defined as the surroundings in which it is experienced.

As the application affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. A similar requirement is contained within policy EG4 of the Neighbourhood Plan and policy DP34 of the District Plan.

The NPPF sets out the government's policies for sustainable development. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation, irrespective of the level of any potential harm. The more important the asset, the greater the weight should be. It explains that the significance of a heritage asset can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Para. 194).

NPPF paragraph 190 advises that the effect of a proposal on the particular significance of a heritage asset must be assessed "including by development affecting the setting of a heritage asset".

The full comments of the Conservation Officer are set out in the appendices. In part she states *"The positioning, height and form of the building have been developed following pre-application advice so that the building is considered to relate satisfactorily to the adjacent former stables building and the setting of the listed Manor house in terms of its orientation, height and bulk. Although it remains a substantial building, the manner in which is partially set down into the ground, making use of the topography of the site, and the way that the form of the building is broken up by the two wings with a lower glazed link will mitigate the impact that the bulk of the new building will have on the character of this part of the gardens. This can be further mitigated by appropriate soft landscaping, details of which should be conditioned.*

The orientation of the building also makes good use of the space in front of the imposing entrance façade of the stables building, creating a courtyard area from which the architecture of this attractive curtilage building can be better appreciated. The positioning of the new building and the presence of planted screening along its northern elevation should continue to allow the façade of the stables to be the most prominent feature of views looking from the direction of the Manor house towards this corner of the grounds, although I would suggest thicker and perhaps more naturalistic planting than that shown on the submitted visuals.

I will not comment on the detailed design of the building as I understand this has been considered by the Design Panel, however the overall approach of 'contemporary vernacular' seems appropriate for this semi-rural context close to the Stables and the farm buildings at Saint Hill Farm, and the proposed facing materials seem generally sympathetic, subject to detail."

Your officer agrees with this assessment. It is therefore considered that the development complies with policy EG4 of the Neighbourhood Plan, policy DP34 of the District Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design and impact of the proposal on the character of the area

The site is within the High Weald area of outstanding natural beauty (AONB). The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

Policy DP16 in the District Plan states:

Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting,*
- *the traditional interaction of people with nature, and appropriate land management,*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB, and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design."

A similar requirement is contained in policy EG1 of the Neighbourhood Plan.

The NPPF advises that great weight should be given to conserving the AONB (paragraph 172).

Policy DP26 in the District Plan seeks a high standard to design in new development. It states:

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

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

Policy EG3 in the Neighbourhood Plan also seeks to promote good design.

It is clear from the above policy requirements that there is a clear need to conserve the character and appearance of the AONB and to seek a high standard of design in new development. The full comments of the Urban Designer are set out in the appendices. In summary he states *"This scheme has been the subject of a series of improvements both at the pre-application and application stages that have positively responded to the Design Review Panel's (DRP) and my comments. The barn aesthetic is an appropriate response to its rural location, and the crisp contemporary detailing and functionally bespoke design avoids pastiche interpretation. Through design iteration the building has been carefully massed with much of its functional space semi-submerged and cut into the ground. The natural timber slatted-finish of the façade gives the building an appropriately agricultural reference and variety is provided through the subtle variation in the spacing of the vertical slats which also allows the architect to balance the privacy of the occupiers with an opportunity to*

open-up the building in certain areas, most notably the new courtyard that is generated by the space defined by the proposed east façade and the existing stables building. In conclusion the DRP support the scheme and the design is of a quality that justifies its sensitive AONB setting; I therefore raise no objections. In line with the DRP's recommendation and to secure the quality of the design, I would nevertheless recommend conditions requiring approval of the following elements:

- *Landscaping and boundary treatment*
- *Facing materials*
- *Detailed large scale working drawings (elevation and section) that show part of the timber slatted elevation; the main entrance door; the roof overhang arrangement on the north-west corner.*

To secure the sustainability credentials, I would like a condition requiring the building to meet the targets set out under section 4.1 of the Sustainability Statement 202785 (produced by Currie and Brown) for the building fabric.

In respect of the DRP's concern about the plant, I would recommend a condition stating that no external plant should extend beyond the envelope of the building shown in the drawings or be visible from outside."

The DRP support the scheme subject to the imposition of conditions to cover points of detail, including 1:20 scale drawings of the key details, pre-agreed sustainability targets and a restriction on external plant.

Your officer agrees with the comments that have been made by the Urban Designer and the DRP. It is considered that the proposed building is a well designed piece of architecture that has taken advantage of the levels at the site to fit in appropriately at this site. This is a modern bespoke building that will fit comfortably in this location. It is considered that the character of the AONB will be preserved. The conditions that have been suggested to cover points of detail in relation to the construction of the building can be applied to ensure that these matters are properly addressed.

In light of the above it is considered that the proposal complies with the aims of the High Weald Area of Outstanding Natural Beauty Management Plan, policies EG1 and EG3 in the Neighbourhood Plan and policies DP16 and DP26 of the District Plan.

Highways Issues

Policy DP21 in the District Plan 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 reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

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

In relation to highways matters the applicants state *"Consideration has been given to locating the accommodation at Fonthill Lodge or within East Grinstead itself. However the logistics of staff eating going to work are simply too inefficient and time consuming to be practical. Apart from the time involved, the route to Fonthill Lodge along Saint Hill Road is not safe or friendly to pedestrians or cyclists and short car or*

bus journeys are unsustainable. Similar but greater difficulties and lack of sustainability arise from journeys into East Grinstead. For these reasons it is logical for the staff facilities to be provided within the site and a location adjoining the Stables optimises sustainability objectives by eradicating vehicle journeys and maintaining pedestrian safety.

It follows from the above that the new building will be providing for existing staff, most of who already travel to Saint Hill by coach or minibus each day. There will therefore be no additional vehicular movements arising from the use of the proposed building. It will simply be improving facilities for the existing staff who, at present, have no dedicated, suitable accommodation on site where they can study or which can be used for staff auditing purposes."

With regards to highway matters it is considered that the main issue to address is whether the proposal would increase the number of vehicular movements at the site, in particular the number of movements that would be using the access onto the West Hoathly Road.

The applicants have provided their rationale for why the development will not increase vehicular movements at the site. Essentially this is because the staff will already be coming to the site and the proposal is to improve facilities within the site rather than to create new facilities that would attract additional people to the site. Officers agree with this assessment. The development may allow opportunities for further enhancements to existing buildings within the estate that might attract further visitors to the estate. However it would be very difficult to quantify this. The Highway Authority has no objection to the application based on vehicular movements and highway capacity issues. The existing crossover provides a safe access onto the carriageway. In light of the above it is not felt that the proposal would result in a highway safety concern or cause capacity issues on the highway network. The proposal would therefore not conflict with policy DP21 of the District Plan or the guidance in the NPPF.

Impact of the proposal on the amenities of surrounding occupiers

A concern has been raised from the adjoining landowner about the possible impact of the proposed development on his business operations. The adjoining site has a lawful consent for B1 (light industrial), B2 (general industrial) and B8 (storage uses). In essence the concern is that if this building is constructed it could result in complaints from future users about the activities taking place on the adjoining site. The impact of proposed new development on existing businesses is a planning issue. Paragraph 123 of the NPPF states in part "*Planning policies and decisions should aim to:*

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established"*

The neighbouring site has planning permission to convert a building to B1 offices (reference DM/16/2420). The approved plans for this consent show an area of car

parking to the south of the building proposed by the Church of Scientology. At its closest point to the mutual boundary, the lower ground floor of the proposed building would be some 1.2m away from the boundary line. However at the ground floor level, where the main offices and classrooms would be located, this floor of the building would be inset a further 3m. It is considered that the relationship between the existing consent and the proposed new building for the church will be acceptable. Whilst the neighbouring occupier has raised concerns about the impact of their future developments on the level of light entering the Church's building, it is not felt that this issue would justify resisting this application. Whilst the proposed building would feature a number of sky lights on the lower ground floor to assist with natural lighting, given the overall form of the building and its intended use, it is likely that there would be some reliance on artificial lighting on the lower ground floor in any event.

With regards to noise from the lawful activities on the neighbouring site, it is considered that the Church's building can be located in this area without significant issues relating to noise arising in the future. In the future, if at any time there are noisy activities taking place at the industrial site, the windows of the church's staff building can be closed. It is also relevant to note that the proposed building is for staff to use for offices and teaching and not for residential accommodation. As such the impact from noise is not considered to be as sensitive as it would be for a situation where industrial activities adjoined residential properties.

In relation to the impact of the proposed new building on the existing residents around the site, it is not considered that the uses taking place within the building will cause any loss of amenity to neighbouring properties. The building would be some 56m away from the West Hoathly Road. There should be no impact from noise emanating from the building and its location should mean that there is no issue in relation to light pollution. The impact of vehicular movements associated with the proposal has been addressed earlier in the report. On the basis that there should be no material increase in the use of this access, there will be no significant impact in relation to noise and disturbance from this development. As such there would be no conflict with policies DP26 and DP29 of the District Plan.

Other matters

Ecology

Policy DP38 in the District Plan seeks to protect and enhance biodiversity. The application is accompanied by a Preliminary Ecological Appraisal. This has not identified any ecological constraints to the development. Replacement tree planting for the trees that would be lost can be secured by a planning condition. There are no reasons relating to ecological matters to resist the application.

Drainage

Policy DP41 of the District Plan seeks to ensure that sites are satisfactorily drained. The applicants have stated that surface water would use a sustainable drainage system whilst foul drainage would be to a package treatment plant. The Council's Drainage Engineer has no objection to the application. It is therefore considered that

as a matter of principle the site can be satisfactorily drained and the details of this can be controlled by a planning condition.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017/1012 (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) is 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). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file.

PLANNING BALANCE AND CONCLUSION

To summarise, the proposed building is required to provide training facilities for staff at the Church of Scientology. It is felt that a sound case has been put forward as to why the building is required and why this is the most suitable location for it.

It is considered that the proposal is for a well designed building that will fit in appropriately within the site. The building will be located behind an existing building and will take advantage of the natural fall in levels by being cut into the land. It is therefore considered that the proposal will conserve both the character of the area of outstanding natural beauty (AONB) and will preserve the setting of the listed Manor House.

Based on the applicant's intentions for how the building is to be used, it is not considered that it should result in any material increase in vehicular movements at the site because it will be serving staff that are already at the site.

In light of all the above it is felt that the proposal complies with policies EG1, EG2, EG3, EG4 and EG16 in the East Grinstead Neighbourhood Plan and policies DP16, DP17, DP21, DP26, DP29, DP34, DP38 and DP41 in the District Plan and the application can be supported.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration 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 in writing.

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 and Policy EG3 of the Neighbourhood Plan.

3. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. 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 unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

5. 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. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

6. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

7. Prior to works commencing on the items referred to in this condition the following shall be submitted to the Local Planning Authority:
 - Detailed large scale working drawings (elevation and section) that show part of the timber slatted elevation; the main entrance door; the roof overhang arrangement on the north-west corner.

Works on these elements of the development shall not commence until these details have been approved in writing by 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 and Policy EG3 of the Neighbourhood Plan.

8. The development shall be constructed to meet the energy efficiency targets referred to in section 4.1 of the Sustainability Statement 202785 (produced by Currie and Brown) for the building fabric that was submitted with the planning application.

Reason: To ensure that the development is a sustainable building and to comply with policy DP39 of the Mid Sussex District Plan 2014 - 2031

9. The development shall not be occupied until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

10. The building shall not be occupied until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

11. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014 - 2031

13. No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP26 of the District Plan 2014 - 2031.

14. Before any of operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided to ensure that the operator can make all reasonable efforts to keep the road outside clean and prevent the creation of a dangerous surface on the road.

Reason: To ensure that the development should not prejudice highway safety or cause inconvenience to other highway users.

15. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP16 of the Mid Sussex District Plan 2014 - 2031 and Policy EG1 of the Neighbourhood Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 7 of the Order shall be carried out without the grant of planning permission by the Local Planning Authority.

Reason: To ensure that the building remains a high quality design and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

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
Drainage Details	280817/100		20.03.2018
Block Plan	1704-05	C	01.08.2018
Location Plan	1704-01	-	02.03.2018
Sections	1704-06	C	01.08.2018
Sections	1704-07	C	01.08.2018
Proposed Floor Plans	1704-08	C	01.08.2018
Proposed Floor Plans	1704-09	C	01.08.2018
Proposed Elevations	1704-10	C	01.08.2018
Sections	1704-11	C	01.08.2018
Proposed Elevations	1704-12	C	01.08.2018
Sections	1704-13	C	01.08.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 16th May 2018:- Would support approval.

Highway Authority

The highway authority does not object to the application.

The application is for c. 1200 sq m of space for Church of Scientology staff separate from the main site building. The accommodation is for internal use only and does not attract traffic in itself except for servicing vehicles. Staff will continue to travel to and from the site in shared vehicles.

No further car parking is proposed except for an additional space for disabled users.

CONDITIONS

BICYCLE PARKING

No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

CONSTRUCTION TRAFFIC PARKING

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

PROTECTION OF HIGHWAY FROM MUD etc.

Before any of operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided to ensure that the operator can make all reasonable efforts to keep the road outside clean and prevent the creation of a dangerous surface on the road.

Reason: To ensure that the development should not prejudice highway safety or cause inconvenience to other highway users.

Conservation Officer

The application site is an area of land within the grounds of Saint Hill Manor, which is a Grade II listed early 18th century mansion. The land, which was in part previously occupied by an ancillary building (now demolished), is situated to the south east corner of the grounds, just to the west of the former stables building, which dates from the late 19th or early 20th century. Modern ancillary buildings relating to the functioning of the estate are located to close by to the north west, and Saint Hill Farm is just to the south east, outside the Manor grounds.

The special interest of the Manor lies, in my opinion, in its nature as a good example of an early 18th century mansion house in a bucolic setting. The architectural relationship of the house to its grounds is highlighted in the list description and the garden setting of the house makes a strong contribution to the manner in which its special interest is appreciated.

The current proposal, which is for the erection of a new two storey plus attic building for staff use, follows discussion at the pre-application stage and has been developed in response to comments given relating to the impact of the building on the setting of Saint Hill Manor and its form and positioning in this respect. The proposed building is in two 'wings' set at right angles with a linking two storey structure. It is partially set down into the ground so that for the most part only 1-1½ storeys (plus roof) of the structure will be visible above ground level. In design terms the building is a contemporary interpretation of the agricultural vernacular, with a simple 'barn' like form with gabled painted zinc roof and elevations clad in timber and timber slats.

As discussed at the pre-application stage the principle of a new building on this site is considered acceptable in listed building terms. The site is at a distance from the

Manor house within extensive grounds and although within its garden setting is not within direct line of site from the house. This part of the grounds already accommodates a number of historic and modern ancillary buildings and is adjacent to Saint Hill Farm, which has a largely utilitarian appearance. Furthermore, part of the area in question was previously occupied by a now demolished structure.

The positioning, height and form of the building have been developed following pre-application advice so that the building is considered to relate satisfactorily to the adjacent former stables building and the setting of the listed Manor house in terms of its orientation, height and bulk. Although it remains a substantial building, the manner in which is partially set down into the ground, making use of the topography of the site, and the way that the form of the building is broken up by the two wings with a lower glazed link will mitigate the impact that the bulk of the new building will have on the character of this part of the gardens. This can be further mitigated by appropriate soft landscaping, details of which should be conditioned.

The orientation of the building also makes good use of the space in front of the imposing entrance façade of the stables building, creating a courtyard area from which the architecture of this attractive curtilage building can be better appreciated. The positioning of the new building and the presence of planted screening along its northern elevation should continue to allow the façade of the stables to be the most prominent feature of views looking from the direction of the Manor house towards this corner of the grounds, although I would suggest thicker and perhaps more naturalistic planting than that shown on the submitted visuals.

I will not comment on the detailed design of the building as I understand this has been considered by the Design Panel, however the overall approach of 'contemporary vernacular' seems appropriate for this semi-rural context close to the Stables and the farm buildings at Saint Hill Farm, and the proposed facing materials seem generally sympathetic, subject to detail.

I would therefore consider that the proposal will preserve (will not cause harm to) the setting of Saint Hill Manor. This meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- details including samples of facing and roofing materials
- detailed drawings including sections of typical sections of timber cladding
- detailed drawings including sections of typical eaves detail
- detailed drawings at an appropriate large scale and annotated to show materials and finishes of typical examples of all windows (including depth of reveal and relationship to overlying slatted screens) and external doors
- detailed hard and soft landscaping scheme
- details including samples of all new hard landscaping materials

Urban Designer

Summary and Overall Assessment

This scheme has been the subject of a series of improvements both at the pre-application and application stages that have positively responded to the Design Review Panel's (DRP) and my comments. The barn aesthetic is an appropriate response to its rural location, and the crisp contemporary detailing and functionally bespoke design avoids pastiche interpretation. Through design iteration the building has been carefully massed with much of its functional space semi-submerged and cut into the ground. The natural timber slatted-finish of the façade gives the building an appropriately agricultural reference and variety is provided through the subtle variation in the spacing of the vertical slats which also allows the architect to balance the privacy of the occupiers with an opportunity to open-up the building in certain areas, most notably the new courtyard that is generated by the space defined by the proposed east façade and the existing stables building. In conclusion the DRP support the scheme and the design is of a quality that justifies its sensitive AONB setting; I therefore raise no objections. In line with the DRP's recommendation and to secure the quality of the design, I would nevertheless recommend conditions requiring approval of the following elements:

- Landscaping and boundary treatment
- Facing materials
- Detailed large scale working drawings (elevation and section) that show part of the timber slatted elevation; the main entrance door; the roof overhang arrangement on the north-west corner.

