

6 March 2018.

Dear Councillor,

A meeting of **PLANNING COMMITTEE B** will be held in the **Council Chamber** at these offices on **THURSDAY, 15 MARCH 2018 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive.

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4
– Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 15 February 2018. **Document A (attached)**
5. To consider the report of the Head of Economic Promotion and Planning upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

To: **Members of Planning Committee B:** Councillors; Catharine, Hatton, C. Hersey, Holden, MacNaughton, Moore, Mundin, Salisbury, Sweatman, Trumble.

**Minutes of a meeting of Planning Committee B held on
15 February 2018 from 7:00p.m. to 8:34p.m.**

Present: Chris Hersey (Chairman)
Dick Sweatman (Vice-Chairman)

Cherry Catharine
Colin Holden
Sue Hatton*

Andrew MacNaughton
Pru Moore
Howard Mundin

Robert Salisbury
Colin Trumble

* Absent

1. SUBSTITUTES

None.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hatton.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The minutes of the meeting of the Committee held on 18 January 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/17/2336 37 – 43 London Road, East Grinstead, West Sussex, RH19 1AW.

Andrew Watt, the Senior Planning Officer, reminded the Members that the application had already been to the Committee in November 2017 but withdrawn by officers. He outlined the additional condition and consultations found in the Agenda Update Sheet. The Officer then introduced the report for internal alterations on the first and second floor, rear extension to roof and conversion of attic space into habitable accommodation to increase the number of residential units from 4 to 11.

A Member thanked the Officers for working with developers to address some of the concerns that Members raised last time the application came before the Committee. However she believed that the site was too overcrowded and had concerns over the fire safety aspects of the development. The Officers confirmed that the application would have to comply with building regulations and that there was a fire exit through the back of the property. They informed the Committee that a meeting had taken place with the Fire Brigade and their usual practice is not to be consulted on buildings less than six storeys.

The Planning Officer confirmed that, Policy DP25 of the draft Mid Sussex District Plan did apply and in the Officers view the application did comply with the policy.

A Member queried the size of Unit 5 of the development which in the report was 36m² and in the Agenda Update Sheet was 37m². In his opinion the 2 controlled parking zones in the area did not have the capacity for this application. In approving this application the Member wanted it noted that the parking and traffic problems in the area would be exasperated.

Regarding the size of Unit 5, the architect had confirmed that it was 37m² and the Planning Officer confirmed that all the units fell within the governments Technical Housing Standards with one exception which was 1sqm short. As the application was in an area close to public transport, local amenities and West Sussex Highways had not raised an objection it was Officers opinion that the application would not add to any traffic problems in the area. The Officers had worked with developers to encourage sustainable transport for potential residents with a cycle store area.

The Planning Officer stated that the report does not include EG11 and EG12 of the East Grinstead Neighbourhood Plan as no car parking was to be provided and thus no traffic would be accessing the site. Additionally the Highways authority had not raised an objection.

A Member asked whether there would be safety measures introduced along the side access as it was narrow and used by a mix of foot and road traffic. The Officers informed the Committee that the Highways Authority did not raise an objection and that refuse collection would take place along the London Road and not through the side access.

A Member informed the Committee that the National Space Standards was lower than the previous local base space standard. He also reminded Members that they had approved a hotel near the proposed application which had limited parking.

A Member highlighted that WSCC Highways had suggested signage be provided, informing drivers there could be pedestrians within the side access.

The Chairman then took Members to the recommendation as set out in the report which was seconded by Councillor MacNaughton. The application was approved with 8 for approval and one abstention.

RESOLVED

That the application be approved subject to the recommendations below and the additional condition contained in the Agenda Update Sheet.

Recommendation A

That, subject to the completion of a satisfactory S106 planning obligation to secure the required level of SAMM contributions planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 1 May 2018, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, then planning permission is refused at the discretion of the Head of Economic Promotion and Planning for the following reason: "The application fails to comply with Policy G3 of the Mid Sussex Local Plan, Policy DP18 of the draft Mid Sussex District Plan, Policy EG5 of the East Grinstead Neighbourhood Plan and paragraphs 203 and 204 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 2010, Policy DP15 of the draft Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 118 of the National Planning Policy Framework."

