

19 September 2018.

Dear Councillor,

A meeting of **PLANNING COMMITTEE B** will be held in the **Council Chamber** at these offices on **THURSDAY, 27 SEPTEMBER 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 30 August 2018. **Document A (attached)**
5. To consider the report of the Divisional Leader for Planning and Economy upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 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; Coote, Hatton, C. Hersey, Holden, MacNaughton, Mockford, Moore, Salisbury, Watts Williams, Whittaker.

**Minutes of a meeting of Planning Committee B held on
30 August 2018 from 7:00 p.m. to 8:25 p.m.**

Present: Chris Hersey (Chairman)
Anthony Watts Williams (Vice-Chairman)

Phillip Coote	Andrew MacNaughton	Robert Salisbury
Sue Hatton*	Norman Mockford	Rex Whittaker
Colin Holden	Pru Moore	

* Absent

Also present: Cllr Margaret Hersey

1. SUBSTITUTES

Councillor Margaret Hersey substituted for Councillor Hatton.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hatton.

3. DECLARATIONS OF INTEREST

Councillor M Hersey declared predetermination in item DM/18/0884, 34 Dukes Road, Lindfield as, along with Cllr Anthea Lea, she had called it in and will therefore remove herself from discussion of the item and speak only as Ward Member.

Cllr Watts Williams declared a prejudicial interest in item DM/18/1435 Expresslube UK Ltd, 66A Victoria Road, Burgess Hill West Sussex, RH15 9LH_as he knows the applicant well. He will leave the room for the duration of this item.

Cllr Holden declared predetermination in item DM/18/2781 Playground, Recreation Ground, James Lane, Burgess Hill, and will therefore remove himself from discussion of the item and speak only as Ward Member.

4. MINUTES

The minutes of the meeting of the Committee held on 5 July 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/0213 - Michaelmas Cottage, Bolney Chapel Road, Twineham, Haywards Heath, West Sussex, RH17 5NN

Andrew Morrison, Senior Planning Officer introduced the application for the conversion and extensions to rear annexe into an independent two bedroom dwelling, drawing Member's attention to the amendments in the Agenda Update Sheet.

Alastair and Kerry McCulloch spoke in objection to the application, citing conditions that were applied to the site in 1973 and concurring with comments made by Twineham Parish Council. Anthony Evans, the applicant spoke in support, noting amendments that have been made to the plans following consultation with the Planning Officers.

A Member sought clarification on a comment made by Mr Evans that a business will be run from the property. Andrew Morrison, Senior Planning Officer confirmed that no element of the application proposes business use at the site. He noted that individuals are permitted to work from home but any significant business use of the property would require a separate planning application for such use.

A Member noted that the application would improve the whole site but noted it was unfortunate that the committee could not consider the conditions applied in 1973 as the archive had been lost. She sought confirmation of the distance to the nearest window on the neighbouring property. This was confirmed as 8m from the porch to the southern boundary.

The Chartered Legal Executive confirmed that although the details of the previous condition were not available, these conditions would have been put in place to stop people making changes automatically. A planning application would always still need to be submitted for any changes, which are to be considered on their own merit as is before the committee today.

A Member sympathised with the neighbours but felt that there was significant reason to approve the application. However, he requested that condition 8 be amended to include the comments made by the Tree Officer in the Agenda Update Sheet. It was agreed that the condition can be amended to make the Tree Officer's comments more explicit.

Councillor Coote proposed to move to the recommendation, including the amended condition 7 as per the Agenda Update Sheet and condition 8 as per the Committee discussion. This was seconded by Councillor Holden and was approved unanimously.

RESOLVED

That planning permission be granted subject to the conditions listed at Appendix A with the amendments to Conditions 7 and 8.

In advance of the next item, Councillor Watts Williams removed himself from the room at 7.30pm.

DM/18/1435 Expresslube UK Ltd, 66A Victoria Road, Burgess Hill, West Sussex, RH15 9LH

Steve King, Planning Applications Team Leader introduced the application for the demolition of existing industrial warehouse and the construction of 10 new flats and associated parking and bin storage, noting the additional condition contained in the Agenda Update Sheet. He noted that the principle of this type of application is in the Neighbourhood Plan as the Plan envisaged the area moving from commercial to residential use. Although there is parking marginally below the Neighbourhood Plan target, there is no significant parking displacement from nearby areas expected.

The Chairman confirmed that the existing condition 22 will be replaced by the condition in the Agenda Update Sheet, and the current condition 22 will therefore become condition 23.

A Member queried the design of the new proposed building as there have been other recent developments in the area which have been of poor design. The Planning Applications Team Leader confirmed the design would be similar to properties to the northwest of the site. He also confirmed that the lift within the building will come to the ground floor and service the undercroft parking area.

A Member noted that it was unfortunate that there had been piecemeal approaches to developing the whole area, as it could have perhaps have been done better as one project.

Councillor Moore proposed that the application be approved, as per the Recommendation, subject to the additions contained in the Agenda Update Sheet. This was seconded by Councillor Salisbury and approved unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations, and the additional conditions contained in the Agenda Update Sheet:

Recommendation A It is recommended that permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions, and to the conditions listed at Appendix A.