To secure the sustainability credentials, I would like a condition requiring the building to meet the targets set out under section 4.1 of the Sustainability Statement 202785 (produced by Currie and Brown) for the building fabric.

In respect of the DRP's concern about the plant, I would recommend a condition stating that no external plant should extend beyond the envelope of the building shown in the drawings or be visible from outside.

Layout

The proposal sits within a constrained site sandwiched between the Church of Scientologist's service entrance /coach drop-off area and the boundary with the adjacent Saint Hill Farm property. The site is also awkward because it slopes down east to west. The building plan responds well to these constraints

- The overall linear form allows sufficient front threshold space to soften the frontage. The footprint of the building has been lengthened and narrowed since the pre-application stage; this not only allows it to fit the space more comfortably but also the narrower plan and more submerged lower ground floor also reduces the overall height while its extruded form has a more informal barn-like shape.
- The T shape configuration generates a gable fronted façade that provides some variation to the extruded form and the return east façade runs parallel with the frontage of the Stables building and naturally generates a courtyard threshold.

The layout design has been evolved since the pre-application stage by incorporating an entrance on to this space and larger windows that creates a more active frontage and direct relationship between the interior and exterior. The internal layout has been further finessed in the latest revisions and it now shows a more rationalised / integrated relationship connecting both entrances and the stairwell and lift better configured.

- The main entrance / hall naturally punctuates the two parts of the building, while its all glazed form appropriately makes it stand-out.
- The slope is carefully addressed with a split level arrangement that allows the two main wings to step down the slope.

The DRP had some concerns about the amount of natural light in the lower ground floor. The architect has made revisions that show less cellular spaces and more fenestration at this level.

There were also concerns about the accommodation of the plant necessary to service the building. The architect has confirmed that it can be incorporated wholly within the building envelope and should not be visible as the timber slats act as natural louvres. It is recommended there is a condition to secure this.

A detailed landscape plan is also needed that shows the tree and shrub planting with the site contours overlaid.

Elevations

The building has been designed with crisp minimalist details. Its success is therefore dependent on the quality of the materials and detailing, and for this reason I am recommending further working drawings are provided. A key component is the crisp eaves lines that seamlessly connects the façade with the roof, and is achieved through the employment of a continuous concealed gutter within the roof and downpipe behind the building façade, which are shown in the detailed sections.

The DRP had concerns about how the timber cladding and the plinth is resolved at the base of the building particularly in relation to the slope. The architect has reconfigured the timber slats so they are now vertical rather than horizontal; this helps in terms of the detailing of the base of the building, for which detailed sections have been provided. It also helps to anchor the building to the ground and to reduce / counter the horizontal proportions generated by the building's length.

The DRP are also keen that natural materials are employed and have suggested that a zinc roof would be better than a powder coated roof. The type of timber finish will also be key to the external appearance. It is therefore recommended that approval of facing materials is reserved.

Design Review Panel

The panel agreed the scheme is an improvement upon the pre-application proposal and their previous issues had satisfactorily been addressed with: (a) a reduction in the building height and more barn-like appearance that should make it sympathetic with its AONB surrounds; (b) the east elevation being given a more active frontage

with the inclusion of an additional entrance and windows; (c) eaves details provided showing hidden gutters; (d) an improved internal layout with less cellular areas in the basement; (e) the lift and plant now being satisfactorily accommodated within the building envelope; (f) the removal of solar panels on the roof.

The panel were conscious that the client's brief promoted an inward-looking design. It was nevertheless felt that the lack of fenestration (exacerbated by the timber slats over the windows) will significantly limit daylight reaching some parts of the interior, and make the building feel potentially oppressive and over-reliant on artificial light. This is especially the case for the basement. Daylight modelling was therefore recommended. There was also more scope to open the building-out to animate the courtyard with larger windows and a more fully glazed entrance door (it would help if the interview room could be omitted to allow a fully glazed lobby area that could bring natural light to the stairwell).

The panel were not fully convinced about the sustainability strategy; for instance it was not clear how a "B" rating could be achieved without a full understanding how the basement will be insulated. There was also a thermal bridge problem above the window heads that needs resolving that could affect the design of the hidden gutter and windows.

Unless carefully designed, the plant equipment including the mechanical ventilation could potentially impact adversely on the exterior. Louvres will need to be provided for electric handling equipment in the end gables; except for this the plant should not punctuate the building envelope.

The slatted-timber finish should give the building a natural appearance; if the slats were slightly angled, it may improve internal light levels and help avoid water ingress. It was felt that a zinc roof, rather than a painted metal roof, would be more complementary as it weathers more naturally and avoids peeled paint and rusting problems. The stepping of the timber cladding and the treatment of the plinth also needs to be clarified / clearly detailed.

The scheme would also benefit from a more detailed landscape plan that shows the levels / contours around the building.

Overall Assessment

The panel support the scheme subject to conditions securing the above elements, including: 1:20 scale drawings of the key details; pre-agreed sustainability targets and a restriction on external plant.

Environmental Health Officer

The application looks to add self-contained staff quarters to the existing estate on the above site (U.P.R.N 100062200106). Environmental Protection recommends the following conditions, should approval be granted:

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

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

- No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

Informative:

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.

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (e.g. noise or artificial light) caused as a result of the extension and/or use of the building.

Drainage Engineer

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.

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 to be at low fluvial flood risk. The proposed development is within an area identified as having possible surface water (pluvial) flood risk within close proximity. 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 utilise a single attenuation tank with a hydro-brake restricting discharge to 1.8l/s from an existing headwall into a large pond network located on site.

Foul Water Drainage Proposals

It is proposed that the development will connect to the existing private foul sewer system.

Suggested Conditions

C18D - Single Structure

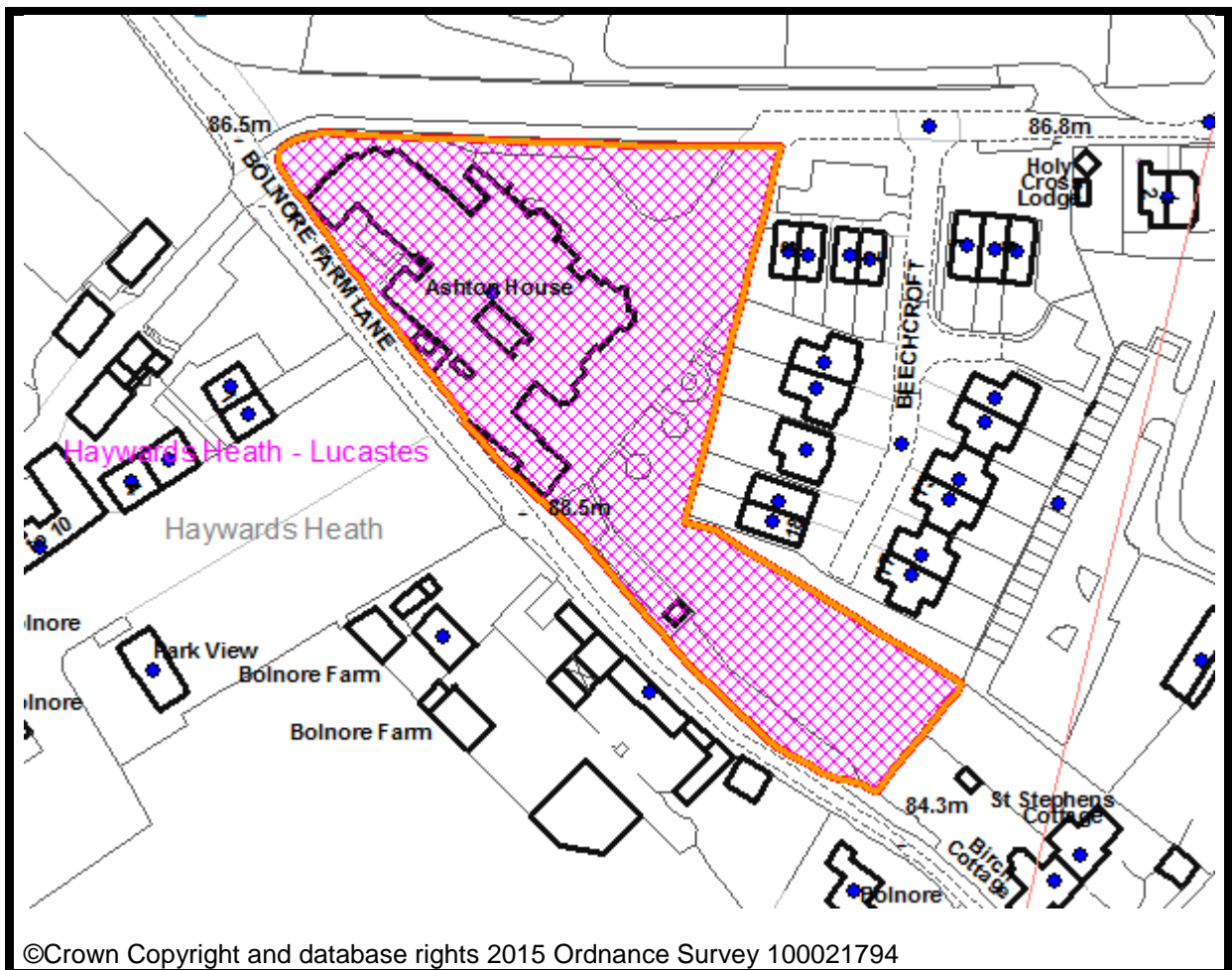
The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The **building**

shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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.

Haywards Heath

4. DM/18/1076



**ASHTON HOUSE RESIDENTIAL AND NURSING HOME BOLNORE ROAD
HAYWARDS HEATH WEST SUSSEX
ERECTION OF A TWO STOREY BUILDING TO PROVIDE NURSES
ACCOMMODATION (22 NO. BEDROOMS) ALONG WITH PROVISION OF
A NEW ACCESS, PARKING AND LANDSCAPING (AMENDMENT OF
PREVIOUSLY APPROVED DM/15/4865 TO INCLUDE ADDITIONAL 6 NO.
BEDROOMS IN ROOF AND INSTALLATION OF ROOFLIGHTS).
MR GAJ RAGUNATHAN
GRID REF: EAST 532097 NORTH 123577**

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

ODPM CODE: Minor Other

8 WEEK DATE: 20th August 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: 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 erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

The application has been called-in for determination by Cllr Knight for the following reason:

"There has been already significant development on this site and I need to understand if this is an overdevelopment. Cllr Rawlinson 2nds the call in."

The application was deferred from the previous committee meeting on 16 August due to a land ownership dispute. An amended site plan has been received and the relevant third party notified. This does not, however, impact on the merits of the planning application.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The development scheme is considered to comply with Policies DP25 of the Mid Sussex District Plan and L5 of the Haywards Heath Neighbourhood Plan in terms of the principle and need for this additional accommodation. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, and will maintain a supply of nurses to support the operation of the adjacent nursing home. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the loss of / reduction in the area of open space on the site, together with construction traffic and noise and additional vehicular

movements within the cul-de-sac.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability, archaeology and biodiversity, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions.

For the above reasons, the development is deemed to comply with Policies DP1, DP21, DP25, DP26, DP29, DP34, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

11 letters of objection:

- More people will impact on nearby residents;
- Noise and disturbance on a daily basis and during the night;
- Increased traffic;
- Cars looking for spaces;
- Safety hazard;
- No need for further accommodation;
- Capacity of the plot stretched further;
- Road is in a state of disrepair;
- Restriction needed on the use of the building;
- Rooflights not in keeping with other houses;
- More taxis, deliveries;
- Lighting from additional bedrooms will cause disturbance to rural nature of Bolnore Farm Lane and its natural inhabitants including long-eared Bats;
- Current infrastructure cannot cope;
- Safety concerns due to temporary residents;
- History of significant project creep;
- No business case to justify the need for these additional staff;
- Significant number of smokers in what we understand from the staff to be the 'designated smoking point'.

SUMMARY OF CONSULTATIONS

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

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

Approve with conditions.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Urban Designer

No objection.

WSCC Drainage Strategy Team

To be reported.

WSCC Highways

No objection, subject to conditions.

Consultant Archaeologist

Condition recommended.

TOWN COUNCIL OBSERVATIONS

Having been opposed to the original application for the construction of a 16-bedroom nurses' accommodation building on this site (application number DM/15/4865 refers), the Town Council is very disappointed that permission was granted nonetheless. Whilst the principle of development must now be accepted, Members object to this latest application in the strongest terms possible.

Irrespective of the fact that the footprint of the proposed building will remain unchanged, the inclusion of a further 6 bedrooms in the roof space would result in the overpopulation and overuse of the facility. This would be to the further detriment of residents living in Beechcroft - through which access to the building will be gained - but would also have a negative impact on the residential amenities of prospective occupiers of the building.

In the unwelcome event that permission is granted, the Town Council requests that this is conditional on a) occupation of the accommodation building being restricted to employees of Ashton House only, and b) a Section 106 Agreement between the local planning authority, i.e. Mid Sussex District Council, and the owners restricting the building use.

Furthermore, it is requested that developer Section 106 contributions for Local Community Infrastructure are allocated towards highway improvements in Bolnore Road.

INTRODUCTION

Full planning permission is sought for the erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

RELEVANT PLANNING HISTORY

There is a substantial history to the wider Ashton House Nursing home site, which was set out in the previous committee report (DM/15/4865). That application was for the erection of a 2-storey building to provide nurses' accommodation (16 no. bedrooms) along with provision of a new access, parking and landscaping. It was approved in September 2016 and is currently being implemented. All pre-commencement conditions were approved in February 2017 under ref: DM/17/0157 and associated tree works approved in May 2017 under ref: DM/17/1251.

SITE AND SURROUNDINGS

The main building on the site is a substantial 2/3-storey red brick Edwardian building in use as a nursing home, which has been heavily extended. It is set in the western corner of large gardens, although the original plot was fairly recently truncated on the eastern side by a new housing development (Beechcroft) to leave a car parking area to the front and side and a garden area to the south-east. Within this area, planning permission was granted for a new 2-storey accommodation block for nurses to be used in connection with the nursing home, together with an extension to the residential cul-de-sac providing a turning area and parking space for 5 vehicles.

There are good, attractive hedges on both the north and southwest sides of the site (albeit with some less dense sections), and these form the public boundaries of the site, both to public rights of way. Several trees along the south-west boundary are subject to a Tree Preservation Order.

The immediate area has a very strong Edwardian influence, expressed in a number of other properties including Bolnore Chapel, Bolnore Farm, Parkfield and Beech Hurst. There is the District Council nursery site opposite the main entrance to Ashton House. The surrounding area is well vegetated with significant hedgerows bordering the road. The application site is located at the western extremity of Haywards Heath and within the built-up area as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan (it was previously outside the built-up area in the Mid Sussex Local Plan).

APPLICATION DETAILS

Full planning permission is sought for the erection of a 2.5-storey building to provide nurses' accommodation (22 no. bedrooms) along with provision of a new access, parking and landscaping. This application is an amendment to planning permission DM/15/4865 to include 6 no. additional bedrooms within the roofspace and installation of rooflights to the rear elevation. Building works have commenced in terms of implementing the original planning permission.

The additional accommodation will be provided entirely within the approved building envelope, and 12 new rooflights will be inserted in the rear roof slope.

As set out in the previous committee report, the building is located within an area to the far south-east of the site and adjacent to Birch Cottage and St Stephen's Cottage to the south-east and 17 and 18 Beechcroft to the north. The access serving this cul-de-sac will be extended through the existing fence where it currently terminates, to form a new turning head with 5 car parking spaces to the sides. A bin store will be located on the south-east flank of the building. A footpath will circle the building and lead back to the main gardens of the nursing home, which will be re-landscaped, leaving a reconfiguration of the existing car parking area to the front and the side of the nursing home for 30 cars (there being 30 spaces at present). The existing bin store to the front of the nursing home will be re-built in facing brickwork, alongside 4 storage sheds.

The footprint of the building will measure 18.8m in width to a maximum depth of 13.4m to a maximum height of 8.7m. The elevations will be symmetrically ordered when viewed from the front and rear, punctuated by gables and bays, with a consistent ridge height to the main roof, reflecting the style of dwellings approved for the Beechcroft development adjacent.

Internally the accommodation will now be arranged over 3 floors, with both ground and first floors containing an open plan living room/kitchen, with a mix of single and double bedrooms, some with ensembles, and some bathrooms off the main corridors. The new floor within the roof will contain 6 single bedrooms and 2 separate shower rooms.