DM/17/3855 Land to the rear of 74 Folders Lane, Burgess Hill, West Sussex, RH15 0DX

Andrew Watt, the Senior Planning Officer, outlined the additional conditions, representations and consultation set out in the Agenda Update Sheet. He then introduced the report for residential development comprising four detached dwellings (2 four bedroom and 2 five bedroom) with garages.

Councillor Julian Thorpe, Ward Member for Burgess Hill Town Council spoke against the application.

Mr and Mrs Donnelly who were the neighbours of the proposed site, each spoke against the application. Peter Rainer the agent for the application spoke in support.

A Member commented that development in the area was inevitable however the Committee needed to make sure they approve the most suitable application for the site. She believed that this application was unsuitable due to the access being too close to the neighbouring properties. She queried why the report of the Tree Officer had not been given full consideration as he had strongly opposed the application in the report. She asked Officers present whether the conditions set out in the report satisfied the Tree Officer.

Members believed that the application was unsuitable as it did not provide suitable access and there were too many units for the size of the site.

The Planning Officer informed Members that the report was accompanied by a technical report provided by traffic experts that state there were no issues with the access. He also noted that the Tree Officer that provided the report was no longer working at the Council so he would not be able to ask whether the current conditions would have been acceptable. He highlighted that the trees that had been removed and those that remain were not subject to Tree Preservation Orders.

The Business Unit Leader for Development Management reminded Members that they could only take into account the application in front of them and not make a decision based on other applications. He informed Members that the reason Officers came to their recommendation was that any adverse effects of granting permission would not significantly and demonstrably outweigh the benefits.

Councillor Moore moved that the application be refused on the grounds that the application was not compliant with the C1, B1 and B3 of the Mid Sussex Local Plan and DP24 of the draft Mid Sussex District Plan because of the proportion of built form to garden space, its impact on the low density character of this part of Folders Lane and the impact on the amenities of existing residents This was seconded by Councillor Muddin and 4 members voted in favour of the motion to refuse and five Members voted against the motion to refuse.

The Chairman then took Members to the recommendation as set out in the report which was to approve the application. 5 Members voted in favour of the recommendation and four Members voted against.

RESOLVED

That the application be approved subject to the conditions outlined at Appendix A and the additional conditions set out in the Agenda Update Sheet.

DM/17/4755 Age UK West Sussex, Redwood Activity Centre, Clair Hall, Perrymount Road, Haywards Heath, West Sussex, RH16 3DN

The Chairman advised Members that the application was before them as the Council are the land owners. As there were no public speakers the Chairman enquired if any Members required a presentation on the report. Members were content that they did not require a presentation so the Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

That the application be approved subject to the conditions outlined at Appendix A.

Chairman.

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE B

15 MAR 2018

INDEX TO ITEMS REPORTED

PART I – RECOMMENDED FOR APPROVAL

ITEM	REFERENCE	LOCATION	PAGE
1	DM/17/4869	VW Campersales Ltd, Unit G, Marchants Way, Burgess Hill, West Sussex, RH15 8QY	8 - 17