Recommendation B It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 30th November 2018, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary infrastructure and as such conflicts with Policies DP20 and DP24 of the Mid Sussex District Plan and the Council's 'Development Infrastructure and Contributions' SPD.

Councillor Watts-Williams returned to the meeting at 7.48pm.

In advance of the next item, Cllr Holden removed himself from sitting on the committee and taking part in the debate at 7.48pm and sat in the public gallery.

DM/18/2781 Playground, Recreation Ground, Janes Lane, Burgess Hill, West Sussex, RH15 0QJ

Andrew Morrison, Senior Planning Officer introduced the application for the erection of a Changing Places toilet facility.

Councillor Holden spoke as Ward Member in support of the application. He noted that the adjacent playground is due for significant refurbishment, doubling its size to include facilities for disabled children, so the provision of suitable toilet facilities is much needed.

A Member noted that the toilet block is modular in design, so could be removed in the future. She noted that the adjacent pavilion was in much need of refurbishment so in future this upgrade could include the Changing Places toilet as part of the main building.

The Chairman proposed that the application be approved, as per the Recommendation. This was seconded by Councillor Coote and unanimously agreed.

RECOMMENDATION

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

Cllr Holden returned to sit on the committee at 7.51pm and take part in debate on all subsequent items.

In advance of the next item, Cllr M Hersey removed herself from sitting on the committee and taking part in the debate at 7.51pm and sat in the public gallery.

DM/18/0884 34 Dukes Road, Lindfield, Haywards Heath, West Sussex, RH16 2JQ

Kate Brocklebank, Senior Planning Officer introduced the application for a proposed two storey extension to the rear and side and proposed new lean-to canopy with first floor front extension. She noted that the application had been called in by the Ward Members, Councillor Margaret Hersey and Councillor Anthea Lea, should it be recommended for approval. However, the application is recommended for refusal but has been brought to the committee due to the level of interest in the application.

Jane Hewitt and Gil Kennedy spoke in objection to the application on the grounds of overlooking and loss of light and outlook. The applicants, Peter and Ryan Lewry spoke in favour and asked for the application to be approved.

Councillor M. Hersey spoke as Ward Member citing concern over the rear and side extension in respect of the impact to the neighbours at No. 35 Dukes Road as the amount of light will impact their sitting room and bedroom.

A Member asked if there were objections received from No.33 Dukes Road, and sought clarification on the locations of the first floor windows on No.35 which would be affected by the application. The Senior Planning Officer confirmed there had been no comments received from No.33 Dukes Road and showed the relevant plans.

A Member noted that the recommendation to refuse related to one reason, being the loss of outlook, whereas the remainder of the report cites acceptable design and no harm to the listed buildings and Lindfield Conservation Area. He did not therefore feel that there was a significant reason to refuse and therefore disagreed with the Recommendation.

A number of other Members noted that most of the proposed scheme was acceptable bar the issue referred to in the reason for refusal but felt the design of the extension could be modified to be more sympathetic to the neighbouring property that would result in a recommendation to approve. In its current design a Member noted that the extension had an overbearing nature which would result in an extreme impact on the neighbours and felt loss of light could also be an issue.

In response to Members' queries, the Senior Planning Officer confirmed that the impact on day light had been calculated based on the best practice guide and there was no issue on loss of light at the first floor level. At ground floor level, the loss of light was on the ground floor level but this was to what is termed the 'secondary windows' and so such was not included within the Recommended reason for refusal.

The Vice-Chairman and the Chairman both commented that the size of the plot at No.34 Dukes Road would be able to accommodate an extension but felt that the current design would have a significant impact to the neighbours. Although the Chairman also referred again to loss of light, the Chartered Legal Executive confirmed that the reason for refusal in the Recommendation was 'loss of outlook' rather than 'loss of light' and so Members would need to consider this when they vote on the Recommendation.

Councillor Moore recommended that the application be refused, as per the Recommendation, which was seconded by Councillor Holden. The application was so refused with 7 Members in favour of the Recommendation and 2 against.

RECOMMENDATION

That the application is refused for the reason set out in full at Appendix A.

Councillor M Hersey returned to sit on the committee at 8.24pm.

6. URGENT BUSINESS.

None.

7. QUESTIONS PERSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Meeting closed at 8:25pm

Chairman.

MID SUSSEX DISTRICT COUNCIL**PLANNING COMMITTEE B****27 SEP 2018****INDEX TO ITEMS REPORTED****PART I – RECOMMENDED FOR APPROVAL**

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2	DM/18/3008	Pelham House, London Road, Cuckfield, Haywards Heath, West Sussex, RH17 5EU	22 - 35
3	DM/18/3114	3 Holly Mews, High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PW	36 - 48
4	DM/18/3277	London Road Recreation Ground, Belmont Close, Hassocks, West Sussex, BN6 9DW	49 - 53