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 DP1: Sustainable Economic Development
- Policy DP21: Transport
- Policy DP25: Community Facilities and Local Services
- Policy DP26: Character and Design
- Policy DP29: Noise, Air and Light Pollution
- Policy DP34: Listed Buildings and Other Heritage Assets
- Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Sustainable Construction Supplementary Planning Document (Jul 2006)
Dormer Window and Rooflight Design Guidance Supplementary Planning Guidance (Oct 2013)

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies include:

Policy E7: Sustainable Drainage Systems
Policy E9: Local Character
Policy L5: Community and Sporting Facilities

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

*"For **decision-taking** this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- The principle of and need for this development;
- The design and visual impact on the character of the area;
- The standard of accommodation;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;

- Archaeology;
- The impact on trees;
- Biodiversity;
- Habitats Regulations; and
- Planning Balance and Conclusion

Principle of and need for this 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) of the Planning and Compulsory Purchase Act 2004 provides:

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

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 Mid Sussex District Plan (2018), together with the Haywards Heath Neighbourhood Plan.

The scheme cannot be considered to constitute a housing development for policy purposes, as it does not fall into the C use category in the Use Classes Order 1987 (so is a sui generis use as a 'larger house in multiple occupation' where facilities are shared).

The principle of this accommodation was accepted by the council in granting the previous planning permission in 2016. Since then, the council has adopted the Mid Sussex District Plan and the site is now located in the built up area of Haywards Heath, when previously it was within a Countryside Area of Development Restraint.

Policy DP25 of the Mid Sussex District Plan relates to community facilities and local services, and includes specialist accommodation. It states (in part):

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

[and]

"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."

There is no current SPD on this matter but the Haywards Heath Neighbourhood Plan includes the following policy:

"Policy L5: The provision of new community service buildings including medical and educational services 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.

The application scheme is therefore supported in the broadest terms. Regarding the need for this additional accommodation, the applicant has provided a statement in support of the proposal, which can be viewed on file, but in summary makes the following points:

- The additional accommodation space is required as Ashton House faces continuing difficulties in recruiting nursing staff;
- This is compounded by a shortfall of housing and rising house prices in the South East;
- The development will ensure that staff have available low cost accommodation as required and provide some certainty to staff moving to the area;
- The 2009 Strategic Housing Market Assessment indicates there is a lower provision of residential care in Mid Sussex in comparison with other areas across the South; however, it is expected to experience a higher proportion of growth in the over 65 population - an increase of 46% by 2026 and the number of people requiring dementia care in the same period is expected to increase by 1,495.
- The development will help support a facility that provides important care for the elderly, particularly those with dementia and other specialist care needs.

As before, it is recognised that the development does not seek to contribute towards the Council's housing supply, but will nevertheless relieve some of the need in the area whilst providing a suitable number of nurses that can contribute to the operation of the nursing home. As such, it is considered that the need to provide suitable care for this established facility should be afforded significant weight in this application as it will help support economic growth in the local area and provide healthy communities, thus complying with the overall strategy of the District Plan, the Neighbourhood Plan and the NPPF.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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

This application seeks to provide the additional accommodation within the roofspace, so the external appearance of the permitted building - when viewed from the front and sides - will not change. The only external alteration will be from the rear, with the addition of 12 rooflights. The council's Urban Designer acknowledges that these will slightly clutter the roof but they will not significantly detract from the overall design, particularly as they are on a less prominent elevation and are neatly ordered above the existing fenestration, thus retaining the symmetry of the building. They also optimize the potential of the site by utilizing the roof space.

It should also be acknowledged that several of the dwellings on Beechcroft benefit from habitable accommodation within their roof spaces, so this development would not be out of keeping with its immediate context.

For these reasons, it is considered that the development would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Standard of accommodation

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings.

The additional accommodation is for 6 single bedrooms lit by a double set of rooflights, together with 2 shower rooms. The permitted accommodation consists of a mix of single and double rooms, some with en-suites and some without (whose occupants would use communal bathrooms). Two communal living rooms and kitchens will also be provided for the residents. This type of on-site staff accommodation is not unusual, as planning permission was granted for a similar (though reduced amount and in a converted building) at Adelaide House Nursing Home in Oathall Road, Haywards Heath in 2010. As explained in the previous application, this allows very low rents to be applied, so acting as a benefit from staff who may choose to live on site (rather than elsewhere). It is recognised that nursing patterns are carried out on a shift basis, so it is likely that the building will not be occupied at full capacity all the time in terms of the usage of the communal areas. It is furthermore considered that the amount of accommodation being proposed is reasonably commensurate with the scale of the existing nursing home and therefore that the accommodation being proposed is acceptable for these reasons.

Impact on neighbouring amenity

Policies DP26 of the Mid Sussex District Plan aims to protect amenity. The properties mainly affected by the development would be 17 and 18 Beechcroft to the north, St Stephens and Birch Cottage to the south-east and Bolnore Farm to the south. The additional activity generated by the proposal will affect all the owners of Beechcroft, due to the cul-de-sac being a private road.

17 and 18 Beechcroft are two dwellings located at the end of this recent cul-de-sac development and are occupied. It is noted that the design of this development did not provide a turning head at this part of the site (it being located towards the middle instead) and the southern boundary is consequently formed by a fence which terminates the view from the northern approach. The flank walls of both dwellings are sited between 14 and 15m from the front elevation of the proposed building, which is proposed to have an extended access and 5 additional parking spaces in front. The refuse storage facilities for the accommodation will be provided to the south-east flank of the building. Given these distances, it could not be said that the proposal would be overbearing to the amenities of these adjoining residents, particularly as no primary windows are affected. None of the rear gardens would be completely private as built, due to each dwelling being arranged over 2-storeys and having a direct view over adjoining gardens, so it is not considered that the proposal would result in a harmful loss of privacy to these occupiers.

Properties at St Stephens and Birch Cottage were identified by the Inspector in a 2007 appeal decision that would suffer unacceptably harmful living conditions as a result of the proposal then. The key difference now is that the building subject of this application is oriented away from these properties (so only presenting a flank wall now). Whilst it is understood that there is an approximately 3m drop in land levels from the site to these two properties, there is a minimum distance of 16m between

the proposed building and the boundary and 35m deep rear gardens, so a minimum distance of 51m between the buildings (with a rear to side relationship). With all these factors, and the significantly reduced scale of the proposed building, it is not considered that it would result in a significantly overbearing form of development to these occupiers or that would result in overlooking. A condition is applied to ensure that the first floor windows are obscure glazed and non-openable or top-hung opening only.

Bolnore Farm is located on the opposite side of the bridleway with some sections of dense screening along the boundary. The rear elevation is a minimum distance of 11m away from the front boundary but the buildings along this bridleway (set further back) present their front elevation towards the proposed building so it is not considered that the amenity of the occupiers would be significantly harmed in this respect by the addition of new rooflights.

For these reasons, it is considered that the proposal would comply with the above policy.

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 application has been accompanied by a Transport Statement. The Highway Authority has reviewed the scheme and raised no objection to the application on highway capacity, highway safety or parking provision grounds. The comments are reported in full in Appendix B. The site is sustainably located to the town centre and there are bus stops nearby providing frequent services. However, in order to ensure that the proposal makes provision for more sustainable means of transport to the private car, a condition is applied to any permission to ensure that cycle parking provision is made for the occupants and a Travel Plan provided and implemented.

As such, the above policy would be met by this proposal.

Drainage

Policy DP41 of the Mid Sussex District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate. Policy E7 of the Haywards Heath Neighbourhood Plan is similar in its aim.

The council's Drainage Engineer has recommended a condition can be applied to any permission and accordingly the above policies would be met.

Archaeology

Policy DP34 of the Mid Sussex District Plan states (in part):

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

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The Glossary to the National Planning Policy Framework (2018) defines Archaeological interest as follows:

"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point."

Paragraph 189 of the NPPF states:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The application has been accompanied by an Archaeological Desk Based Assessment, which the council's Archaeological consultant has commented on (reported in full in Appendix B) and a watching brief condition is recommended accordingly. On this basis, the above policy and guidance would be met.

Impact on trees

A Landscaping specification accompanied the previous application and details were approved under a condition of the previous consent. No further assessment is required to be made on this basis.

Biodiversity

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).

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of

biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

"When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

A Preliminary Ecological Appraisal has been submitted as part of this application, which makes several recommendations for enhancements across the site. Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with the above policy, guidance and 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.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The development scheme is considered to comply with Policies DP25 of the Mid Sussex District Plan and L5 of the Haywards Heath Neighbourhood Plan in terms of the principle and need for this additional accommodation. It would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, and will maintain a supply of nurses to support the operation of the adjacent nursing home. These are all material considerations that weigh in favour of the development.

Weighing against the scheme is the loss of / reduction in the area of open space on the site, together with construction traffic and noise and additional vehicular movements within the cul-de-sac.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability, archaeology and biodiversity, including the impact on the Ashdown Forest. These impacts can be mitigated (where necessary) by the imposition of conditions.

For the above reasons, the development is deemed to comply with Policies DP1, DP21, DP25, DP26, DP29, DP34, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan

and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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.

Pre-commencement conditions

2. No additional development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

Construction phase

3. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

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

Pre-occupation conditions

4. The following matters shall be implemented in accordance with the details agreed as part of planning permission DM/15/4865:

- Materials;
- Hard and soft landscaping;
- Construction Management Plan;
- Site levels.

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

5. The development hereby permitted shall not be occupied 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. The building hereby permitted shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

7. 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.

8. The building hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved by the Highway Authority after consultation with the Local Planning Authority and the Plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

9. The first floor landing and bathroom windows on the side (south-east) elevation of the building hereby permitted shall at all times be glazed with

obscured glass and top hung opening only, unless otherwise agreed in writing by the Local Planning Authority, to whom a planning application must be made.

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

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

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

11. The building hereby permitted shall be occupied solely by no more than 26 (twenty-six) nurses registered for employment with Ashton House Nursing Home and shall not be let out to any other persons or used for any other purpose, otherwise a planning application must be made.

Reason: To provide for the need identified with this application and to avoid an over-intensification of the site in the interests of the amenities of the area, and to comply with Policy DP26 of the Mid Sussex District Plan.

12. No deliveries to or collections from Ashton House Nursing Home shall be carried out through this new access. Such deliveries or collections shall only be undertaken in connection with the building hereby permitted.

Reason: To safeguard the amenities of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. There shall be no restriction on the use of the car parking spaces shown on the approved plans by occupiers of, or visitors to, any of the buildings permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users and to comply with Policy DP21 of the Mid Sussex District Plan.

14. The recommendations set out in the Preliminary Ecological Appraisal by the Ecology Partnership (Feb 2016) shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements, Policy DP38 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.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800-1800hrs; Saturdays 0900-1300hrs; No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
5. Before any further construction takes place, the applicant must contact the Local Highway Manager through the County Council's website to ensure that the condition of Bolnore Road is inspected before and after construction. Any damage to the highway agreed to result from construction must be made good.

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	237900-01	A	12.03.2018
Block Plan	237900-22	E	12.03.2018
Proposed Site Plan	237900-34	M	12.03.2018
Proposed Floor Plans	237900-35	K	12.03.2018
Proposed Elevations	237900-36	C	12.03.2018
Proposed Sections	237900-45	-	12.03.2018
Landscaping Details	LV261PP1	B	12.03.2018
Drainage Details	CSD752-01	A	12.03.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

Having been opposed to the original application for the construction of a 16-bedroom nurses' accommodation building on this site (application number DM/15/4865 refers), the Town Council is very disappointed that permission was granted nonetheless. Whilst the principle of development must now be accepted, Members object to this latest application in the strongest terms possible.

Irrespective of the fact that the footprint of the proposed building will remain unchanged, the inclusion of a further 6 bedrooms in the roof space would result in the overpopulation and overuse of the facility. This would be to the further detriment of residents living in Beechcroft ' through which access to the building will be gained ' but would also have a negative impact on the residential amenities of prospective occupiers of the building.

In the unwelcome event that permission is granted, the Town Council requests that this is conditional on a) occupation of the accommodation building being restricted to employees of Ashton House only, and b) a Section 106 Agreement between the local planning authority, i.e. Mid Sussex District Council, and the owners restricting the building use.

Furthermore, it is requested that developer Section 106 contributions for Local Community Infrastructure are allocated towards highway improvements in Bolnore Road.

MSDC Drainage Engineer (Original comment)

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.

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 to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will manage surface water drainage through the use of a new soakaway on site, and a gravel slipway distribution mat. These new soakaways are proposed to replace an existing soakaway. No details of percolation testing or runoff rates and volumes have been provided.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water drainage to the existing mains sewer via a pumping station.

Suggested Conditions

C18D - Single Dwelling

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. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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.

Additional comment

I write in response to the above application and particularly the communication from Mr Hamilton. Please take this as an addendum to the original drainage consultation response.

I have looked at the records from the time that Beechcroft was constructed and have attached the drainage layout plan for information purposes. The design of the surface water drainage for Beechcroft was difficult as the ground conditions were not found to be suitable for a soakaway to cater for the entire development. For this reason the surface water drainage is stored underneath the tarmaced access road and permeable driveways in the voided stone. This storage area has a restricted outlet into a soakaway which is situated in the grass area beyond the fence to the south of the development. As this soakaway could not meet the necessary infiltration rate an overflow inverted soakaway was constructed which, once full, then discharges down the embankment to the access track below.

The principle of moving the drainage would be acceptable but the owners of the drain i.e. the residents of Beechcroft that use the drain should give their permission and approval of the proposals. This would be a private agreement between the two parties and Beechcroft residents should employ a suitable representative to handle this matter. It appears that the applicants believe that they have the right to move the existing surface water drainage without permission but I doubt that this is the case. Confirmation should be sought by referring to the Deeds of the properties and the terms of the drainage agreement entered into by Shanly Homes with Ashton House Nursing Home.

Notwithstanding the above the drainage for the new nurses accommodation should be agreed with the LPA at the application stage as clearly the ground conditions are poor at this site. Proposals are to utilise a soakaway so the applicants need to supply evidence of infiltration testing and calculations to show that the soakaway will be able to cope with a 1 in 100 year storm event. The future maintenance of the drainage systems should also be confirmed.

I would suggest that the residents of Beechurst should reach agreement with Ashton House to have any new drains inspected to ensure that they are suitably constructed.

MSDC Environmental Protection Officer

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

Recommendation: Approve with conditions

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

3. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 5th April to 11th April that the applications listed below will require address allocation if approved.

Planning application number
DM/18/1280
DM/18/1288
DM/18/1324
DM/18/1401
DM/18/1407
DM/18/1076
DM/18/1274
DM/18/1364

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.

MSDC Urban Designer

This application is largely the same as the 2016 approval except for the addition of 12 skylights in the rear roof slope that serve 6 additional bedrooms. While the skylights slightly clutter the roof, they have nevertheless been neatly organised into 6 pairs of windows and I do not feel they significantly detract from the design particularly as they are located on the less visible rear roof slope. They also enable the building envelope to be optimised by utilising the roof space. I therefore raise no objection to this application.

WSCC Drainage Strategy Team

To be reported.

WSCC Highways

The proposal is for an increase of six in the number of bedrooms over the previous planning consent for living accommodation. The proposal is for staff accommodation only. This is unlikely to lead to traffic capacity issues on Bolnore Road or at any of the junctions along the road. Still, residents nearby are concerned about the effects of extra traffic, especially as the eastern stretch of Bolnore Road is not maintained as a public road. Traffic will increase, though the increase will be modest.

Five extra parking spaces are proposed, the same as for the previous consent. The transport statement for the previous consent found spare capacity in the site car park. The current transport statement does not repeat this conclusion, though it argues that travel by staff to and from the site will be minimised by the availability of the new rooms. It also says that car ownership in this staff sector is lower than for the general population. Bicycle parking must be provided.

Bolnore Road east of 26 Bolnore Road is a Byway Open to All Traffic (BOAT). This is primarily a designation for recreational use and the road is maintained to allow for this use. Occupiers of properties on the BOAT have private rights of access over the road, so we assume that they are responsible for maintenance resulting from those private rights. This must include the operators of Ashton House.

There are moves afoot to enable the full adoption as a highway of the part of the BOAT over which traffic regularly moves. The moves are in their early stages. This must include the raising of the make-up of the BOAT to a standard where it can

become a public road. The road could then be maintained using public funds, rather than from property holders.

Bringing the construction of the road to a standard where it can be adopted as a highway will need funds. We therefore recommend that Ashton Care Homes Limited be asked to contribute an amount of money to be agreed to reconstruction of the road via a Section 106 planning agreement. The money could be added to other amounts raised locally.

The highway authority finds it difficult to object to the proposal because of the intention to retain staff on-site (implying low traffic impact), the modest incremental impact of the proposal compared with the consented use and the nearness of the site to everyday facilities. Parking on site is adequate given the nature of the use.

CONDITIONS

PARKING

There shall be no restriction on the use of the car parking spaces shown on the approved plans by occupiers of, or visitors to, any of the buildings permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users.

BICYCLE PARKING

No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

CONSTRUCTION TRAFFIC PARKING

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

PROTECTION OF HIGHWAY FROM MUD etc.

Before any of operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided to ensure that the operator can make all reasonable efforts to keep the road outside clean and prevent the creation of a dangerous surface on the road.

Reason: To ensure that the development should not prejudice highway safety or cause inconvenience to other highway users.

INFORMATION

Before construction begins, the applicant must contact the Local Highway Manager through the County Council's website to ensure that the condition of Bolnore Road is inspected before and after construction. Any damage to the highway agreed to result from construction must be made good.