PART II – RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

MID SUSSEX DISTRICT COUNCIL

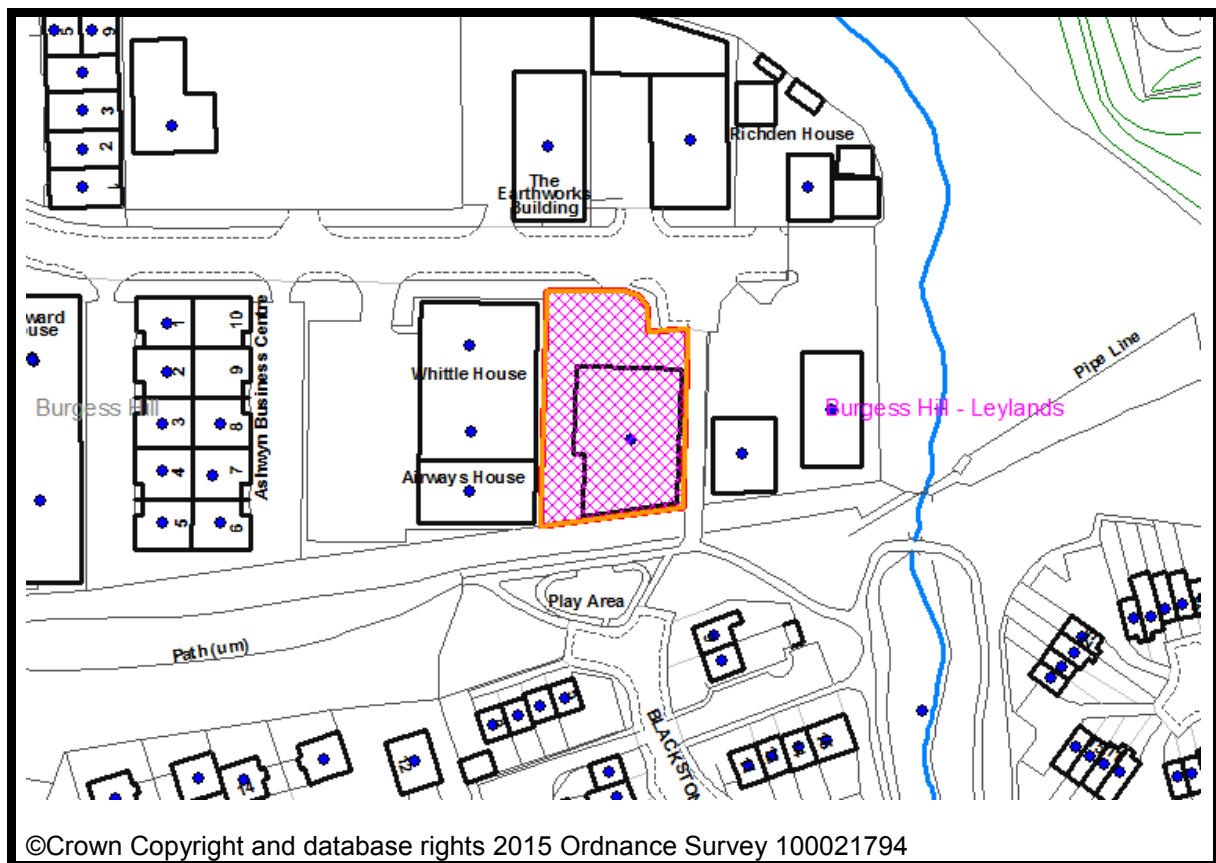
PLANNING COMMITTEE B

15 MAR 2018

PART I – RECOMMENDED FOR APPROVAL

Burgess Hill

1. DM/17/4869



**VW CAMPERSALES LTD UNIT G MARCHANTS WAY BURGESS HILL
(ADDITIONAL INFORMATION RECEIVED 29/01/2018) CHANGE OF USE
OF LIGHT INDUSTRIAL WAREHOUSE (B1/B8) TO VEHICLE
PREPARATION, STORAGE, DISPLAY AND SALES (SUI GENERIS)
TOGETHER WITH NEW ROLLER SHUTTER DOOR AND GLAZED
ENTRANCE.**

MR R WILLIAMS

GRID REF: EAST 531065 NORTH 120189

POLICY: Built Up Areas / Sewer Line (Southern Water) /

ODPM CODE: Change of Use

8 WEEK DATE: 17th March 2018

WARD MEMBERS: Cllr Pru Moore / Cllr Cherry Catharine /

CASE OFFICER: Ms Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the change of use from light industrial warehouse (B1/B8) to vehicle preparation, storage, display and sales (sui generis) together with new roller shutter door and glazed entrance. The building is an industrial unit within the Marchants Way industrial estate, within the built up area boundary of Burgess Hill.