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

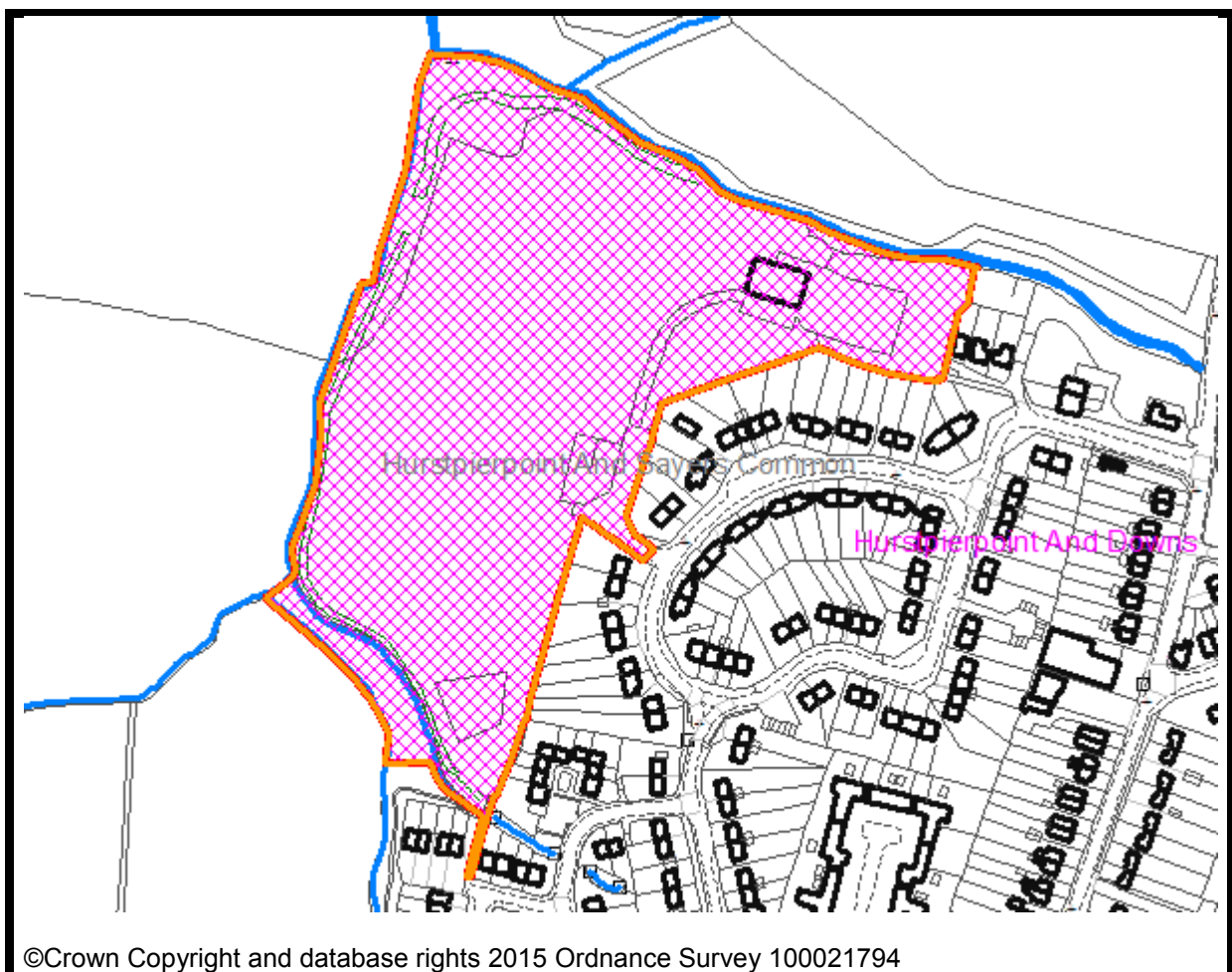
PLANNING COMMITTEE B

27 SEP 2018

PART I – RECOMMENDED FOR APPROVAL

Hurstpierpoint And Sayers Common

1. DM/18/2623



**HURSTPIERPOINT EX SERVICEMENS AND SOCIAL CLUB WILLOW WAY
HURSTPIERPOINT HASSOCKS
(AMENDED DESCRIPTION 30.07.2018) CHANGE OF USE OF PART OF
THE EX SERVICEMAN AND SOCIAL CLUB (SUI GENERIS) TO A
COMMUNITY HALL AND NURSERY (D1). REMODEL OF THE INTERNAL
LAYOUT AND ALTERATIONS TO THE FENESTRATION.
MR PAUL WILLIAMS
GRID REF: EAST 527986 NORTH 117742**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 28th September 2018

WARD MEMBERS: Cllr Anthony Watts Williams / Cllr Colin Trumble / Cllr John Wilkinson /

CASE OFFICER: 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 of part of the social club (sui generis) to a community hall and nursery (D1). A mixed social club, community hall/function room and children's nursery would result. The building is located in Hurstpierpoint's Court Bushes Sports Ground, and is accessed via Willow Way. The application has been referred to Committee because the building is owned by the Council.

The proposed development complies with the requirements of Mid Sussex District Plan policies DP1, DP12, DP21, DP25, DP26 and DP29, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF. 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.

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

No objection and recommends conditions

HURSTPIERPOINT PARISH COUNCIL OBSERVATIONS

Recommend permission is granted

Introduction

The application seeks planning permission for the change of use of part of the Hurstpierpoint Ex Servicemen's and Social Club from sui generis to a club, community hall and nursery (Use Class D1), along with the remodelling of the internal layout and alterations to the fenestration. The building is located within the Court Bushes Sports Ground, outside, but adjacent to, the built up area boundary of Hurstpierpoint.