Consultant Archaeologist

Recommend Archaeological Condition

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application is located partly above the line of Archaeological Notification Area DWS8680 - 'Route of the Roman road through Mid Sussex'. An archaeological desk based assessment was not however provided in support of the original planning application (15/4865) and in the absence of advice from our office, an archaeological condition was not attached to the original grant of planning permission.

An archaeological desk based assessment has however been submitted in support of the current planning application amendment (Orion 2018). The findings of the desk based assessment indicates that amendments to planning application do not have archaeological implications, however below ground works associated with the granted planning application itself does carry an archaeological risk. With this as a consideration, it should be noted that had our office been consulted with regards to the original planning application we would have recommended that an archaeology condition be attached to planning permission if granted. The wording of the recommended archaeology condition would have been as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Given the archaeological risk associated with below ground works comprising the original planning application it is recommended that a retrospective archaeology

condition (worded as above) be attached to the planning permission amendment. It is envisaged that the archaeological fieldwork would comprise the following:

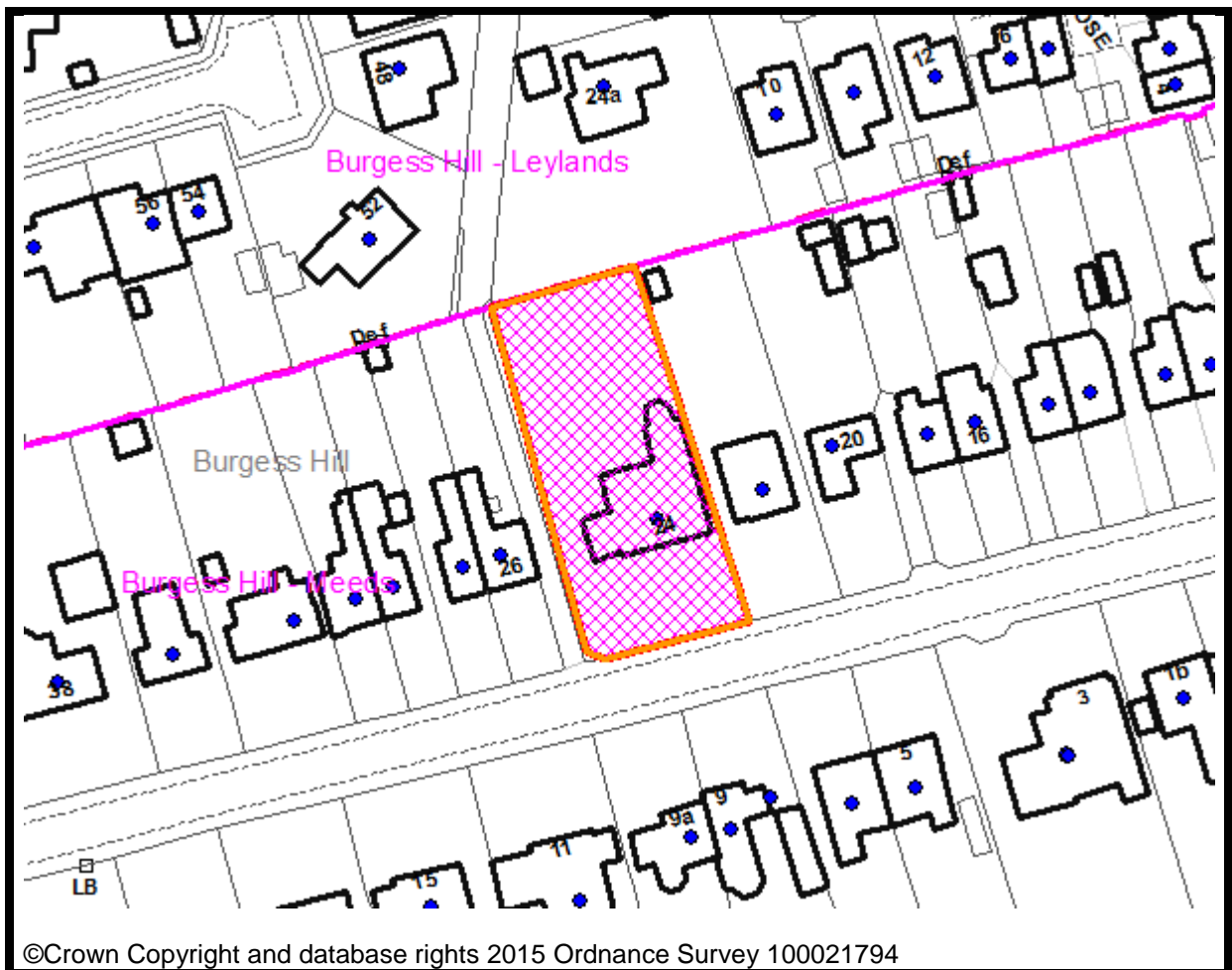
Watching Brief

A Watching Brief involves a professional archaeologist monitoring development groundworks and recording any remains exposed. It is undertaken in accordance with a Written Scheme of Investigation, agreed with the Local Authority prior to commencement. If or when archaeological deposits are observed, the archaeologist will request a period of time for adequate recording of such remains. If significant archaeological deposits are encountered during the watching brief, further archaeological work may be required to mitigate the archaeological resource.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information. This response relates solely to archaeological issues.

Burgess Hill

5. DM/18/1965



24 PARK ROAD BURGESS HILL WEST SUSSEX RH15 8ET

CHANGE OF USE FROM A SINGLE DWELLING TO A (D1) DAYCARE NURSERY (ACCOMMODATING UP TO 65 CHILDREN) AND A SINGLE BEDROOM FLAT. DEMOLITION OF CONSERVATORY, ERECTION OF A SINGLE STOREY SIDE EXTENSION AND A TWO STOREY REAR EXTENSION. PROPOSED HARD/SOFT LANDSCAPING WORKS AND INTRODUCTION OF A NEW ACCESS FROM PARK ROAD ALONG WITH THE PROVISION OF 8 PARKING SPACES.

MR RAY PHOON

GRID REF: EAST 531458 NORTH 119457

POLICY: Built Up Areas / Conservation Area / Radon Gas Safeguarding Zone
/

ODPM CODE: Change of Use

8 WEEK DATE: 12th September 2018

WARD MEMBERS: Cllr Richard Cherry / Cllr Anne Jones /

CASE OFFICER: Joanne Fisher

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 change of use from a single dwelling to a (D1) daycare nursery (accommodating up to 65 children) and a 1-bed flat. The proposal also seeks to demolish the conservatory and erect a single storey side extension and a two storey rear extension as well as proposed hard/soft landscaping works and the introduction of a new access from Park Road along with the provision of 8 parking spaces at 24 Park Road, Burgess Hill.

This application has been called into committee by Cllr Cherry and seconded by Cllr Jones due to concerns on the number of children the proposed nursery will cater for, parking, traffic flow, and noise pollution.

This is a carefully balanced assessment where the benefits of the proposal must be weighed against the potential disadvantages of the scheme. On the positive side in favour of the application are the economic benefits that would be derived from a business occupying the site, providing a service for which there is a demand. The site is close to the town centre where there are alternatives to the private car.

In addition, the extensions and formation of an additional access onto Park Road are considered to conserve the character of the Conservation Area.

Weighed against this are the strong objections that have been made by local residents in relation to two main concerns from the proposal. Firstly a concern that there will be a significant loss of residential amenity from the operation of the business, including the use of the garden. Secondly, a concern that there will be a highway safety issue and that the site, is simply not suitable for this proposal.

Members will be aware that local opposition to a scheme in itself is not a sufficient ground to refuse a planning application. Reasons for refusal of a scheme should be on well-founded planning grounds that can be properly substantiated. In this case whilst the Councils Environmental Protection Officer has concerns about the proposal they have not raised an objection to the scheme and have recommended that planning conditions be imposed to regulate the proposed use of the site. The Highway Authority has also not objected to the scheme. With this in mind it is considered that it would be difficult to justify a refusal of planning permission based on either neighbour amenity or highway safety matters as there would be no support for this from the relevant consultees.

In light of all the above and the clear Government advice to seek to be positive and

to look for solutions rather than problems, it is considered that on balance, the application would comply with policies DP21, DP25, DP26, DP29 and DP35 of the 2014 - 2031, and paras 8, 80, 108, 190 and 192 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommend permission be granted subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

57 letters of OBJECTION (10 from same residents) concerning the following points:

- site is in a Conservation Area and not appropriate;
- lives of people who live next to / nearby have not been considered;
- use needs more parking, would cause chaos and be dangerous. Park Road is already full of cars and junctions at either end are dangerous. Road is used as a rat run;
- concern on trees;
- inappropriate noise;
- significant traffic hazard with parking;
- fails aspects of local development plan for area;
- loss of family housing;
- no evidence on need for nurseries. Already 14 nurseries in Burgess Hill with 6 within 5 minute walk of site;
- inappropriate location which fails to cater for traffic and parking demand;
- parking provision for staff is inadequate;
- loss of amenity. Result in significant and unacceptable noise disturbance continually throughout operating period;
- no requirement / demand for such a facility. Logical that any new nursery should be part of development of town centre or northwest of Burgess Hill;
- trees and vegetation on all sides will be subject to removal resulting in a negative impact on the environment;
- not an appropriate location for a commercial business;
- pavement along Park Road is narrow and not safe or suitable for children;
- query on storage of waste / collection;
- will not conserve or enhance Conservation Area, will detract from it;
- flat roofed side extension not in keeping with front elevation of original house;
- set a precedent for change of use for commercial or other purposes within road;
- overdevelopment and change appearance of property;
- road used by emergency vehicles. Concerns on delays by increase in traffic in Park Road;
- a minimum of 17 staff need to be on site at one time to meet level of 65 place nursery. Would be below national requirements;
- such a use should be in an industrial estate. Whilst there is a need for nursery places, there are alternatives outside a residential environment;
- infrequent public bus service and unreliable train service;

- site has Japanese knotweed;
- commercial premises will affect attraction and appeal of Conservation Area.

SUMMARY OF CONSULTATIONS

WSSC Highways

No objection subject to conditions.

MSDC Environmental Protection

I therefore remain concerned that the amenity of nearby residents may be affected. However as with many applications of this type, it is difficult to be sure of the level of disturbance in reality. As previously stated, I would advise great caution in allowing this change of use but recognise that in accordance with current policy the amenity issues must be balanced against the need for nursery places in this area.

I would say that this location, with a relatively high ambient noise climate to mask some of the children's noise, and with the proposed screening, is more suitable than many in terms of a residential location.

Should the application be approved, conditions should be attached in relation to times of use of the garden, and the number of children at any one time, based on the calculations used within the noise report. Additionally the proposed acoustic fencing should be conditioned.

MSDC Tree Officer

No objection subject to conditions.

TOWN COUNCIL OBSERVATIONS

Recommend Refusal - The proposed car parking was not adequate. Concerns were raised over the added congestion and road safety. This would have significant impact on the neighbours due to an increase in noise. It was unneighbourly and would result in the loss of a family home. It was out of character with the surrounding area - this was a conservation area. This would be detrimental to the street scene. It was contrary to the Burgess Hill District Plan (4, 26, 29, 36 and 37) and the Neighbourhood Plan.

INTRODUCTION

This application seeks a change of use from a single dwelling to a (D1) daycare nursery (accommodating up to 65 children) and a 1-bed flat. The proposal also seeks to demolish the conservatory and erect a single storey side extension and a two storey rear extension as well as proposed hard/soft landscaping works and the introduction of a new access from Park Road along with the provision of 8 parking spaces at 24 Park Road, Burgess Hill.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SITE AND ITS SURROUNDINGS

24 Park Road is a large detached period property which has had a number of extensions to the property. The dwelling is situated within a residential area just north of Burgess Hill Town Centre. To the front of the dwelling is a large area of hardstanding for the parking of vehicles with a single point of vehicular access onto the highway.

To the east of the application site is a detached residential dwelling. There is a 2 metre fence on the boundary with this property. To the west is a single access track which provides access to the residential property 24a Park Road. The western and rear boundaries have tree and vegetation screening. The front boundary benefits from screening with the highway with trees and vegetation.

There is a variety in the style and size of properties along Park Road comprising of semi-detached and large detached dwellings set back from the highway with off road parking. To the eastern end of Park Road with the junction with Mill Road is a large detached residential care home.

Outside the site is a pavement which provides access to the town centre and also bus stops on Mill Road (east of the site).

The application site is situated within the built up area of Burgess Hill and within the St Johns Conservation Area.

APPLICATION DETAILS

The proposal is to convert the dwelling into a day care nursery with the capacity to accommodate up to 65 children. Part of the building will also be retained as a 1-bed 2-person flat for use by a nursery employee. In addition limited extensions are proposed in the form of a single storey side extension (replacing an existing conservatory) and a two storey rear extension along with part infilling of a courtyard. A new access will be introduced to allow an in/out access from Park Road in order to improve accessibility.

The proposal would result in the employment of 20 staff members (5 full-time and 15 part-time). This would include 1 manager who would provide some childcare and 1 chef. The nursery would provide the following ratio of children to staff:

- Under 2: 12 children with 4 staff
- 2's: 24 children with 6 staff
- Over 3's 29 children with 4 staff

The opening hours for the nursery will be between 08:00 and 18:00 Monday to Friday. The nursery will be closed on weekends and bank holidays.

As part of the proposal the existing single storey glazed conservatory is to be replaced with a single storey rendered extension which is to have a flat roof with parapet detailing. This is to be sited to the western side of the building and measure some 4.17 metres in width, 10.8 metres in depth with an overall height of some 3.2 metres.

The proposed two storey rear extension is to measure some 6.1 metres in width, 4 metres in depth, with an eaves height of some 4.9 metres and an overall height of some 7.5 metres. This extension will have a hipped tiled roof and be subordinate to the main ridge of the building.

The proposal is to incorporate a 1-bed 2person self-contained flat to the first floor of the building accessed internally from the nursery. The flat is to be for nursery employees. The flat would provide an internal floor area of some 54 square metres.

A new access will be created onto Park Road in order to allow a separate in/out access for parents picking up and dropping off children. A total of 8 parking spaces will be provided for both employees and parents. However, it would be expected that the majority of space will be available for parents with employees arriving by sustainable means of transport. A Travel Plan has been submitted with the application setting out measures to encourage the use of public transport, walking and cycling.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

Relevant policies include:

- DP21: Transport
- DP25: Community Facilities and Local Services
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP34: Trees, Woodland and Hedgerows
- DP35: Conservation Areas

Neighbourhood Plan

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

Relevant policy for consideration:

Policy H1: Protecting and enhancing heritage assets and conservation areas.

National Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

With specific reference to decision-making the document para 38 states:

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

In addition, para 47 states that *" Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

Planning Practice Guidance

Technical Housing Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the formation of a nursery in this location;
- the impact to the amenities of surrounding occupiers,
- highway safety and parking;
- the impact to the character of the area and the St Johns Conservation Area; and
- Ashdown Forest.

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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

The NPPF, which was issued in July 2018, is a material consideration which shall be afforded significant weight.

Para 11 of the NPPF States:

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

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

Creation of a nursery

Para 8 of the NPPF identifies the three overarching objectives of achieving sustainable development being economic, social and environmental objectives. These are interdependent and need to be pursued in mutually supportive ways. The NPPF identifies the economic objective as *"to help build a strong, responsive and competitive economy"*. In addition, it identifies the social objective as *"to support*

strong, vibrant and healthy communities" and "support communities' health, social and cultural well-being".

In addition, para 80 of the NPPF states: *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

Policy DP25 of the District Plan relates to Community Facilities and Local Services. It 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."

The proposal would provide economic benefits by employing up to 20 members of staff and would provide a facility that allows parents and carers access to childcare and therefore the ability to work themselves. These positive benefits to the local economy are supported by the NPPF.

It has been submitted that the applicant's other nursery in Burgess Hill (Mightysaurus Nursery Grove Lodge, Oakwood Road) has a high occupancy rate and continually turns new parents away due to capacity issues. This proposal will therefore help to meet existing demand for childcare within the area.

Concerns have been raised over the location of the nursery where objectors consider that such facilities should be located in industrial estates. In addition, objectors have identified that there are other nurseries in close proximity to the application site and do not consider there to be a need for a further facility.

It is considered that the formation of such a use is supported by policy. These policies do not restrict the location of such facilities or the amount of facilities in one area. Whilst there may be other nurseries in the locality, the NPPF seeks to provide a competitive economy. The applicant has indicated that there is a need for such an additional nursery to provide childcare throughout the year. The site is in a sustainable location situated close to the town centre, public transport and residential properties. Such a sustainable location would assist in reducing the amount of trips to the site as it provides a choice of transport means such as bus and walking.

The proposal is thereby considered to comply with policy DP25 of the District Plan and paras 8 and 80 of the NPPF.

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"*.

There has been a significant level of public interest and representation from surrounding residents about the proposed application. It is considered that there are two issues relating to the potential impact on neighbour amenity. Firstly, the impact from the use of the garden by children in association with the proposed use; and secondly the impact from the comings and goings associated with the use. This second point links in with highway safety matters that will be discussed later in this report.

Turning to the first issue, the garden area that would be used by children is located to the north of the property. On the boundaries of the garden is currently 2m high fencing, vegetation and trees.