The proposed development complies with the requirements of Mid Sussex Local Plan policies B3, E4, T4 and T5, Burgess Hill Neighbourhood Plan policies CO1, CO2 and CO9, the relevant provisions of the NPPF and Mid Sussex District Plan policies DP19, DP24 and DP27. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

MSDC Environmental Protection

No objection and recommends conditions

WSCC Highways

Following the submission of amended plan, there are no highways objections to this proposal.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

Recommend Approval

Introduction

The application seeks planning permission for change of use of a light industrial warehouse (B1/B8) to vehicle preparation, storage, display and sales (sui generis) together with new roller shutter door and glazed entrance. The building is an industrial unit within the Marchants Way industrial estate, within the built up area boundary of Burgess Hill.

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

Relevant Planning History

BH/245/98 - East/south extension to one storey industrial unit - granted

Site and Surroundings

The application property is a single storey light industrial warehouse which has previously been extended; resulting in a building with differing pitched roof forms. These roofs are significantly lower than those of the surrounding units. The application building is constructed in brick and corrugated aluminium sheeting coated in blue with red fenestration and guttering. There is off street parking to the front and western side of the building and a public footpath to the eastern side running to the residential area to the rear of the application site. The boundary treatment includes a 1.7 metre close board fence to the front and eastern side and mature hedging to the rear.

From the site visit it is clear that the change of use has already taken place and that the business is being run from the premises. The roller shutter has also been installed.

Application Details

The applicant has already run his business from a smaller unit within the estate, and was granted planning permission for the change of use from B1 and B8 to sui generis under application 10/00207/COU. The business has then recently moved to the application site to allow the business to grow. The previous unit has been changed back to Class B1 under application DM/17/4783 on the 16th January 2018.

The application also includes of a roller shutter door and glazed entrance to the front of the building, the façade of the front of the building would also be changed from half brick and aluminium cladding to solely cladding. These changes to the exterior of the building would be constructed in materials to match the existing.

List of Policies

Mid Sussex Local Plan

Policy B1 (Design)

Policy B3 (Residential amenities)

Policy E4 (Proximity of Residential Property to Established Business Areas)

Policy T4 (New Development)

Policy T5 (Parking Standards)

District Plan

The Submission District Plan 2014 - 2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, which are required in order to make the plan sound, on the 13th November 2017. The comments received have been will be sent to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in early 2018.

The most relevant policies, and the weight that can be attached to them, are:

DP19 - Transport (Little weight)

DP24 - Character and Design (Little weight)

DP27 - Noise, Air and Light Pollution (Some weight)

BURGESS HILL NEIGHBOURHOOD PLAN

CO1 (Sustainable Development)

CO2 (Promote Business)

CO9 (Parking)

National Policy

The National Planning Policy Framework (NPPF) 2012 is also a material consideration and paragraphs 7, 14, 17, 19, 56 and 58 are considered to be relevant to this application.

Assessment

Principal of Development

Paragraph 14 of the NPPF States that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

In addition to this paragraph 19 of the NPPF refers to economic development and states that *"the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*

At a local level, Burgess Hill Neighbourhood Plan includes core objective CO1 which *"promote sustainable and well-designed development in the right location taking into account the character and amenity of the local area. Preserve and enhance existing residential neighbourhoods"*; and more specifically objective CO2 is *"to promote Burgess Hill as a place for businesses to locate to and where existing business can thrive and to enable local people to live and work within the town"*.

In light of this policy backdrop, along with the industrial locality of the unit, the principle of this development is acceptable.

Design and impact on the character of the area

The application property is located within an industrial estate within a variety of light industrial units; the applicant has already run his business from a smaller unit in this locality for a number of years. Due to this, and that the unit previously used by the applicant has gained permission to be used for Class B1/B8 use, it is considered that the proposed change of use would be appropriate in this location.

The proposed changes to the exterior of the unit would be small scale and as would be constructed in materials to match the existing it is considered that it would not have an impact on the on character of the area.