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

Relevant Planning History

No relevant planning history

Site and Surroundings

The application property is a large single storey building located on the northern side of the Court Bushes Sports Ground, with open countryside to the north and the rear boundary fences of the dwellings on Willow Way to the east. There is currently a large parking area on the eastern side of the building which is accessed via a driveway leading from car park and playground to the south, which then accesses the eastern side of Willow Way.

The building is current not in active use due major fire damage and is boarded up. The building has a pitched gabled roof and is constructed in brick with interlocking roof tiles.

Application Details

The applicant seeks planning permission for the change of use of part of the social club (sui generis) to a club, community hall and nursery (D1), along with alterations to the internal layout and the fenestration.

The changes to the internal layout would allow the nursery to have its own separate kitchen, store and toilets. It would also create a community hall or function room and result in a smaller social club area. The changes to the fenestration of the building would result in powder coated aluminium windows and doors with:

- 5 No. windows, a 1 No. entrance door on the south elevation.
- 4 No. windows, 3 No. doors, 2 No. roof lights and a set of bi folding doors on the north elevation.
- 1 No. door, 1 No 1 and a set of bi folding doors on the west elevation.
- 6 No. windows and 1 No door to the east elevation.

The proposal also includes the erection of an acoustic timber fence around the outdoor play areas of the nursery to the north of the building, and a new access gate over the access drive.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP1 - Sustainable Economic Development
DP12 - Protection and Enhancement of Countryside
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP29 - Noise, Air and Light Pollution

HURSTPIERPOINT AND SAYERS COMMON NEIGHBOURHOOD PLAN (made March 2015)

Policy Countryside HurstC1 - Conserving and enhancing character

National Policy

The National Planning Policy Framework (NPPF) 2018 is also a material consideration and paragraphs 8, 10-12, 15, 38, 80, 84, 103, 124, 127 and 180 are considered to be relevant to this application.

Assessment

Principal 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 this part of Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Hurstpierpoint and Sayers Common Neighbourhood Plan.

Mid Sussex District Plan policy DP25 states that *"the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported."*

Policies DP12 of the District Plan and HurstC1 of the Neighbourhood Plan seek to conserve and enhance the character of the countryside and restrict inappropriate development. Given the location and previous use of the building it is not considered that the proposed use would conflict with the aims of these policies and is acceptable in principle.

Design and 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."*

The proposed external changes to the building are considered to be small scale and appropriate to the design and form of the building. Due to the location of the building which is not visible from the public highway, the external alterations are not considered to have an adverse impact on the character of the building or of the locality.

Impact on the amenities of neighbouring properties

Policy DP 29 of the District Plan seeks to protect people's lives from unacceptable levels of noise and requires development to be:

'...designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures.'

The proposal includes the creation of a nursery which has the potential to harm the amenities of neighbouring properties on Willow Way. The applicant does not yet have an occupier for the nursery space and therefore no exact number of children or opening times. However given the space available and the regulations relating to the space requirements for day nurseries, there would be no more than 42 children.

The Council's Environmental Health team has been consulted on the application. Its views are reported in full in appendix B. It advises that the proposed use has the potential to create noise and disturbance to the neighbouring properties. It is acknowledged, however, that there is a reasonable separation distance and screening between the outdoor play area and the nearest gardens, but that it would be difficult to be sure of the level of disturbance in reality. It advises caution but with mitigation in the form of an acoustic fence and restriction on the hours of use of the outdoor play area, which can be controlled by condition the proposed use would not significantly harm the amenities of the neighbours.

In these circumstances the requirements of policy DP29 would be met.

Impact on Highway Safety

Policy DM 21 of the District Plan concerns transport. It seeks to ensure that development proposals are sustainably located, opportunities are available for alternatives to the use of the private car, car parking is adequate, the scheme avoids severe additional congestion and protects the safety of road users and pedestrians.

The views of the WSCC in its role as the Highway Authority are set out in full in appendix B. No highway objections are raised.

Conclusions

The proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area, would not have a severe impact on the highway and subject to mitigation in the form of appropriate conditions would not have a harmful impact on the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, DP21, DP25, DP26 and DP29, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

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 DP26 of the Mid Sussex District Plan.

4. Noise Management: The nursery hereby approved shall not come into use until measures to protect neighbouring premises from noise caused by nursery activities have been implemented in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.

5. Soundproofing: The nursery hereby approved shall not come into use 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.

6. No more than 42 children shall be permitted to attend the nursery at any one time.

Reason: To preserve the amenity of neighbouring residents.

7. Use of Play Area: Children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays. Use shall be limited to two hours before midday and two hours after midday on any given day.

Reason: To safeguard the amenity of residents.

8. Opening times shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of neighbouring residents.

9. 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 safeguard the amenity of neighbouring residents.

10. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

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 Plan	PL 001		26.06.2018
Site Plan	PL 002		26.06.2018
Existing Floor Plans	PL 003		26.06.2018
Existing Elevations	PL 004		26.06.2018
Existing Elevations	PL 005		26.06.2018
General	PL 006	Demo	26.06.2018
Proposed Elevations	PL 009		26.06.2018
Proposed Elevations	PL 010		26.06.2018
Proposed Floor Plans	PL 008	C	05.09.2018
Proposed Site Plan	PL 007	C	05.09.2018

APPENDIX B – CONSULTATIONS

Hurstpierpoint Parish Council

RECOMMENDATION: Permission is granted.