A Management Plan for Outdoor Activities has been submitted as part of this application. This states that the *"use of the garden is very much structured and controlled and forms a part of their daily routine, which is planned and managed by members of staff."*

"The children are only allowed to use the garden during the period of 09.00 and 17.00."

It has been identified that the following measures are effective in managing activity and noise created by outdoor use. These are to be incorporated into the practices of the Nursery to ensure that levels of noise and activity associated with the nursery will not have a significant impact on local amenity:

- *"Use of soft safety surfaces*
- *Use of artificial grass*
- *Regular maintenance of outdoor equipment*
- *Rubber tyres on bikes, scooters*
- *To prohibit amplified music*

- *Garden is left tidy at the end of day*
- *Maintaining fences to high standard to act as noise barrier and for privacy, or erect new fences if required.*
- *To provide a contact for neighbours, usually the nursery manager, in order that they can report and log issues with noise.*
- *To keep a register of all complaints or suggestions from the neighbours;*
- *To ensure that all staff are fully aware of the policies and guidelines for garden activities".*

In addition, further information has been provided by the agent confirming that the *"number of children within the rear garden will be limited to 25 at any one time however broadly it is intended to operate it according to 'free flow' principles meaning that children are allowed to go outside at any time rather than restricting their use and then allowing them to go outside in large groups."*

A Noise Assessment has also been submitted following the request from the Councils Environmental Protection Officer. This assessment concludes that *"a source level has been derived to reflect the fact that up to 25 children may use the rear garden at any one time. The children using the rear area will be supervised by 5/6 adult staff. The sound generated by 25 children playing in the rear garden, will be audible in adjacent gardens and at levels where it is likely to be noticeable (7dB(A) increase in LAeq)). As such mitigation measures will be required.*

The implementation of a two-metre-high fence around the garden will significantly reduce the noise levels propagating into neighbouring properties, so much so that sound levels at adjacent gardens (33dB(A) and 37dB(A)) are likely to be significantly below those suggested for the onset of annoyance (50dB(A)) in the World Health Organisation Guidelines for community Noise dated 1999."

In addition it states that the *"exercising and regular review of the outdoor management plan in combination with the new fence-line will ensure that neighbouring residential properties are not adversely influenced by noise from children during daytime hours."*

The comments of the Councils Environmental Protection Officer are summarised at the start of the report and set out in full in Appendix B of this report. In summary he has reservations about the proposal and the impact on residential amenity. However, no objection has been raised to the proposal in this instance subject to conditions.

It is considered that assessing the potential impact of the use of the garden area on the amenities of the adjoining residents is difficult. Even with a well run nursery it is inevitable that groups of children playing together will generate noise. There are day nurseries elsewhere within the District that are within residential areas. This reflects the position nationally with this type of use often taking place within residential areas.

A similar application at Grove Lodge, Oakwood Road, Burgess Hill has a recent permission (reference DM/17/3554) for the erection of a single storey rear and side extension and part change of use of first floor from C3 (residential) to D1 to allow an increased capacity of the nursery to accommodate up to 55 children (from a capacity of 45). This is by the same company Tynsaurus Nurseries. In the consideration of

this recent application, the impact to the amenities on residential amenity from the operation of the business, including the use of the garden and from increased vehicular movements along Oakwood Road were the main issues to the proposal. It was considered that whilst the increase in capacity would lead to a proportionate increase in noise and movements, the growth being sought was deemed to be sufficiently modest that no significant adverse impacts would occur in respect of neighbouring amenity or highway safety. Since this approval there have been no complaints from residents concerning noise from the increase in the number of children using this nursery.

Notwithstanding this, there have also been appeal decisions where Inspectors have found that there would be significant adverse impacts from nurseries being located within residential areas (for example a dismissed appeal at 70 Oathall Road in Haywards Heath for a day nursery of 119 children, reference 12/03731/COU). The Inspector dismissed this appeal as she considered that combined with the comings and goings of the traffic, the noise from the outside activities would prove to be significantly disturbing for local residents. In addition she considered the quality of life of the neighbouring occupiers would be reduced through significant additional noise and disturbance. She considered that whilst the extent to which noise reaching the gardens of neighbouring properties could be controlled by raising the boundary treatment, there would also be no means of controlling the comings and goings of the traffic. This indicates that each case must be considered on its individual merits.

In this case Park Road is a popular thoroughfare for vehicles situated close to the town centre. During weekdays there will already be a high level of background noise by vehicular movements.

Surrounding the application site are gardens of adjacent residential properties, an access track to 24A, and the highway of Park Road. It is considered that on balance, the use of the garden area in association with the proposed day nursery would not in itself result in a significant adverse impact on neighbour amenity, subject to the conditions set out by the Councils Environmental Protection Officer.

However the impact on residential amenity is not solely confined to the use of the garden as a play area. The impact from the comings and goings from the highway must also be considered.

There are no parking controls along this part of Park Road. It is considered that there is the potential for the use to result in car parking on the highway and turning manoeuvres within the road that could result in a loss of amenity to the occupiers on the road. The issue for the purposes of assessing this planning application is whether such an impact would cause a significant loss of amenity, thus conflicting with policy DP26 of the District Plan.

It is your officer's view that it would be difficult to argue that vehicles turning and parking within the road would cause a significant loss of amenity that would conflict with policy DP26 of the District Plan. Whilst there may be some inconvenience it is felt it would be difficult to argue that this equated to substantial harm.

In light of the above, it is not considered that the proposal would result in a significant loss of amenity to residential properties through noise from the nursery and this would be the case; whilst some inconvenience may arise it is not reasonable to conclude that such impacts would equate to substantial harm to amenity.

With regards to the proposed extensions to the building, owing to design, positioning and subordinate nature of the extensions, it is considered that these will not result in an unneighbourly or significantly overbearing to the adjacent dwellings.

The proposal is thereby considered to comply with policies DP26 and DP29 of the District Plan.

Highway Safety

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

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

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

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

The application has been accompanied by a Transport Statement from the applicants that is available on file for inspection.

In summary it makes the following points:

- The development can be accessed by other more sustainable methods of transport besides the private car, such as by walking, cycling and public transport. There are bus stops located along Mill Road to the east of the Application Site, of which the closest bus stop is located at a distance of approximately 200 metres. Burgess Hill Railway Station is situated circa 800 metres from the Application Site, serving destinations including London Victoria and Brighton.
- It is proposed to provide a total of 8 car parking spaces on-site to serve the proposed children's nursery. There would be an 'in and out' arrangement for the parking. In addition, cycle parking will be provided in accordance with local standards, with buggy and scooter parking also provided.
- The majority of pickup/drop off trips associated with the nursery are likely to be made by car although a significant number can be expected to be made on foot.

- The proposed children's nursery will provide a total number of 8 car parking spaces. It is anticipated that only around 3 members of staff will travel to the application site by car.
- The levels of traffic associated with the proposals will not lead to any demonstrable harm being caused to the existing operation and free-flow of traffic on the adjoining highway network.
- The proposals accord with national and local policies relevant to transport;
- Safe and suitable access to the Application Site will be provided from Park Road;
- The proposals will make appropriate provision for car and cycle parking, having regard to adopted local parking standards; and
- The proposals will not prejudice the free-flow of traffic on the adjoining highway.

Park Road is a 'D' class road subject to a 30 mph speed limit. There are footways present on both sides of the carriageway; the road is also street lit. There are no on-street parking restrictions outside of the site.

The Highways Authority has considered the application and raises no objection to the principle of the development. They consider that the *"proposed development is forecasted to generate an increase in vehicular movements to the site. During these periods it is anticipated that there will be a small demand for temporary parking outside of the site, focussed around the time at which the nursery opens and directly prior to the end of the day. However the impact that these would generate is not considered being a 'Severe' residual impact in line with the National Planning Policy Framework (NPPF) and that there are no transport grounds to resist the proposal."*

The Highway Authority has undertaken a trip analysis on the use type 'nursery' in the use class 'education'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800. It is anticipated that there would also be in excess of 10 movements between the hours of 0900-1000, 1600-1700 and 1800-1900. An overall vehicular trip rate of 136 daily movements would be expected. It is likely that some of these trips will already be on the wider network, i.e. as part of a diverted commuting trip where a child is dropped off at the care provision and an onward journey is made to a place of employment. Given the sites location in close proximity to higher order roads the chances of this occurring are greater. From a capacity perspective the Highway Authority acknowledges that the proposals will see an increase in vehicular movements but based on the information from the applicant and the TRICS outputs we do not consider the proposals will have a 'Severe' residual impact on the surrounding highway network.

Notwithstanding this, a day nursery does not operate like a school where all of the drop off and pick up times are concentrated into two specific time slots in the morning and afternoon. Parents dropping off their children at a day nursery will be more staggered during the morning rush hour and afternoon/evening. However it is clear that there could well be times when the parking spaces within the site are all in use and parking would have to take place on Park Road. Whilst it is considered that it is likely that some overspill parking may occur from the site onto Park Road, it is not considered that this would be detrimental to highway safety. It is not considered that overspill parking would be to such a level that all capacity for parking in the

street would be used, and parking would be temporary in nature and occur over a short period during the AM and PM peak.

Without the support of the Highway Authority it would be difficult for the Council to sustain a reason for refusal relating to highway safety matters. As Members will be aware, local opposition to a proposal is not in itself a sufficient reason to resist a planning application. If an application is to be refused it must be on sound planning grounds that can be properly substantiated (at an appeal if necessary).

Consequently the application is deemed to comply with policy DP21 of the District Plan and para 108 of the NPPF.

Impact to the character of the area and the St Johns Conservation Area.

One of the core planning principles of the NPPF is to *"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 character and beauty of the countryside and supporting thriving rural communities within it."* It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the amenity of Burgess Hill.

The site falls within the St Johns Conservation Area. One of the features which contribute to the character of this Conservation Area is the well-spaced reasonably large town houses along Park Road.

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: *"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Paragraphs 192 - 196 of the NPPF are relevant and state that:

"192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In addition Policy DP35 of the District Plan is relevant. This relates to Conservation Areas and their settings. It requires developments in a conservation area to conserve or enhance its special character, appearance.

The proposed extensions are deemed to be of acceptable design, size, scale and location. These extensions are of a modest scale and would be sensitive to the character of the main property. The two storey rear extension would be of a subordinate nature to the main ridge and would sensitively follow the existing roof form of the rear two storey element. The ground floor side extension is to replace an existing side upvc conservatory. These extensions would use matching external materials. Visibility of the enlargements from Park Road would be limited and seen through the creation of the additional vehicular access onto the highway. As such no harm is considered to be caused to character of the street scene. A suitable gap is retained around the extension to the site's boundaries and it is not considered that the proposal will inappropriately overdevelop the plot. In light of the above, it is considered that the proposed extensions and alteration to the access would not result in detriment to the character of the Conservation Area.

Concerns have been raised that such a use would be unacceptable in a Conservation Area. Whilst proposals are required to conserve or enhance the special character of the Conservation Area, it is considered that the change of use

will result in a neutral impact due to the building being retained. In addition, whilst there would be an increase in vehicular movements to the site, given the existing level of activity on the road it is not considered that the change of use would result in harm to the character of the Conservation Area.

The proposal thereby complies with policies DP26 and DP35 of the District Plan, policy H1 of the Neighbourhood Plan and para's 124, 127 and 192 of the NPPF.

Impact to trees

On the boundaries of the site are mature trees and vegetation which form part of the character of the Conservation Area. To the front of the existing dwelling on the western boundary is a mature Pine Tree, leylandii as well as other trees and vegetation.

A Landscape and Arboriculture Statement has been submitted with the application as well as a tree management and planting objectives plan. This shows that some vegetation would be removed from the front boundary to provide the additional access on to the highway. However, the mature trees on the western side boundary would be retained.

The existing area of hardstanding to the front of the dwelling would be used for the parking of vehicles associated with the nursery use and it is not considered that this would result in further harm to the root protection areas of trees currently on the site.

Whilst there will be some impact to the trees within the site, in the planning balance it is not considered that there would be significant harm to justify a refusal on the impact to these trees.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Dwelling 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 proposal is to provide a 1-bed 2 person flat within the first floor of the building. The unit exceeds the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the unit proposed.

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.

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.

Weighing in favour of the scheme are the economic and social benefits that would be derived from a business occupying the site, providing a service for which there is a demand. The site is close to the town centre where there are alternatives to the private car and is thus sustainably located.

In addition, the extensions and formation of an additional access onto Park Road are considered to conserve the character of the Conservation Area.

Whilst the proposal would result in the loss of a large dwelling, a residential use would still be retained as part of the proposal through the formation of a 1-bed flat for employees.

Weighed against this are the strong objections that have been made by local residents in relation to two main concerns from the proposal. Firstly a concern that there will be a highway safety issue and that the site, is simply not suitable for this

proposal. Secondly, a concern that there will be a significant loss of residential amenity from the operation of the business, including the use of the garden.

Members will be aware that local opposition to a scheme in itself is not a sufficient ground to refuse a planning application; reasons for refusal of a scheme should be on well-founded planning grounds that can be properly substantiated. In this case whilst the Councils Environmental Protection Officer has concerns about the proposal they have not raised an objection to the scheme and have recommended that planning conditions be imposed to regulate the proposed use of the site. The Highway Authority has also not objected to the scheme. With this in mind it is considered that it would be difficult to justify a refusal of planning permission based on either neighbour amenity or highway safety matters as there would be no support for this from the relevant consultees.

The proposal would have a neutral impact in terms of the impact on the Ashdown Forest and space standards for the flat provided as part of the scheme.

In light of all the above and the clear Government advice to seek to be positive and to look for solutions rather than problems, it is considered that on balance, the application would comply with policies DP21, DP25, DP26, DP29 and DP35 of the 2014 - 2031, and paras 8, 80, 108, 124, 127, 190 and 192 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

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 more than 65 pupils shall be permitted on site at any one time.

Reason: To preserve the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

4. Children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays All such use shall be in accordance with the submitted Management Plan for Outdoor Activities.

Reason: To preserve the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

5. Opening times shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays

Reason: To preserve the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

6. No more than 25 pupils shall be permitted to use the outside play area at any one time.

Reason: To preserve the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

7. No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours.

Reason: To preserve the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

8. The use hereby approved shall not be carried out until an acoustic fence has been erected around the garden area. This fence should be constructed as outlined in Section 7 of Acoustic Associates Sussex Ltd Noise Assessment, ref: J2467, dated 11th June 2018. If alternative construction methods are to be used, plans must be submitted and approved by the local authority prior to the fence being constructed.

Reason: To safeguard the amenity of neighbouring residents and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

9. No development shall commence until the vehicular accesses serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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),
- 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 DP21 of the Mid Sussex District Plan 2014 - 2031.

11. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

12. The use shall not commence until the parking spaces shown on the approved drawings have been provided. These shall be retained permanently for the parking of vehicles of the occupiers (including employees) and persons calling at the building for the purpose of conducting business with the occupiers thereof.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

13. No development shall be carried out until a full AMS report has been submitted, including:

- Position of all Construction Exclusion Zones with details of all fencing and signage.
- Detail of groundworks to be undertaken within the RPA of all retained trees methodology/good working practice.
- Detail of position and type of all temporary ground protection to be used throughout the development.

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

Reason: To protect tree roots from damage likely to lead to the loss of a tree and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

14. The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

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.

15. The use shall not commence until there has been submitted to, and approved in writing by, the Local Planning Authority full details of a hard and soft landscaping scheme including full details of the proposed outdoor children's area. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

2. 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.

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	1707-10C		11.05.2018
Existing Floor and Elevations Plan	1707-11		11.05.2018
Proposed Floor and Elevations Plan	1707-13A	Rev A	14.08.2018
Landscaping Details	1707-14		11.05.2018
Tree Survey	LV312TPP1		11.05.2018
Landscaping Details	LV312OPD1	Rev A	11.05.2018
Tree Survey	LV312TSP1	Rev A	11.05.2018
Proposed Floor Plans	1707-12A		15.05.2018

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Refusal - The proposed car parking was not adequate. Concerns were raised over the added congestion and road safety. This would have significant impact on the neighbours due to an increase in noise. It was unneighbourly and would result in the loss of a family home. It was out of character with the surrounding area - this was a conservation area. This would be detrimental to the street scene. It was contrary to the Burgess Hill District Plan (4, 26, 29, 36 and 37) and the Neighbourhood Plan.

WSCC Highways

The application seeks permission to change the use of the Application Site from a residential dwelling (use class C3) to a day care children's nursery (use class D1) for up to 65 children along with an ancillary one-bedroom apartment for a staff worker. The Application Site is situated to the north of Park Road and is circa 800 metres north of Burgess Hill town centre. The proposals are accessed from Park Road, a 'D' class road subject to a 30 mph speed limit. There are footways present on both sides of the carriageway; the road is also street lit.

The proposals are supported by way of a Transport Statement (TS). The Local Highways Authority (LHA) has been consulted for pre-application advice in regard to the proposed D1 usage at the site and a site meeting was undertaken on the 23rd November at the site with Motion Transport Planning. A copy of the LHA's response and additional correspondence is contained with the appendices of the applicants TS. Within the document the applicant has undertaken a Stage 1 Road Safety Audit (RSA) on the access proposals and submitted a Travel Plan (TP).

