



MID SUSSEX
DISTRICT COUNCIL

Agenda Update Sheet

Planning Committee A

Date: 13th September 2018

PART II – RECOMMENDED FOR APPROVAL

ITEM 1

APPLICATION DM/18/0285

P.11 MSDC Waste Services

I have viewed the plans for the bin store in conjunction with the location plan.

I can confirm that the provision of 4 x 1100 litre bins will be sufficient to provide capacity for all residents to dispose of refuse and recycling. I can also confirm that our contractors will be able to service the bins from the bin store and will most likely wheel the bins to the collection vehicle on Dallaway Gardens.

It will be essential that the access to the bin store is free of obstructions (such as parked cars) on collection days in order for the bins to be serviced. Therefore, I would recommend that the area in front of the bin store doors is clearly marked with a yellow hashed area or signage.

We would also recommend that the bin store doors are locked by way of a coded lock, rather than the use of a key.

P.25 Infrastructure contributions

Local Community Infrastructure £6,125 (project towards Four artworks associated with the new East Grinstead Station and Bluebell Railway - ref: EG/81)

ITEM 2

APPLICATION DM/18/0484

P.46 Introduction

Point 3 of Councillor Cherry's reasons for calling the application in to committee to be determined should read 'exacerbated' instead of 'exasperated'.

P.63 MSDC Environmental Health comments

The construction hours condition should not be numbered (no. 13).

P.64 MSDC Environmental Health comments

The smoke condition should not be numbered (no.14).

ITEM 3

APPLICATION

ITEM 5

APPLICATION DM/18/1965

P.123 Summary of Representations

1 additional letter of OBJECTION from a previous objector reiterating concerns in respect of highway safety, site being in a Conservation Area and should not accommodate commercial development.

P.142 Appendix A – Recommended Conditions

Additional condition (16):

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future the front and side elevations of the building shall not be painted other than in such colours as shall be agreed with the Local Planning Authority.

Reason: To preserve or enhance the character of the Conservation Area and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

PART II RECOMMENDED FOR REFUSAL

ITEM 7

APPLICATION DM/18/2675

P.163 PARISH COUNCIL OBSERVATIONS

2nd para - replace 'scared' with 'scarred'.

P.173 Principle of development and design and visual impact on the rural character of the area

5th para from top, final sentence: Replace with "After Mitigation, the impact is described [in the body of the LVIA] as Negligible Adverse/**Not** Significant" [NB. The word 'Not' was omitted from the Appendix to the LVIA which was cited in the Committee Report verbatim]

Letter from applicant's Landscape consultant (Harper Landscape Architecture) making the following points following publication of the committee report in relation to our LVIA:

1. East Sussex County Council's Landscape Architect, Ms Virginia Pullan, has not objected to the proposed development rather she has proposed some revisions (see Committee Report page 12 policy THP13, paragraph 2).
2. On page 13, last paragraph of the Committee Report it is stated:

"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 length of PRoW 68W adversely impacted by the proposed development is for two short lengths only and this would be until proposed planting has established. Footpath users would see the development for only two short distances; as they cross the access drive and for short distances either side (see LVIA Appendix 1 hla 268 R01, Viewpoint 1); and for a distance estimated as 25m only (see LVIA Appendix 1 hla 268 R01, Viewpoint 9) otherwise existing planting effectively screens the rest of the footpath. In the long term the visual impacts are judged to be Negligible Adverse (Viewpoint 1) and Slight Adverse (Viewpoint 9). Both these judgements are **Not Significant*** and the officers statement relating to 'harmful impact on the rural character' of misrepresents the conclusions of the LVIA. The Committee Report (page 14, paragraph 5, sentence 1) is incorrect and has misunderstood the concluding judgements for Viewpoints 1 and 9 when it states the following.

"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."

It is similarly incorrect for same reasons on page 17 of the Committee Report under the heading PLANNING BALANCE AND CONCLUSION (3rd paragraph) where it states.

“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.

As such the Committee Reports quoted statements above that relate to these points and state that the proposals do 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) are not correct based upon the LVIA judgements.

3. Also on page 17 of the Committee Report under the heading PLANNING BALANCE AND CONCLUSION (Committee Report 3rd paragraph) where it states.

“Furthermore, there is no justification for the loss of good quality trees in order to provide the proposed access.”

The loss of a small number of trees is mitigated by the large number of trees being planted along the PRow and proposed between the PRow and the proposed barn.

* With regard to Viewpoint 1 the Committee Report states (page 14, paragraph 3).

“After Mitigation, the impact is described as Negligible Adverse/Significant.”

This is incorrectly quoting the LVIA conclusion which states (page 44, bullet 7.82, 2nd sentence (also on Table 7)).

“Viewpoint 1 would experience an impact of **Major Adverse/Significant** at completion reducing to **Negligible Adverse/Not Significant** impact after mitigation planting (although this is not required) would have established.”

Please do not misrepresent my LVIA and please arrange to alter your report to Committee confirming my comments accordingly.