MSDC Environmental Health:

Legislative Context

The National Planning Policy (NPPF) provides guidance on noise, in particular, at paragraph 180, that planning policies and decisions should aim to:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

MSDC District Plan policy DP29 states that:

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

Noise pollution:

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

DP29 also recommends an acoustic report where appropriate. We consider that in this case a report would be of limited value due to the unpredictable, high variable and intermittent nature of children's noise and the large degree to which it depends on effective supervision. On this basis (and for additional technical reasons concerned with noise measurement metrics) an acoustic report is not considered to be necessary or appropriate.

The Proposal

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 may also be a problem depending on the location of the parking area but, including staff and parents, there is the potential for up to 90 to 100 vehicle movements per day.

It appears that there is reasonable separation and screening between the outdoor play area and the nearest gardens, but existing background noise levels are likely to be low, meaning that any new noise source will stand out. If children have unlimited access to the outside area, it is likely that numbers of children (up to 42) playing outside for significant numbers of hours every weekday could cause genuine disturbance to residents.

Children's noise is likely to affect those in their gardens and, to a lesser extent, those indoors with open windows. Any disturbance however will be limited to daytime hours only and only when the children are outside. Disturbance will not affect evenings, weekends or Bank Holidays. Retired residents, those suffering from or recovering from illness 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. I would advise 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 reasonable separation of distance and with screening of residents gardens by the social club building and effective acoustic fencing will depend to a degree on the size and shape of the play area.

Additional mitigation can also be achieved by restricting the hours of use of the outdoor play area.

The applicant has submitted a noise management plan (NMP) indicating a maximum occupancy of 42 children. They do propose acoustic fencing to enclose the play area and have indicated a willingness to restrict the number of hours for outside use. It is understood that at this stage details of numbers of staff supervising outside play, and whether this will be structured activity or free play, is unknown as it will depend on which operator is awarded the contract/lease. It is recommended that if possible, structured play should be encouraged rather than free play.

On balance, it is likely that there will be some adverse impact on local residents but that the degree of impact will not be "significant adverse" due to the following factors:

Distance between play area and residents
Screening by building and acoustic fence
Restriction of hours for outside play

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 for noise protection measures e.g. acoustic barrier if necessary, in which case the soundproofing and use of play area conditions will not be necessary.

Conditions:

- Noise Management: The use hereby approved shall not be carried on until measures to protect neighbouring premises from noise caused by nursery activities have been implemented in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.

- 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 42 children 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. Use shall be limited to two hours before midday and two hours after midday on any given day.

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 safeguard 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 safeguard the amenity of neighbouring residents.

WSCC Highways Authority:

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.

The site is accessed via a private access drive from Willow Way, an unclassified road with a speed limit of 30mph in this location. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been two recorded injury accidents in the vicinity of the site. However, from an inspection of accident data it is clear that this was not due to any defect with the road network.

Access

The plans show that the applicant plans to place a gate along the access road, the LHA request that the gate is at least 5m away from the edge of the highway to allow for a vehicle to wait off the highway while the gate is operated. The plans show that the gate is more than 5m from the edge of the highway and is therefore appears to be acceptable.

Parking

For the D1 site use, the WSCC supplementary planning guidance (SPG) for parking provision would require 1 car parking space for every 22m² of floor space dedicated to the use. Given that the total area of the building is 404.48m² the maximum

parking provision required for this site would be 19 car parking spaces. The plans show the provision of 66 car parking spaces which is far greater than the maximum level required. All shown spaces appear to adhere to the minimum dimensions stated in Manual for Streets (MfS) of 2.4m x 4.8m.

Sustainability

As the site is located approximately a 5 minute bicycle ride from the High Street, the LHA would recommend that covered and secure bicycle storage is provided to encourage the use of more sustainable transport methods.

Conclusion

The LHA does not consider that the proposal for alterations to the existing 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 Local Planning Authority (LPA) are minded to approve the application the LHA would ask that the following conditions are secured:

Gate

- The gate shall be positioned at least 5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles.

Car parking spaces (details approved)