Access and Visibility

It is proposed that vehicular access to the Application Site will be achieved via the existing driveway off Park Road. An additional access will be provided on the site frontage in order to provide an 'in and out' arrangement to ensure that the Application Site will operate as efficiently as possible during drop-off and pick-up periods. The access at the eastern end of the site frontage will be the entrance while that to the west will be the exit.

As advised at the pre-application stage the 'in' entrance is located to the east of the site and the 'out' is positioned to the west of the site. The western access will provide a much improved level of visibility in comparison to the eastern access. The existing hedgerow can be removed and an improved level of visibility achieved, given the nearby footway we would advise the hedgerow is lowered to 600 mm as opposed to 900 mm shown on the revised plan number 17108-01 Revision B. With the trimming of vegetation it is considered that the proposals can achieve visibility splays of 2.4 by 43 metres in both directions according to the latest Manual for Streets (MfS) guidance.

The Stage 1 RSA has been assessed and the Auditor does not indicate any problems with the proposed access arrangements. The Audit is in accordance with the latest HD19/15 parameters. On that basis the LHA are satisfied with the Audit undertaken and the parameters applied.

A review of the access onto Park Road indicates that there have been no recorded accidents within the last 3 years. Taking into account the improvements to visibility there is no evidence to suggest that the proposals would have a detrimental to highway safety.

Capacity

A travel survey has been undertaken based on another of the applicant's sites in Hove. It is envisaged that 20 members of staff will be employed at the nursery. It has been stated that the majority of pickup/drop off trips associated with the nursery are likely to be made by car although a significant number can be expected to be made on foot. In order to encourage more journeys to be made by sustainable modes, a Travel Plan will be implemented at the proposed nursery.

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to give some additional information when assessing the likely trip generation of the proposed use.

The LHA has undertaken a trip analysis has been undertaken on the use type 'nursery' in the use class 'education'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800. It is anticipated that there would also be in excess of 10 movements between the hours of 0900-1000, 1600-1700 and 1800-1900. An overall vehicular trip rate of 136 daily

movements would be expected. It is likely that some of these trips will already be on the wider network, i.e. as part of a diverted commuting trip where a child is dropped off at the care provision and an onward journey is made to a place of employment. Given the sites location in close proximity to higher order roads the chances of this occurring are greater. From a capacity perspective the LHA acknowledges that the proposals will see an increase in vehicular movements but based on the information from the applicant and the TRICS outputs we do not consider the proposals will have a 'Severe' residual impact on the surrounding highway network.

Travel Plan (TP) and Accessibility

The TS includes a TP to encourage safe, healthy and sustainable travel options. As this site is below 500sqm GFA we do not require the applicant to prepare either a Full Travel Plan or a Travel Plan Statement (TPS). However, given the type of use class the LHA consider that there would be benefits to the employer, employees, parents/pupils, and the wider community. The LHA's comments below are therefore made in that context and we would advise a condition is applied to any planning consent which will secure the additions to the TP. We have also copied the School Travel Plan Officer into this correspondence if there are any additional comments which will be forwarded to the LPA.

Cycling

- Cycle parking facilities should be able to accommodate 'large bikes' i.e. bikes with trailers/tag-alongs or rear child seats and also cargo bikes. Such bikes are likely to require greater spacing between Sheffield stands. Storage lockers for clothing will also be important for employees wishing to cycle. Ideally a shower facility will also be available for staff cycling from further afield.
- The County Council offers both adult cycle training and balance bike courses. Courses could be promoted to staff and parents and could even be subsidised by the nursery. Further information is available on the WSCC web site:

<https://www.westsussex.gov.uk/roads-and-travel/road-safety/> Contact the Road Safety team for hard copies of promotional flyers.

- The West Sussex Cycle Journey Planner should also be promoted to staff and parents. <https://www.westsussex.gov.uk/leisure-recreation-and-community/walking-horse-riding-and-cycling/cycle-journey-planner/>. Hard copies of promotional flyers are available free of charge upon request from travelwise@westsussex.gov.uk and a PDF version can be downloaded from the WSCC web site: <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plans/travel-plan-resources/#promote-your-travel-plan>
- The nursery should offer the Cycle to Work salary sacrifice scheme to employees. Further information about this and local bike shop discounts is available on the WSCC web site:

<https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/cycle-to-work-scheme/>

Public Transport

- National Rail Enquiries and Traveline South East should be promoted to staff. These journey planners should also be promoted to parents (e.g. via web site)
- The nursery should provide interest-free loans to staff wishing to purchase bus season tickets (repaid via salary)

Car Sharing

- The TP does not currently include a commitment to promoting car sharing. WSCC operates www.westsussexcarshare.com which is free to join and use, and could be promoted to staff. Further details - including a PDF leaflet and promo video can be found on the WSCC web site:

<https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/join-a-car-sharing-scheme/>

- In addition, for parents/children the nursery could proactively aim to introduce potential car sharers to one another e.g. through maintenance of a list, or holding 'postcode coffee morning' events.

Travel Plan Management

- Given that the nursery owner/manager is likely to be the Travel Plan Co-ordinator, please include contact details in the document.

Targets

- As an initial target, the TPS should seek to achieve the mode split levels observed at the Hove site. If necessary, this could be adjusted after the initial travel survey results are known.

Parking

A provision of 8 spaces has been made available within the site; whilst this is likely to be sufficient if equal spacing could be guaranteed between customer visits, the length of the drop off coupled with clustering at a start time is likely to lead to temporary parking demand spilling over from the site. A parking capacity survey has been undertaken on Park Road which identifies that there is capacity available for this to be accommodated on the carriageway of this private road. Park Road is subject to enforceable waiting restrictions to the east of the site at the junction with Mill Road.

The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

Park Road is approximately 5m in width along its length; any parking on the carriageway could restrict the ability for two vehicles to travel in opposing directions at the same time. One vehicle would be required to wait while another passes if parking is present. It is not considered that overspill parking would be to such a level that all capacity for parking in the street would be used, and parking would be

temporary in nature and occur over a short period during the AM and PM peak. The presence of enforceable waiting restrictions at the junction and accesses along the road provide sufficient space for vehicles to wait while another passes. The impact of parking at the development is not considered to be a 'Severe' residual issue and contrary to Paragraph 32 of the National Planning Policy Framework (NPPF).

Summary and Conclusion

The proposed development is forecasted to generate an increase in vehicular movements to the site. During these periods it is anticipated that there will be a small demand for temporary parking outside of the site, focussed around the time at which the nursery opens and directly prior to the end of the day. However the impact that these would generate is not considered being a 'Severe' residual impact in line with the National Planning Policy Framework (NPPF) and that there are no transport grounds to resist the proposal. Any approval of planning permission would be subject to the following conditions:

Access (details approved, access provided prior to commencement)

No development shall commence until the vehicular accesses serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

Construction Management Plan

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

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

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

Travel Plan Statement (to be approved)

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the

latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

MSDC Environmental Protection

I write further to my comments on the 24th May 2018.

An acoustic report has now been submitted in relation to the use of the garden for children playing. The Noise Assessment has been undertaken by Acoustic Associates Sussex Ltd, ref: J2467, dated 11th June 2018.

The report, most, but not all, of which is accepted, indicates that likely average noise levels from children in the outside play area would be below current background levels and fall within those values recommended by the most relevant standards for outside noise; provided acoustic fencing is provide.

It is important to note that the onset of annoyance (50dB(A)) in the World Health Organisation Guidelines for community Noise dated 1999, and BS8233:2014 criterion for internal noise levels are based on overall environmental noise, and not a specific noise source such as children playing.

Additionally it is difficult to accurately assess children noise due to its character and intermittency. While the average noise from children playing over 5 minutes may be considered to be below the current background, that doesn't take into account the varied level of children noise over that period, and it is inevitable that there will be peak noise levels that will have the potential to interfere with the amenity of local residents.

Any disturbance however will be limited to working hours (07.30 to 18.30 Mon to Fri) and will not affect evenings, weekends or Bank Holidays. Retired residents and those who work from home could be disturbed.

I therefore remain concerned that the amenity of nearby residents may be affected. However as with many applications of this type, it is difficult to be sure of the level of disturbance in reality. As previously stated, I would advise great caution in allowing this change of use but recognise that in accordance with current policy the amenity issues must be balanced against the need for nursery places in this area.

I would say that this location, with a relatively high ambient noise climate to mask some of the children's noise, and with the proposed screening, is more suitable than many in terms of a residential location.

Should the application be approved, conditions should be attached in relation to times of use of the garden, and the number of children at any one time, based on the calculations used within the noise report. Additionally the proposed acoustic fencing should be conditioned.

I would add that while the applicant has stated the pickup and drop off will only occur on site, this does not detract from the concern that the potential 170 vehicle movements per day could cause noise disturbance and affect local resident's amenity.

Additionally, many of my original comments still stand and I would still recommend that the conditions relating to those comments be attached in the event the application is approved.

Recommendation:

- Soundproofing: The use hereby approved shall not be carried out until an acoustic fence has been erected around the garden area. This fence should be constructed as outlined in Section 7 of Acoustic Associates Sussex Ltd Noise Assessment, ref: J2467, dated 11th June 2018. If alternative construction methods are to be used, plans must be submitted and approved by the local authority prior to the fence being constructed.

Reason: To safeguard the amenity of residents.

- No more than 65 pupils shall be permitted on site at any one time.

Reason: To preserve the amenity of neighbouring residents.

- No more than 25 pupils shall be permitted to use the outside play area at any one time.

Reason: To preserve the amenity of neighbouring residents.

- Use of Play Area: Children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of residents.

- Opening times shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays

Reason: To preserve the amenity of neighbouring residents.

- No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours;

Reason: To preserve the amenity of neighbouring residents.

Original

The introduction of a new nursery into an existing residential area may cause issues relating to noise from the children playing outside. Noise from parents' vehicles during drop off and collection (i.e. engine noise, door slamming) is also a concern

and including staff and parents, there is the potential for perhaps up to 170 vehicle movements per day.

I have read the accompanying Management Plan for Outdoor Activities which indicates that any disturbance from children in the garden will be limited to working hours (09:00 to 17:00 Mon to Fri) and will not affect evenings, weekends or Bank Holidays.

Having look at There is however the potential for those at home during the day, such as retired residents, and those who work from home to be disturbed. I therefore remain concerned that the amenity of nearby residents may be affected. However, as with many applications of this type, it is difficult to be sure of the level of disturbance in reality. I would advise great caution in allowing this change of use but recognise that, in accordance with current policy, the amenity issues must be balanced against the need for nursery places in this area. Without an acoustic report for the site, it's even more difficult to say whether the background noise level in this location lends itself to masking further noise sources.

Additional mitigation could be achieved by restricting the hours of use of the outdoor play area and/or the installation of acoustic close boarded fencing around the perimeter of the play area. This type of fencing is expensive though and its effectiveness will depend on the size and shape of the play area, as well as the weight of the fence.

If permission is granted, I would recommend that conditions are used to minimise the potential disturbance as much as possible. The noise management condition below could be used to control hours and noise protection measures.

Recommendation:

- Soundproofing: The use hereby approved shall not be carried on until evidence is provided that the perimeter of the outdoor play area is fenced / enclosed in such a manner as to minimise transmission to neighbouring premises of noise caused by the use of the nursery. Such evidence shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.

- No more than 65 pupils shall be permitted on site at any one time.

Reason: To preserve the amenity of neighbouring residents.

- Use of Play Area: Children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of residents.

- Opening times shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays

Reason: To preserve the amenity of neighbouring residents.

- No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours;

Reason: To preserve the amenity of neighbouring residents.

MSDC Tree Officer

No development shall be carried out until a full AMS report has been submitted, including:

- Position of all Construction Exclusion Zones with details of all fencing and signage.
- Detail of groundworks to be undertaken within the RPA of all retained trees - methodology/good working practice.
- Detail of position and type of all temporary ground protection to be used throughout the development.

Original

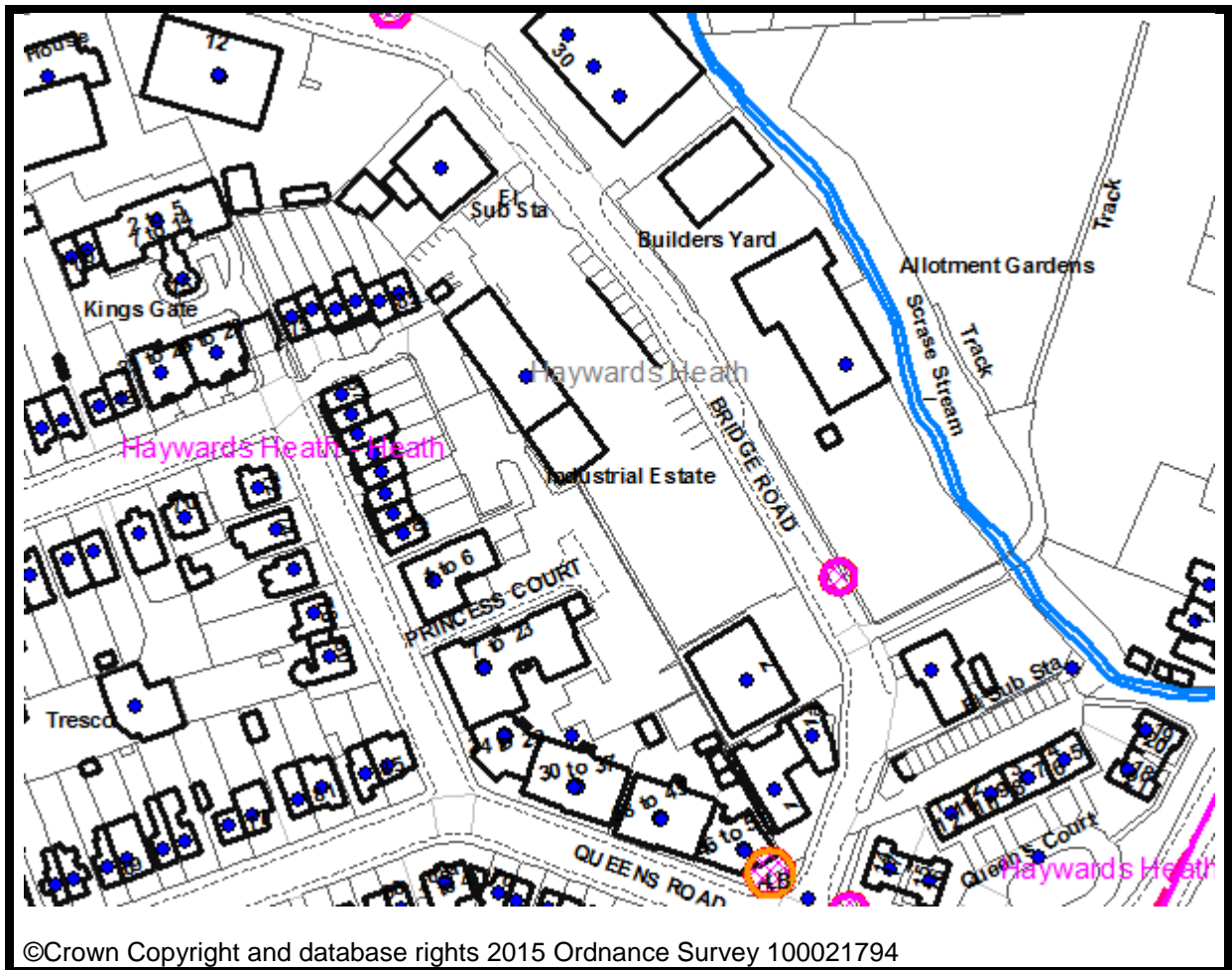
There are still a couple of issues with the AIA AMS reports.

Ground protection is planned for the driveway but this is not displayed on the site plan. What is the extent of the ground protection?

Are T1-T3 & T4 to be retained or felled?

Haywards Heath

6. DM/17/2551



BRIDGE ROAD/QUEENS ROAD HAYWARDS HEATH WEST SUSSEX RH16 1UA

PROPOSED 6 NO. IDENTIFICATION SIGNS AT BRIDGE ROAD AND 1 NO. DIRECTIONAL SIGN AT MILL GREEN ROAD (AMENDED PLANS RECEIVED 1 AUGUST 2018).

MR THUSO SELELO

GRID REF: EAST 533604 NORTH 124867

POLICY: Built Up Areas / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) /

ODPM CODE: Advertisements

8 WEEK DATE: 26th September 2018

WARD MEMBERS: Cllr Sandra Ellis / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks advertisement consent for the erection of 7 no. identification signs for Mill Green and Bridge Road business estates in Haywards Heath. The application is at committee because the Council is the applicant.

The application has been amended to reposition and reduce the height of those two proposed signs at the junction of Bridge Road and Queens Road, thereby addressing concerns over the impact of these upon adjacent residential properties.

The signage is all considered to be acceptable in respect of impact upon visual amenity and public safety, and complies with Policy DP26 of the Mid Sussex District Plan and paragraph 132 of the National Planning Policy Framework. This application is therefore recommended for approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received in respect of amended plans.

Comments received in respect of original plans:

Haywards Heath Society: all signage should be sited and at a height which is unobtrusive to neighbours and not a road safety hazard.

2 neighbouring properties in Queens Court: Harm to outlook, unnecessary.

SUMMARY OF CONSULTATIONS

None.