2nd letter from applicant's Landscape Consultant (11 Sep, 1749hrs)

The methodology clearly states **Medium Sensitivity** cross referenced with **Negligible Adverse Impact** is **Not Significant** which is the case for Viewpoint 1 after mitigation has established. The Appendix is a supporting document and not the main LVIA Conclusion which is the key piece of evidence so why Mr Watt has chosen to use an Appendix (unsupported by the methodology) note to override the main LVIA conclusion statement is beyond me. Appendix note 2.19 is clearly an error which he will have known if he has read the LVIA methodology (LVIA Table 6), the LVIA Conclusion (point 7.82 2nd sentence) and the LVIA Table 7 which all show this as **Not Significant**.

P.184 MSDC Consultant Landscapes Officer (2nd comment, 12 Sep, 1131hrs)

According to the bar scale provided on the elevation drawing the proposed barn will be 5m high at the roof ridgeline and about 30m long, Due to the scale and height of the proposed barn and the proximity of the footpath the impact from Viewpoint 1, and for the length of the footpath which passes close to the proposed barn, would be more likely to remain as a Moderate to Major impact. This impact would remain once the mitigation planting has matured at 10-15 years. There will be views to the barn through the access road which would not be screened by planting even in the longer term. The removal of the existing trees and hedgerow along the field boundary between the footpath and the site has opened up the view from the footpath and mitigation would entirely rely on the proposed planting, which would take time to establish.

3rd letter from applicant's Landscape Consultant (12 Sep, 1500hrs)

In response to your exchange of correspondence with Virginia Pullan, 11th Sept 18, I make the following points.

1. Viewpoint 1 would be Negligible Adverse after mitigation for the following reasons

On Table 3 of LVIA Negligible Adverse is stated as,

"The proposals would cause a barely perceptible change to the the view, but which would not affect the composition, the appreciation of the landscape character or the ability to take or enjoy the view"

The building is located in a dog legged position in relation to the footpath allowing planting between the footpath (which includes an existing hedge) to entirely screen the building. The planting shown on the ecotecture plan is indicative and shows a buffer zone which could be extended up to the existing hedge if needed. Planting implemented directly adjacent to the existing hedge only needs to reach 2m to screen views from the footpath, this could be achieved within 2 to 3 years rather than the 10-15 year period Virginia Pullan suggests. As such users of the footpath as they fleetingly pass Viewpoint 1 would be aware of the access road but the building would be predominantly obscured or screened.

Virginia Pullan's response confirms that the impact is for a short distance of PROW only where she states, 'length of the footpath which passes close to the proposed barn.' She also states that the impact would be Moderate to Major after mitigation although she doesn't provide any methodology to support this nor does she state the sensitivity of the Viewpoint. In the hla LVIA methodology Moderate and Major impacts are described as follows.

Moderate = "The proposals would cause a clearly noticeable change to the the view, which would affect the composition, the appreciation of the landscape character or the ability to take or enjoy the view"

Major = " The proposals would cause a dominant or complete change to the composition of the view, the appreciation of the landscape character, the ability to take or enjoy the view."

Neither of these are judged as appropriate for a building which has been sensitively located to utilise existing planting and topography to screen most views in, which will have significant woodland buffer planting (including a high percentage of evergreen) between the building and footpath, which is for a short distance of footpath only and seen obliquely from a Medium Sensitivity visual receptor location.

With the greatest respect there is no objection from Virginia Pullan. My LVIA methodology from our previous reports has been conclusively used and confirmed by PINS for making landscape judgements. It was and remains our LVIA conclusion that there are no landscape character or visual grounds for reasons for refusal.

2. The removal of the two Grade C trees in the existing hedgerow to allow the access track to pass through would be more than mitigated by the significant woodland planting proposed to go back in between the buildings and the footpath.

I hope this explains the rationale for the judgements and landscape proposals

Please ensure that this and my other recent responses are fully and accurately explained to the Planning Committee tomorrow.

P.184 MSDC Consultant Landscapes Officer (3rd comment, 12 Sep, 1705hrs)

The visual impact on a short section of the footpath would be likely to be at best moderate where there would be an open view to the building via the site access.

The design year for the assessment of the effectiveness of mitigating planting is usually taken as year 15 after planting, hence my reference to the likely impact after 15years.

4th letter from applicant's Landscape Consultant (13 Sep, 1244hrs)

The application is Outline and should the Council feel greater screening is required this could be agreed by Condition.

Furthermore and without wishing to over kill the point - Virginia Pullan has not objected.

Finally with regard to Virginia Pullan's note about plant establishment. The height of screening planting relates to the position of the viewer in relation to that screen. A person standing next to a 2m high hedge (2-5 years of establishment) cannot see over it. A person standing several metres from a 2m hedge may be able to see over it. Our scenario is the first hence my comment rebutting the Virginia Pullan's 15 year establishment comment.

2 letters of complaint [about the handling of the application] **from a potential site operator** making the following points:

- Case officer is trying to refuse the barn application on need and ignoring communications sent by my lawyer
- I have explained why we need this barn and it is largely down to the case officer putting a condition on no vehicle storage on the approved chapel
- You cannot operate a burial site without any vehicle storage
- MSDC's own Landscape expert recommends approval in line with the owner's Landscape expert
- The case officer has ignored this expert advice
- Two objectors is nothing and these are not on planning grounds
- Tree concerns have been addressed
- Object to attempt to refuse application on unsubstantiated grounds
- Case officer has apparently deliberately misrepresented the LVIA reports