- No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

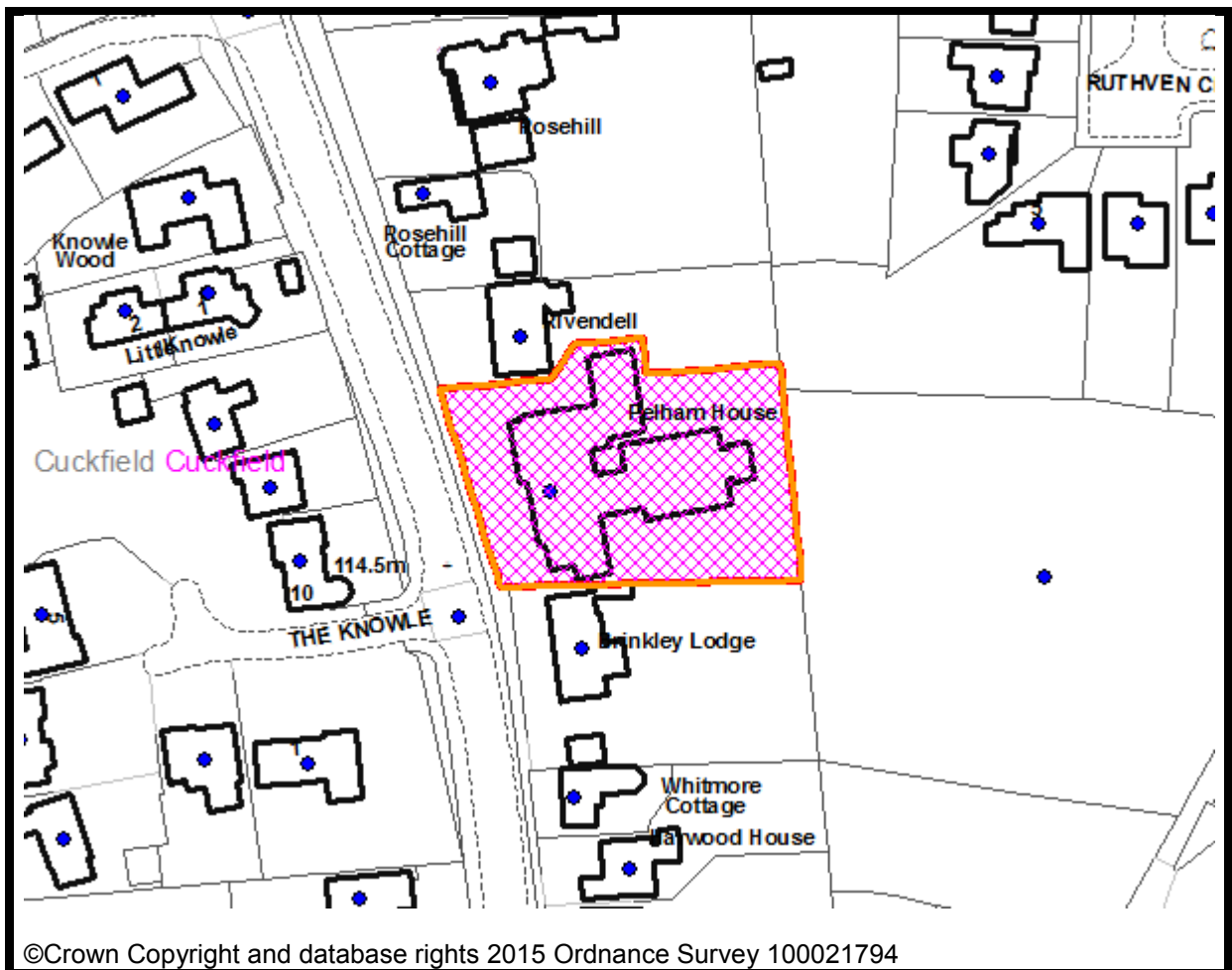
Cycle parking

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Cuckfield

2. DM/18/3008



**PELHAM HOUSE LONDON ROAD CUCKFIELD HAYWARDS HEATH
PROPOSED SINGLE STOREY REAR EXTENSION TO FORM 4NO. NEW
ENSUITE BEDROOM FACILITIES.**

MR JEFFREY

GRID REF: EAST 530539 NORTH 125254

POLICY: Areas of Special Control for Adverts / Areas of Townscape Character / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 17th September 2018

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for a single storey extension to Pelham House, London Road, Cuckfield to provide four additional ensuite bedrooms at a dementia care home.

Officers have referred the application to committee in light of the planning history of the site and the level of interest generated.

It is considered that the proposed extension is satisfactory in respect of its design, scale, form and materials and that the resulting plot coverage and spacing between buildings would be appropriate, with no harm caused to the character of the area. The impact upon neighbouring amenity would be acceptable, as would be the resulting amenity for occupiers of the home.

There is no reason to expect highways or parking conditions to be affected by the proposal and a condition is recommended to control the number of residents, such to reflect the rationale upon which the application is made.

Overall, the proposal is deemed to be consistent with the Council's vision for the development of sustainable communities. The planning balance is considered to favour approval on the basis that the application can be regarded as compliant with policies DP19, DP25, DP26 and DP37 of the Mid Sussex District Plan and policies CNP1, CNP10 and CNP16 of the Cuckfield Neighbourhood Plan.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

18 letters of objection raising the following issues:

- Reduction in garden area results in lack of outside space for residents
- Not inkeeping with surrounding buildings and their gardens
- Harm to retained trees
- Proximity of rooms to boundary walls will provide poor standard of accommodation
- No additional parking provision, therefore potential additional roadside parking leading to congestion and harm to highway safety
- Harm to air quality
- Original building already significantly extended

- Conflict with Neighbourhood Plan and District Plan policy
- Construction traffic congestion and nuisance
- Loss of privacy and outlook to neighbouring properties

SUMMARY OF CONSULTATIONS

Tree Officer:

No objection.

PARISH COUNCIL OBSERVATIONS

Recommend objection on the basis the application conflicts with policies CNP1 and CNP7 (scale, height and form) and CNP10 (space between building)

INTRODUCTION

Planning permission is sought for a single storey extension to Pelham House, London Road, Cuckfield to provide four additional ensuite bedrooms at a dementia care home.

Officers have referred the application to committee in light of the planning history of the site and the level of interest generated.