TOWN COUNCIL OBSERVATIONS

None received in respect of amended plans.

Comments received in respect of original plans:

"The Town Council supports this initiative which will formally identify the Bridge Road and Mill Green Business Estates and will promote the businesses located therein.

This is important for the success of the local economy and demonstrates that Haywards Heath is 'open for business'.

However, Members request that a number of issues are addressed before any consent is granted. These are as follows:

1. West Sussex County Council (WSSCC), as the local highway authority, must be consulted on the placement of all the signs so that the impact on any road safety issues can be properly assessed. Furthermore, the installation of the directional sign for the Mill Green Business Estate 'sign number 4' will require WSSCC's permission because it is on County Council land;
2. The positioning and alignment of the two 'Welcome to Bridge Road Business Estate' entrance signs 'sign number 3' must be given careful and sympathetic consideration. They must not obstruct the outlook from the windows of residential properties at Princess Court and Queens Court, nor must they hide the street nameplates for Bridge Road. The proposed height for the top edge of the signs 'at 2000mm above ground level' is excessive and overbearing;
3. The verges either side of the entrance to Bridge Road are frequently littered with an assortment of A-Boards, which looks messy and unsightly. If the formal signage goes ahead, this practice must be prohibited and the entrance smartened up generally."

INTRODUCTION

This application seeks advertisement consent for the erection of 7 no. identification signs for Mill Green and Bridge Road business estates in Haywards Heath. The application is at committee because the Council is the applicant.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The signs are proposed at five locations all of which are within the highway boundary (pedestrian pavement / verge), as follows:

- Sign type 1 & 2: Adjacent to Unit 5, Bridge Road
- Sign type 1 & 2: Adjacent to 37 Bridge Road
- Sign type 3: Adjacent to Princess Court at junction of Queens Road and Bridge Road
- Sign type 3: Adjacent to Queens Court at junction of Queens Road and Bridge Road
- Sign type 4: Opposite Mill Green Business Estate Road at junction with Mill Green Road

Bridge Road and Mill Green Business Estate Road are of a commercial character, whilst Queens Road and Mill Green Road are of residential character.

APPLICATION DETAILS

The application is made in the interest of the promotion of business activity.

Signs 1, 2 and 3 are of the same type as those installed at nearby Burrell Road Business Park.

Signs 1 and 2 list the names of businesses operating from the Bridge Road estate. The aluminium panels are green and blue and measure 2.14 metres height by 1.22 metres width. They are attached to short grey posts and fittings which bring the total height of the signs to 2.5 metres above ground level. Sign 3 is a welcome sign to Bridge Road and is of the same appearance and width as 1 & 2, but of lesser height, with the panel measuring 1.22 metres height and an overall height above ground level of 1.5 metres.

Sign 4 is a small directional grey panel advertising the location of Mill Green estate. This is double sided and measures 0.6 metres width by 0.31 metres height. The sign is attached to a 3 metre height grey post.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted and forms part of the Development Plan

No advertisements policy, however Policy DP26: Character and Design is of relevance as concerns visual amenity.

National Planning Policy Framework (NPPF) July 2018

Paragraph 132 is of relevance.

ASSESSMENT

The application has been amended from original submission, with the location of the two Bridge Road entrance signs moved slightly northwards and these also reduced in height, thereby addressing concerns that the erection of these could harmfully interfere with outlook from adjacent flats. The amended application has been through a further period of publicity.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states:

"A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account: (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors."
Factors relevant to amenity include the general characteristics of the locality,

including the presence of any feature of historic, architectural, cultural or similar interest; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others)."

Paragraph 132 of the revised NPPF states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The applicant has confirmed that the consent of the land owner, West Sussex County Council, has been obtained for the erection of the proposed signage.

The proposed signs are now all considered to be of appropriate dimensions, positioning, materials and appearance. No harm is considered to be caused to the character of the area in which each sign is to be located. In visual amenity terms, the proposal is deemed to be acceptable.

The location and dimensions of the signage is such that it is not considered that there will be any harmful impact upon highway safety or otherwise upon public safety.

It is not possible to prohibit the display of A-boards upon the verge at the entrance to Bridge Road through the determination of this application; however it is open to the Council as the Local Planning Authority or the Country Council as landowner to exercise its powers in respect of compliance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

CONCLUSION

This application seeks advertisement consent for the erection of 7 no. identification signs for Mill Green and Bridge Road business estates in Haywards Heath. The application is at committee because the Council is the applicant.

The application has been amended to reposition and reduce the height of those two proposed signs at the junction of Bridge Road and Queens Road, thereby addressing concerns over the impact of these upon adjacent residential properties.

The signage is all considered to be acceptable in respect of impact upon visual amenity and public safety, and complies with Policy DP26 of the Mid Sussex District Plan and paragraph 132 of the National Planning Policy Framework. This application is therefore recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Schedule 2 Regulation 2(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. The advertisement consent hereby granted expires at the end of the period of five years from the date of this notice.

Reason: To accord with Regulation 14(7) Part 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Approved Plans

3. 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.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the

Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. 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.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

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	SIGNS 1 - 3	-	26.07.2018
Location Plan	SIGN 4	-	26.01.2018
Proposed Elevations	SIGNS 1 - 3	-	01.08.2018
Proposed Elevations	SIGN 4	-	01.08.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council supports this initiative which will formally identify the Bridge Road and Mill Green Business Estates and will promote the businesses located therein. This is important for the success of the local economy and demonstrates that Haywards Heath is 'open for business'.

However, Members request that a number of issues are addressed before any consent is granted. These are as follows:

1. West Sussex County Council (WSCC), as the local highway authority, must be consulted on the placement of all the signs so that the impact on any road safety issues can be properly assessed. Furthermore, the installation of the directional sign for the Mill Green Business Estate ' sign number 4 ' will require WSCC's permission because it is on County Council land;

2. the positioning and alignment of the two 'Welcome to Bridge Road Business Estate' entrance signs ' sign number 3 ' must be given careful and sympathetic consideration. They must not obstruct the outlook from the windows of residential properties at Princess Court and Queens Court, nor must they hide the street nameplates for Bridge Road. The proposed height for the top edge of the signs ' at 2000mm above ground level ' is excessive and overbearing;

3. the verges either side of the entrance to Bridge Road are frequently littered with an assortment of A-Boards, which looks messy and unsightly. If the formal signage goes ahead, this practice must be prohibited and the entrance smartened up generally.

MID SUSSEX DISTRICT COUNCIL

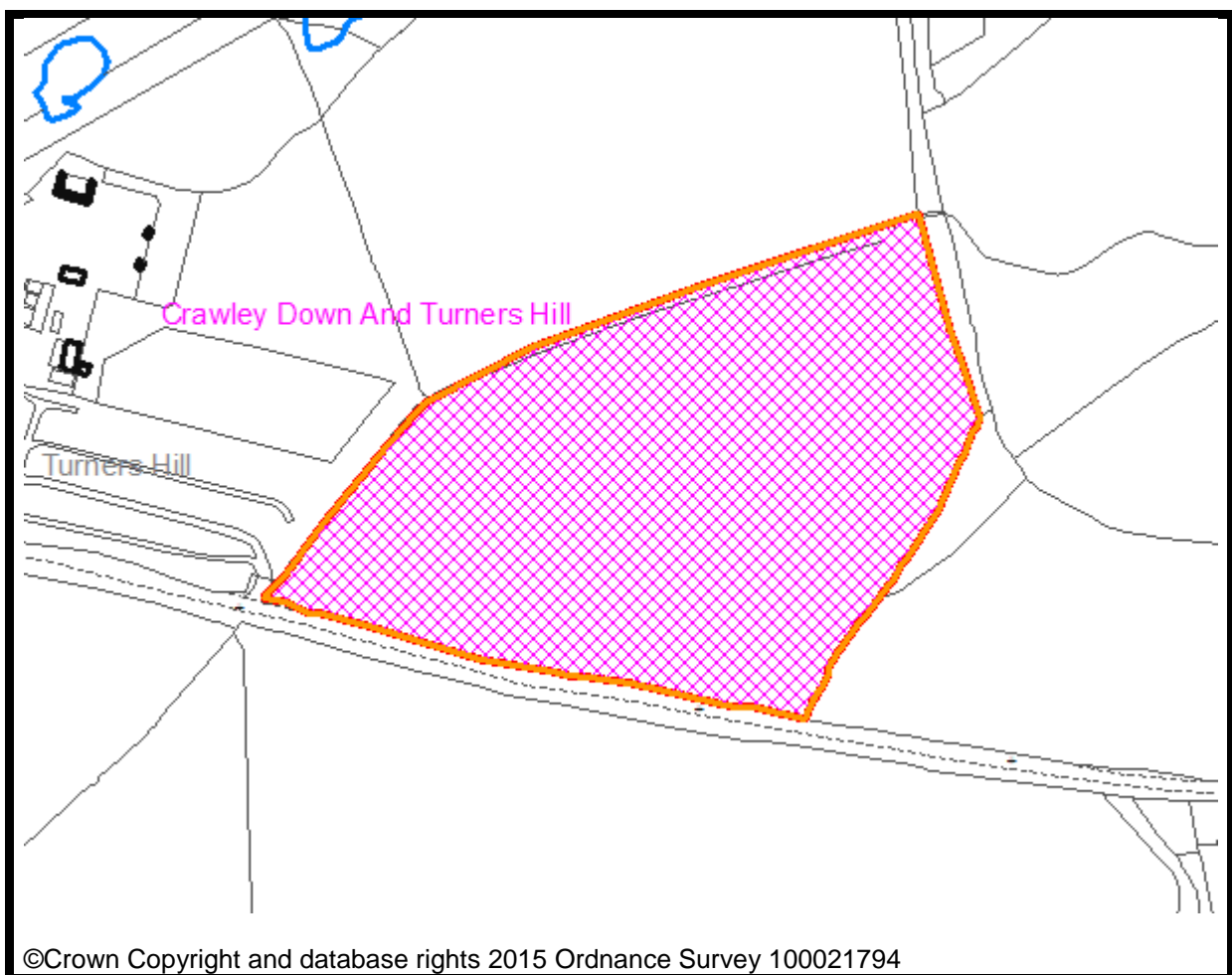
PLANNING COMMITTEE A

13 SEP 2018

PART II – RECOMMENDED FOR REFUSAL

Turners Hill

7. DM/18/2675



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

**OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF A
NEW BARN/WORKSHOP, HARD STANDING AREA, INTERNAL SITE
ACCESS ROAD AND FOOTWAY, CROSSING TO EXISTING PUBLIC
RIGHT OF WAY AND ASSOCIATED LANDSCAPE WORKS WITH ALL
MATTERS RESERVED APART FROM ACCESS AND SCALE
HARTMIRES INVESTMENTS LTD**

GRID REF: EAST 533454 NORTH 135544

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Minor Other

8 WEEK DATE: 29th August 2018

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

CASE OFFICER: 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

Outline planning permission is sought for the construction of a new barn/workshop, hardstanding area, internal site access road and footway, crossing to existing public right of way and associated landscape works. All matters (layout, appearance and landscaping) are reserved apart from access and scale.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the proposed access would have an urbanising effect on the immediate locality, with its impact clear from the public right of way that it would cross. The scale of the proposed building would have a harmful impact on the rural character of the area, again, most prominently viewed from the public right of way that it would be sited adjacent to. It is not considered that any convincing justification has been made in connection with the need for this building in relation to it being sited some distance from the cluster of buildings already permitted. Nor has any convincing justification been made for the need for this building in connection with the small-scale, low intensity use of this site, for which storage space has already been permitted. Furthermore, there is no justification for the loss of good quality

trees in order to provide the proposed access.

For the above reasons, the proposal is deemed to be contrary to Policies DP12, DP25, DP26 and DP37 of the Mid Sussex District Plan, Policy THP8 and THP13 of the Turners Hill Neighbourhood Plan and paragraphs 11, 12, 130 and 170 of the NPPF.

RECOMMENDATION

It is recommended that the application be refused for the reasons set out in Appendix A.

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- More workshops and barns not needed
- Why is this needed for a 'green burial site'?
- Why extend into the adjacent field?
- Building is an eyesore
- Intrusion into the countryside
- Increased noise and disturbance from additional vehicular activity
- Development straddles public footpath/right of way

SUMMARY OF CONSULTATIONS

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

MSDC Contaminated Land Officer

No comment.

MSDC Drainage Engineer

No objection, subject to condition / reserved matters.

MSDC Tree Officer

Concern over amount of trees being removed and how their loss will be mitigated.

WSSC Highways

No objection, subject to condition.

Consultant Ecologist

No biodiversity policy reasons for refusal or amendment of the proposals, subject to condition.

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

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

PARISH COUNCIL OBSERVATIONS

We strongly object to this latest application as submitted by Hartmires Investments Ltd.

The application states that the new barn/workshop is necessary for the running of the business. However, there is no business being operated on the site despite permission for a Natural Burial Ground being granted in September 2015. After all this time we are beginning to wonder if there will ever be a Natural Burial Ground in operation or will we simply be left with green fields scared by large buildings and hard surfaces.

The time for developing 'the business' has not arrived and this application is completely unnecessary. We strongly object to this unsympathetic, long and wide roadway which is an intrusion in the countryside and for which there is no proven requirement. The road is wider at 5.5 meter than those currently being provided on the new housing development at Clock Field which are 4.8 meters. In addition, a 2-meter-wide footpath is shown running alongside the road, again we ask why this would be needed. The building represents another large blot on the landscape being 300 square meters in size and, according to the application form requiring an additional five parking spaces. The length of the road is not stated but it is shown as crossing the footpath which is completely unacceptable and unnecessary.

The Landscape and Visual Impact Assessment state at 2.21 that the building will be "2.21 approximately 30m x 10m x 4m (plus 1m ht pitched roof) with a 3m offset hard standing apron around the building, also an access road 5.5m wide with 2m path for pedestrians and associated planting."

2.2 refers to "considerable vandalism on the site" and that the building would protect the equipment. We are unaware of the type of vandalism but currently there are no tractors etc. on the site and as yet they do not appear to be required.

2.4 refers to outside lighting which, as stated in relation to previous applications for this site, we cannot support.

There are numerous referrals to our Village Design Statement including references to housing matters, these are not relevant to this application.

There is much in the document as to how the applicant feels this meets many aspects of planning policy but little to show why such an intrusive development is actually required. Planning must provide protection against speculative development which cannot demonstrate need.

Should a proven need for this building ever be shown to be necessary for the management of a Natural Burial Ground in the future then a far more discreet and

unobtrusive site should be found, one not requiring a large roadway across the fields.

Noting that the whole site has been submitted to MSDC as a possible housing development site we, rightly or wrongly, see this road as preparation for such a development and not to serve a Natural Burial Ground. While we are fully aware that looking at an application in this way is not strictly allowed in planning terms it is so obvious to us and our residents that there is more to this latest application that we would be remiss not to make the point.

We seriously question the need for a large vehicle store and space for four tractors to serve a Natural Burial Ground designed to be left with just mown paths but no hard walkways. The word Natural being the relevant term for this site and one which we see is not described as such by the applicant. According to the application there will only be three employees on site, when it is up and running, the number of vehicles to be stored would therefore seem to be excessive.

Permission was recently granted (29th May 2018) for the re-siting of the Chapel to include a basement which we were told was for the storage of maintenance equipment. There is also storage space in the Reception Building.

We would refer you to the original Operation Statement for the Natural Burial Ground dated January 2015, items 6, 8, and 9:

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.

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

INTRODUCTION

Outline planning permission is sought for the construction of a new barn/workshop, hardstanding area, internal site access road and footway, crossing to existing public right of way and associated landscape works. All matters (layout, appearance and landscaping) are reserved apart from access and scale.

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.

In May 2018, full planning permission was granted for the re-siting of the consented chapel building with excavation and construction of new basement, internal site access road and associated landscaping (DM/18/0677).

SITE AND SURROUNDINGS

The 0.3ha red-lined site area has been tightly defined and straddles two interconnected field parcels totalling 7.7ha, which are in the ownership of the applicant - the majority of the site being within the northernmost / rear field, and the linear section within the southern / frontage field. These fields are mainly grassland but with the southernmost part having been subject to groundworks and some planting to implement planning permission DM/15/1035. The lawful use of the site is as a natural burial ground. There is an access onto Turners Hill Road in the centre of the southern / front 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 and splitting the two fields is a public right of way, which leads to an ancient woodland (Butchers Wood) to the east. 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

Outline planning permission is sought for the construction of a new barn/workshop, hardstanding area, internal site access road and footway, crossing to existing public right of way and associated landscape works. All matters (layout, appearance and landscaping) are reserved apart from access and scale.

The plans show a continuation of the access through the extended car parking spur and off the access to the repositioned chapel building and basement. This will be 5.5m in width with a 2m wide footpath to the eastern side and gated off from the approved works by means of a double gate and stile. The access will continue in a north-easterly direction, crossing the public right of way, leading to a turning area and area of hardstanding. On top of this area will be a proposed barn building 30m in length by 10m in depth by 4m in height to the eaves, plus an additional 1m of the roof pitch. A boundary treatment of timber post and rail fence will surround this area according to the red-line. A double gate will provide access to the remainder of the northern field. The internal layout of the building shows space for 4 vehicles, 2 either side of the central workshop / store.