Impact on the amenities of neighbouring properties

Policy E4 relates to the proximity of residential properties to established business areas. The policy states:

"When considering applications for the alteration or change of use of business premises on established industrial estates, full account will be taken of the implications of the proposed development on the residents of neighbouring dwellings. Planning permission will not normally be granted for the change of use of premises close to residential properties from B1/B8 to B2 or other industrial uses. In

considering applications which may result in additional disturbance, appropriate planning conditions will be imposed to protect residential amenity."

Due to the industrial location of the application site it is considered that the sui generis use would not be harmful to the surrounding businesses or lead to increased activity that would cause increased noise or disturbance. Therefore would not have a detrimental impact on the amenities of nearby residential properties.

Impact on Highway Safety

The Highways Authority has stated that:

"Consideration is being given to the existing use of the site and the types of vehicular movements such a use would generate. It is not anticipated that this change of use would generate a material intensification over what has previously occurred in this location."

Due to this the Highways Authority has no objections to this proposal. It is therefore considered that highway safety will not be compromised as a result of this development so the application complies within Policy T4 of the Mid Sussex Local Plan.

Conclusions

The proposal is acceptable both in terms of the principle and in terms of preserving the character and appearance of the area and would not have a harmful impact on the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex Local Plan policies B1, B3, E4, T4 and T5, Burgess Hill Neighbourhood Plan policies CO1, CO2 and CO9, the relevant provisions of the NPPF and Mid Sussex District Plan policies DP19, DP24 and DP27.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

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

Reason: To protect the appearance of the building and the area and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the draft District Plan.

4. 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.

5. Deliveries (operational): Deliveries or collections of vehicles, goods, equipment or waste shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 16:00 hrs
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

6. Opening hours shall be restricted to the following times:

Monday to Friday: 08:30 - 17:30 hrs
Saturday: 09:00 - 16:00 hrs

Reason: To safeguard the amenity of neighbouring residents.

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 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	1800 02	B	29.01.2018
Location and Block Plan	1800 03		27.11.2017
Existing Floor and Elevations Plan	1800 01		27.11.2017

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Approval.

MSDC Environmental Health

While there are residential properties approximately 25m from the unit, this is an industrial estate so noise should be less of a problem. Given that the hours of use applied for are office hours, Environmental Protection has no objection and recommends the following conditions should approval be granted:

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 (operational): Deliveries or collections of vehicles, goods, equipment or waste shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 16:00 hrs
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

3. Opening hours shall be restricted to the following times:

Monday to Friday: 08:30 - 17:30 hrs
Saturday 09:00 - 16:00 hrs

Reason: To safeguard the amenity of neighbouring residents.

WSCC Highways Authority (22/01/2018):

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. A site visit can be arranged on request.

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

The planning statement outlines that The external areas will be used for staff/visitor parking and for the display of sales vehicles. Off-site parking will not be required.

The proposed use incorporates the use of the existing parking area for the display of vehicles for sale. No details of parking have been included within this proposal; the LHA would require a plan demonstrating the number of staff and visitor parking spaces and the allocated spaces/area for vehicle sales.

This is to ensure satisfactory levels of parking within the site and to minimise the requirement for visitors and staff to park along Marchants Way.

WSCC Highways Authority (26/02/2018):

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. A site visit can be arranged on request.

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

The LHA has assessed the data provided by the applicant relating to the proposed parking layout. This outlines that four staff parking spaces will be provided and eight visitor/customer parking spaces.

Space for parking and turning appears sufficient for the proposed use, allowing vehicles to park within the site and not adding to on street parking pressures along Marchants Way. The presence of this on street parking however does seek to slow vehicles navigating Marchants Way and thus allows an emerging vehicle time to manoeuvre and be seen.

Consideration is being given to the existing use of the site and the types of vehicular movements such a use would generate. It is not anticipated that this change of use would generate a material intensification over what has previously occurred in this location. The previous use would have generated a certain amount of vehicular movements during the network peaks whereas this use generates drop-in custom throughout the day. The car sales aspect too would be anticipated to function at weekends when the Industrial Estate would be considered to be quieter.

There are no highways objections to this proposal.