RELEVANT PLANNING HISTORY

The change of use of the building from residential to an old persons home was granted consent in 1984 under reference CU/265/84.

There have been a number of planning applications in the past that have extended the care home. The more recent of these is as follows.

In April 2000, under reference CU/068/99, the Council approved the conversion of coach house with four residents bed and bathrooms on a new first floor and three residents bed and bathrooms on the existing ground floor.

In May 2011, under reference 11/00355/FUL, the Council refused permission for a rear single storey extension to provide 5 no. additional en suite bedrooms and improved amenity facilities. No increase in resident numbers. The reason for refusal stated:

"The proposed extension would represent an overdevelopment of the site and would remove a significant area of the existing rear garden area. The bulk, scale and proposed materials would not result in a satisfactory design. This would have an adverse impact on the character and appearance of the area, to the detriment of existing occupiers of the nursing home and the adjoining properties. The proposal therefore conflicts with Policies B1 and B16 of the Mid Sussex Local Plan."

In November 2011, an appeal against this refusal was allowed. The permission was built out.

In August 2011 and March 2012, under references 11/01775/FUL and 12/00641/FUL, the Council approved two similar alternative proposals for ground and first floor extensions. These were however not built out due to the implementation of 11/00355/FUL.

SITE AND SURROUNDINGS

Pelham House is a substantial two storey detached brick building located on the eastern side of the London Road in Cuckfield. The property has an in out driveway, with informal space for 8 or 9 cars to be parked in front of and to the north of the building. The current building has an irregular shape, following a series of extensions, the most recent of which was completed approximately 5 years ago and takes the form of a single storey pavilion type structure together with a small orangery further to the rear. The property has a long established use as residential care home for the elderly and is currently registered to provide for 30 residents with dementia.

There is a gentle fall in levels through the site from the west. The site of the proposed extension is currently part of the landscaped rear garden.

To the south of the site is a detached property called Brinkley Lodge and to the north a detached property called Rivendell. There is a 1.8m height wall along these mutual boundaries. To the rear (east) there is a mixture of a brick wall, fencing and hedging. Beyond this there is a further fall in levels to a field.

On the opposite side of the road to the west are fairly modern detached houses at The Knowle.

The site lies within the built up area of Cuckfield. The locality is characterised by detached residential properties of a variety of scale and appearance.

APPLICATION DETAILS

A supporting Planning Statement sets out the rationale for the proposal. In summary, the extension would enable the home to accommodate all residents in single occupancy rooms whilst operating at its registered capacity of 30 persons. At present, 4 of the 26 rooms have a double occupancy. The applicant confirms that the extension's footprint measures 99 square metres and would reduce the rear garden space by 13%. It would not result in any increase in staffing, with this currently set on the basis of the registered capacity. It is also confirmed that existing parking and access arrangement would be unchanged.

Proposed plans show a single flat roof addition extending north and south off of the rear-most part of the extension permitted by appeal in 2011. The extension's north and south 'wings' are of very similar dimensions and matching design, each providing two bedrooms with accompanying wet rooms. The northern part measures 5 metres width from the main pavilion part of the existing extension and further 2.7

metres width out from the orangery. At its maximum point the depth is 6.8 metres. The south part is very slightly narrower but of the same depth. The height is 2.9 metres throughout, which matches that of the existing orangery. Bedroom and wet room windows and doors face north, east and south. There are also two doors from the new corridor within the west facing elevation back towards the main part of the house.

The block plan indicates that part of the north part of the remaining garden would be landscaped to form a sensory garden. This work does not however form part of this application and would not itself require planning permission. It is also stated that the remaining southern part of the garden would be retained as existing and that new paths would be formed around the enlarged building envelope to replace those existing.

At its closest points the extension would be 8.5 metres from the southern side boundary, 4.5 metres from the eastern rear boundary and 5 metres from the northern side boundary.

External materials would be matching facing brickwork, white upvc windows and doors and GRP roofing.

The application is accompanied by an Arboricultural Survey, Impact Appraisal and Method Statement. In summary, this sets out that two small trees are to be removed to facilitate the proposal, with protection measures employed for all remaining trees within and adjacent to the site.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted and forms part of the development plan.

DP19: Transport
DP25: Community Facilities and Local Services
DP26: Character and Design
DP37: Trees, Woodland and Hedgerows

Cuckfield Neighbourhood Plan 2011-2031

Adopted and forms part of the development plan.

CNP1: Design of New Development and Conservation
CNP10: Building Extensions Within and Outside the Built Up Area Boundary
CNP16: Transport Impact of Development

The **National Planning Policy Framework** July 2018 is a material consideration. Paragraphs 8, 11, 12, 59, 61 and 127 are of particular relevance to the application.

ASSESSMENT

Principle of development

Specialist accommodation and care homes are identified as community facilities and local services within the supporting text to District Plan policy DP25. Whilst the home is privately operated, it provides a service which can be reasonably characterised as of value to the local community or of benefit to the public.

Policy DP25 states:

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

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

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

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

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

This policy therefore provides general support for the principle of extending the care home on the proviso that such a development would be consistent with the Vision for Mid Sussex as set out in Chapter 2 of the District Plan which concerns sustainable communities. This states as follows:

2.10. The Plan is based on the vision for the District set out in the 'Mid Sussex Sustainable Communities Strategy' (originally published in 2008 and refreshed in 2012):

"A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future."