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 DP1: Sustainable Economic Development
Policy DP12: Protection and Enhancement of Countryside
Policy DP14: Sustainable Rural Development and the Rural Economy
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP22: Rights of Way and other Recreational Routes
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
Policy DP41: Flood Risk and Drainage

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

Policy THP12: Visual Perspective
Policy THP13: Business Development
Policy THP17: Rights of Way

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

*"For **decision-taking** this means:*

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

With specific reference to decision-taking, the following paragraphs are also relevant:

Paragraph 80 (building a strong, competitive economy), 83 and 84 (supporting a prosperous rural economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124, 127 and 130 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites), 178 and 179 (land contamination) and 180 (noise and light pollution) are considered to be most relevant.

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- The principle of development and design and visual impact on the rural character of the area;
- Highways matters;
- Drainage;
- Land contamination;
- The impact on trees;
- Biodiversity;
- Habitats Regulations; and
- Planning Balance and Conclusion

Principle of development and design and visual impact on the rural character of the area

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) of the Planning and Compulsory Purchase Act 2004 provides:

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

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 Mid Sussex District Plan (2018) together with the Turners Hill Neighbourhood Plan (2016).

Policy DP12 of the District Plan states (in part):

"The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

The supporting text sets out the following:

"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside."

Policy DP25 of the District Plan relates to Community Facilities and Local Services and states (in part):

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

Policy DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*

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

Policy THP8 of the Neighbourhood Plan states:

"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."

Policy THP13 of the Neighbourhood Plan referring to Business Development states:

"The conversion of existing buildings and the small-scale expansion of existing employment premises across the parish will be supported. Development of this nature must meet all the following criteria:

- *Respect the character of the area;*
- *Not harm the surrounding landscape; and*
- *Safeguard residential amenity and road safety."*

It is clear that the thrust of these policies is consistent with the NPPF in respect of protecting the intrinsic character of the countryside. Whilst the council's Landscape Consultant has not objected to the proposed development, she has nevertheless stated that "the proposed barn seems large in comparison to the scale of the area and the maintenance needs" and "the applicant needs to justify the proposed size of this building in relation to the practical maintenance needs of the site when a barn of half the length could be adequate." She goes on to state that "in order to minimise the potential urbanising effect of the access road it should be single track with a passing place if required. The surface material finish should be of a gravel appearance rather than tarmac with narrow kerbs that are flush with the adjacent grass."

As stated above, the lawful use of the site is as a natural burial ground and the proposed barn building seeks consent for both its principle and its scale. The consented reception building contains a store and the basement area of the consented chapel is subject to a restrictive condition, as follows:

"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."

The original change of use of the land to a natural burial ground was granted planning permission because it constituted a small-scale and low-intensity use of the site which would be dominated by natural planting in the longer term. A chapel building was permitted subsequently, which although relatively large in scale, was justified in connection with the lawful use of the land. An additional basement and repositioning of the chapel building was permitted most recently. In response to a request by officers to justify the use of the basement area, the applicant 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."

Officers requested further detail on the latter point as garaging of vehicles did not form part of the justification for the application as submitted. However the applicant did not wish to provide any further information. In order to avoid an untrammelled vehicular parking area, on top of additional car parking spaces being permitted, which was not deemed to be commensurate to the small-scale use of the land, the above condition was imposed.

The applicant has justified this latest proposal on behalf of a third party who requires it "to store vehicles, tractors etc. on the 18 acre site. Our client is at a loss with regards to the restriction placed on the basement ... He wishes to apply for a barn at the site"

Development Plan policies seek to minimise the amount of land taken for development and preventing development that does not need to be there. It is clear that the need for the proposed building and its siting requires convincing justification in relation to the lawful use of the land. No justification has been set out in this application for the amount of vehicles to be used in specific connection with the lawful use of the land or for the siting of the building distant from the cluster of buildings and car parking area previously permitted. It unnecessarily entails the construction of a lengthy and wide roadway throughout the lower field and includes a gate for access to the remainder of the northern field. It crosses a public right of way and the proposed building (larger than the chapel building in footprint (which was 24.4m in width, 10.4m in depth and to a height of 13m)) will be sited adjacent. It is considered that the access will have an urbanising effect on this site, which has been previously planned to be used solely for landscaping in connection with the burial ground use. The scale of the building will be highly visible from the public footpath and even if its impact can be softened by some planting that has so far taken place, it would not adequately be mitigated, particularly in the short to medium term.

The submitted Landscape and Visual Impact Assessment appears to acknowledge this harm from 2 viewpoints along the public right of way.

Adjacent to the proposed building (Viewpoint 1), the impact on Completion would be Major Adverse and Significant. Paragraph 2.18 relating to mitigation states: New woodland planting just beyond the finger post would screen the barn in the long term although the medium distance views would also be lost and the access road would continue to be visible. After Mitigation, the impact is described as Negligible Adverse/Significant.

Further west along the public right of way (Viewpoint 9), the impact on Completion would be Moderate Adverse and Significant. Paragraph 2.98 relating to mitigation states: Additional indigenous planting (including trees) along PRow 68W and new planting to infill gaps and strengthen the northern boundary hedgerow. After Mitigation, the impact is described as Slight Adverse/Not Significant.

Based on the applicant's own LVIA, the impact of this proposal, in terms of the access, scale (and due to the tightness of the red-lined area) the siting of the building, is deemed to be harmful to the rural character of the area, particularly as it has not been substantively justified in connection with the small-scale, low intensity use of this site. For the above reasons, the proposal is not considered to comply

with Policies DP12, DP25 and DP26 of the Mid Sussex District Plan, Policy THP8 and THP13 of the Turners Hill Neighbourhood Plan and paragraphs 11, 12, 130 and 170 of the NPPF.

Access, parking and impact on highway safety

The Highway Authority has raised no objection to the application, in terms of the new access road, provision for turning, parking provision and impact on the public right of way. With regard to the latter, a design specification would be required through condition to ensure that the levels remain flat where the new access crosses it.

Accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

Drainage

The means of drainage to serve the proposed development could be controlled by condition, as confirmed by the council's Drainage Engineer, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Land contamination

The NPPF Glossary defines Site investigation information as:

"Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance."

The Council's Contaminated Land Officer has considered the proposal and does not request any conditions are necessary to be applied.

Accordingly the above requirements would be met.

Impact on trees

The council's Tree Officer has raised an objection to the proposal, as the loss of good quality trees (which he considers the applicant's Tree consultant has mis-classified) is not justified and have not been mitigated. Therefore the proposal would not comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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).

Policy DP38 of the Mid Sussex District Plan states:

"Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites."

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

"When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

As before, an Extended Phase 1 Habitat Survey, Great Crested Newt Survey and Reptile Survey have been submitted in support of the application and the council's Ecological consultant has raised no objection to the proposed development. 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.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the proposed access would have an urbanising effect on the immediate locality, with its impact clear from the public right of way that it would cross. The scale of the proposed building would have a harmful impact on the rural character of the area, again, most prominently viewed from the public right of way that it would be sited adjacent to. It is not considered that any convincing justification has been made in connection with the need for this building in relation to it being sited some distance from the cluster of buildings already permitted. Nor has any convincing justification been made for the need for this building in connection with the small-scale, low intensity use of this site, for which storage space has already been permitted. Furthermore, there is no justification for the loss of good quality trees in order to provide the proposed access.

For the above reasons, the proposal is deemed to be contrary to Policies DP12, DP25, DP26 and DP37 of the Mid Sussex District Plan, Policy THP8 and THP13 of the Turners Hill Neighbourhood Plan and paragraphs 11, 12, 130 and 170 of the NPPF.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed development lies in a Countryside Area of Development Restraint, where planning policies seek to protect the countryside for its own sake by minimising the amount of land taken for development and preventing development that does not need to be there. The proposed access would have an urbanising effect on the rural character of the area and the proposed scale of the building (and its siting within the tightly-drawn red-lined area) would be harmful to the landscape quality of the area, particularly in views from the public right of way. The need for this building in

relation to the small-scale, low intensity lawful use of the site has not been demonstrated, and neither has its siting at some distance from the previously approved cluster of buildings and car parking areas. As such, the proposal would not comply with Policies DP12, DP25 and DP26 of the Mid Sussex District Plan, Policy THP8 and THP13 of the Turners Hill Neighbourhood Plan and paragraphs 11, 12, 130 and 170 of the NPPF.

2. Insufficient information has been submitted to justify the loss of good quality trees that the proposed development would entail, so the application would be contrary to Policy DP37 of the Mid Sussex District Plan.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	510/202	B	29.06.2018
Proposed Floor and Elevations Plan	510/201	A	29.06.2018
Block Plan	510/200	D	29.06.2018

APPENDIX B – CONSULTATIONS

Turners Hill Parish Council

We strongly object to this latest application as submitted by Hartmires Investments Ltd.

The application states that the new barn/workshop is necessary for the running of the business. However, there is no business being operated on the site despite permission for a Natural Burial Ground being granted in September 2015. After all this time we are beginning to wonder if there will ever be a Natural Burial Ground in operation or will we simply be left with green fields scared by large buildings and hard surfaces.

The time for developing 'the business' has not arrived and this application is completely unnecessary. We strongly object to this unsympathetic, long and wide roadway which is an intrusion in the countryside and for which there is no proven requirement. The road is wider at 5.5 meter than those currently being provided on the new housing development at Clock Field which are 4.8 meters. In addition, a 2-meter-wide footpath is shown running alongside the road, again we ask why this would be needed. The building represents another large blot on the landscape being 300 square meters in size and, according to the application form requiring an additional five parking spaces. The length of the road is not stated but it is shown as crossing the footpath which is completely unacceptable and unnecessary.

The Landscape and Visual Impact Assessment state at 2.21 that the building will be '2.21 approximately 30m x 10m x 4m (plus 1m ht pitched roof) with a 3m offset hard standing apron around the building, also an access road 5.5m wide with 2m path for pedestrians and associated planting.'

2.2 refers to 'considerable vandalism on the site' and that the building would protect the equipment. We are unaware of the type of vandalism but currently there are no tractors etc. on the site and as yet they do not appear to be required.

2.4 refers to outside lighting which, as stated in relation to previous applications for this site, we cannot support.

There are numerous referrals to our Village Design Statement including references to housing matters, these are not relevant to this application.

There is much in the document as to how the applicant feels this meets many aspects of planning policy but little to show why such an intrusive development is actually required. Planning must provide protection against speculative development which cannot demonstrate need.

Should a proven need for this building ever be shown to be necessary for the management of a Natural Burial Ground in the future then a far more discreet and unobtrusive site should be found, one not requiring a large roadway across the fields.

Noting that the whole site has been submitted to MSDC as a possible housing development site we, rightly or wrongly, see this road as preparation for such a development and not to serve a Natural Burial Ground. While we are fully aware that looking at an application in this way is not strictly allowed in planning terms it is so obvious to us and our residents that there is more to this latest application that we would be remiss not to make the point.

We seriously question the need for a large vehicle store and space for four tractors to serve a Natural Burial Ground designed to be left with just mown paths but no hard walkways. The word Natural being the relevant term for this site and one which we see is not described as such by the applicant. According to the application there will only be three employees on site, when it is up and running, the number of vehicles to be stored would therefore seem to be excessive.

Permission was recently granted (29th May 2018) for the re-siting of the Chapel to include a basement which we were told was for the storage of maintenance equipment. There is also storage space in the Reception Building.

We would refer you to the original Operation Statement for the Natural Burial Ground dated January 2015, items 6, 8, and 9:

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.

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

MSDC Contaminated Land Officer

Main Comments:

Having reviewed the application, it appears the site is over 300m away from any sensitive receptors dwelling.

As such I have no comment with regards to the proposed.

MSDC Drainage Engineer

Recommendation:

No objection subject to conditions / reserve matters

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.

- 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 to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will manage surface water drainage through the use of a soakaway.

Foul Water Drainage Proposals

It is proposed that the development will not incorporate any foul water drainage.

Suggested Conditions

C18D

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. The **building** shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed 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 Tree Officer

I've reviewed the amended AIA and newly submitted AMS report, please find my comments below.

The AIA has now been amended but only in regard to the previously mentioned mature Hawthorn.

There are still (in my opinion) trees that have been misclassified. For example, T1409 (Silver Birch) is a mature native tree that is in public view. If there are no obvious defects and the tree is in good health then there is no justification for the tree to be classified grade C.

Within the AIA, all of the trees in between the two veteran Oaks are referred to as scrub. This is not the case and there are in fact several good trees in this area.

It is not clear why it is necessary to remove so many high quality trees as the planned access is quite narrow.

The applicant has also submitted an AMS report which sets out protection measures for retained trees, these include: CEZ using fencing and signage, methodology for treatment of disturbed roots and good working practices within the RPA of retained trees.

This section of the report is appropriate correctly details protection measures to be implemented.

There is still some concern over the amount of trees being removed, the quality of said trees and how the loss of so many trees will be mitigated.

WSSC 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 WSSC map information. A site visit can be arranged on request.

Summary / Context

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been consulted on outline proposals for storage barn/workshop with matters of access and scale sought for approval. The building will be used for storage of tractors and machinery required for management of the burial grounds. A new access road to serve the site is proposed internally with no new or altered access from the public highway proposed.

The LHA provided comments most recently under DM/18/0677 for re-siting of consented chapel building. The change of use of the land to natural burial ground was consented under DM/15/1035, to which no highways objections were raised.

Parking & Turning

WSSC Supplementary Planning Guidance set out maximum car parking standards for a B8 storage use. Whilst the LHA acknowledge the proposed 300 sqm floor

space is non-commercial and thus parking requirements will not be the same, these standards do set out that 1 car parking space per 100 sqm floor space should be provided. On this basis 3 spaces could be provided for the use. The Application Form states that 5 car parking spaces will be provided and three additional employees. Whilst a formalised car parking layout has not been provided it is evident from the Proposed Site Plan (drawing no. 510/200D) that there is space within the site to accommodate this. The applicant may wish to secure separate staff parking, so as not to impact on the existing provision for visitors.

The access road is wide enough to support the anticipated vehicles and a 2m wide footway is also provided. Tracking demonstrates that a fire appliance can reach the building and turn on site. Similarly this turning head could provide sufficient space for manoeuvring of tractors/ maintenance machinery.

Public Right of Way

The internal access road will cross the route of footpath no. 68W and thus the PROW officer has been consulted and provides the following comments:

As the access road is actually crossing the PROW (68W) and therefore changes will be made to the surface, I would need to see full details of the junction of the prowl and the access road. I would be expecting the levels on the public footpath remain flat without any kerbs etc. to navigate but apart from that I can't envisage any problem. We would however need to see the full design spec so that we can agree changes to the surface of the PROW.

Should planning consent be approved by the Local Planning Authority this would not confer consent altering the surface of the PROW, which would require a separate application to WSCC's RoW Team.

If the PROW's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC's RoW Team.

Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's RoW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to WSCC's RoW Team.

Conclusion

In summary the LHA does not consider that the proposals will result in a highway safety or capacity issue on to the nearby road network. The majority of new vehicular movements as a result of the proposals are anticipated to take place within the site. It is not considered that the proposals would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application the following condition securing details of the works affecting the PROW should be included:

Surfacing of the Public Right of Way

No construction of the access road shall commence until such time as plans, details and construction specification showing the proposed surfacing works where it crosses Right of Way no. 68W have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users.

Consultant Ecologist

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the reserved matters application being supported by the following:

E.g.

An ecological impact assessment report specific to the reserved matters application, supported by up-to-date ecological survey information and full details of proposed measures for avoiding, mitigating and compensating any biodiversity impacts.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

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

Comments

Whilst the ecological survey information submitted in support of the application is relatively old and not specific to this proposal, taking into account the nature of the site and habitats present, I am satisfied that there are unlikely to be any significant changes that would affect the principle of the proposal. However, it will be important that the reserved matters is supported by an update assessment of impacts relevant to the project in question.

The proposal will involve access through a hedgerow. This is shown as being species poor in the supporting extended phase 1 habitat survey. However, the loss of the section should be compensated for through appropriate new native planting as part of the landscaping proposals (e.g. along the drive).

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

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 be 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 Landscape and Visual Impact Assessment, Harper Landscape Architecture, February 2018, provides an accurate assessment of the baseline landscape and visual conditions for the site.

2.6 The conclusion of this report is that the proposed development would be unlikely to have an unacceptable impact on local landscape character and views.

2.7 The principle of an agricultural barn style of development to house maintenance equipment on this part of the site could be acceptable. The proposed scale of the barn seems large in comparison with the scale of the area and the maintenance needs. The illustration indicates 4 mowing vehicles and a truck. This would require 5 separate barn doors and considerable vacant space around each vehicle. The applicant needs to justify the proposed size of this building in relation to the practical maintenance needs of the site when a barn of half the length could be adequate.

2.8 In order to minimise the potential urbanising effect of the access road it should be single track with a passing place if required. The surface material finish should be of a gravel appearance rather than tarmac and with narrow kerbs that are flush with the adjacent grass.

2.9 Should the planning authority be minded to permit the development it is recommended that the following are required by condition:

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

2.10 It is recommended that the application can be supported subject to consideration of the need for a building of the proposed scale and the submission of acceptable proposals for building finishes and detailed landscape mitigation measures.