The vision is underpinned by four priority themes that promote the development of sustainable communities:

- Protecting and enhancing the environment;*

- *Promoting economic vitality;*
- *Ensuring cohesive and safe communities; and,*
- *Supporting healthy lifestyles.*

The Neighbourhood Plan identifies community buildings as only those falling within Use Class D1 (Non-residential institutions). Policy CNP19 seeks to resist the loss of such buildings. This Plan is therefore silent on the principle of the proposed development, although it can be noted that the supporting text to Policy CNP10 recognises that over the plan period, existing homes and businesses within and outside the built up area will be extended to adapt to changing needs.

Paragraphs 59 and 61 of the National Planning Policy Framework set out that the needs of groups within communities with specific housing requirements should be addressed and reflected in planning policies.

Character and design

District Plan policy DP26 relates to character and design considerations 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."*

Neighbourhood Plan policy CNP1 states:

"New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and**
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development."*

The site is within the London Road, Barrowfield, Brainsmead and Whitemans Green South of Conservation Area Character Area.

Neighbourhood Plan policy CNP10 states:

"Building extension will be permitted where it meets the following criteria:

- a) The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) Spacing between buildings would respect the character of the street scene.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) Materials are compatible with the materials of the existing building.*
- e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded."*

Whilst the Parish Council and third party representations have referred to Neighbourhood Plan policy CNP7, this is not considered to be relevant as it concerns new housing development. The criteria set out within this policy are however the same as that of policy CDNP10.

The latest Care Quality Commission inspection report for the property is dated 24 July 2017. This report sets out that Pelham House is registered to provide care for up to 30 older persons and describes the home as a "large detached property spread over two floors with a large well maintained garden". It shall be noted that this inspection was completed after the most recent extension which resulted in a considerable reduction in the size of the garden.

The proposal is of lesser footprint and height than the previous extension, which itself was allowed at appeal. The proposal does however reduce the distance between the relevant part of the building and north and south side boundary walls. It is considered that the current proposal should be assessed in light of the previous appeal decision, ref APP/D3830/A/11/215525, dated 24 November 2011, which is summarised as follows.

The Inspector identified the main issue as the effect that the proposed development would have upon the character and appearance of the area. At paragraph 3, the Inspector observed that the building's rear elevation "incorporates a disparate mix of forms and features". This continues to be the case today. At paragraph 4, the Inspector acknowledges that the extension would substantially increase the extent to which the plot is covered by built development, however it is noted that it would be set down below the existing building, would be of a minimised bulk and would be appropriately subservient. The materials and arrangements of windows are also deemed to be consistent and the roof form as "an appropriate design response". At paragraph 5, the Inspector opines that "a substantial amount of outdoor space would remain" and notes that the extension would not be visible from London Road and only slightly visible in westwards views from the public footpath to the east. At paragraph 6, the Inspector goes on to state that the extension would not undermine the spacious character of the area, including by referring to the limited width of the roof in comparison to the width of the main building. At paragraph 8, the Inspector addresses the issue of amenity and concludes that the extension "would not result in any significant reduction in outlook from any nearby properties, not harm the living conditions of their occupiers. Not do I see any reason why the ample amount of retained garden space...should be considered inadequate to meet the needs of residents of Pelham House".

The existing building extends much deeper into its plot than those adjacent. The percentage of the plot covered by the building is however not incongruous to the locality, given the wide variety in size and much smaller extent of some nearby plots.

The property has a long-established different use to those surrounding dwellings, and so it is also against this context that the comparably large building footprint area and the applicant's desire to enlarge further should be considered.

The proposal would bring the building 1.4 metres nearer to the rear boundary and result in a t-shaped footprint when combined with the previous extension. The height, flat roof form, external materials and shape and pattern of windows are all harmonious with the orangery and pavilion forms to which the extension would adjoin. In design terms, it is considered that the proposal satisfactorily complies with the above policy requirements.

A number of representations have suggested the proposal would result in a further overdevelopment of the site, such to be detrimental to the character of the area. The width of the combined single storey extensions as measured across the plot would increase considerably, yet the proportion of garden space taken upon by the proposal would be relatively limited in comparison to that which would remain, with two distinct spaces either side of the pavilion part still largely preserved.

The proposed extension would not be visible from London Road. It would be partially visible beyond intervening wall, hedge and tree screening from the public footpath situated to the east beyond the adjoining field. The extension would however not be at all prominent in these relatively distant views, and notwithstanding its width, the enlargement would still be observed in the context of the far larger mass of the main part of the building beyond and there shall still be comfortable spacing to its sides away from the boundary. It is therefore not considered that the proposal will have any harmful impact upon views from public vantage points. Whilst the amount of building footprint would increase further, the proposed extension's massing is only modest, being clearly subservient in scale. The amount of garden space remaining is still considered to be satisfactory to meet the needs of residents.

Overall, it is considered that the proposal would be a suitably discreet minor addition to the building which can be deemed appropriate to its existing assorted form. No demonstrable harmful visual impacts or compelling conflict with the above policies has been identified and so the application is assessed as satisfactory in design and character terms.

Trees

The Council's Tree Officer has assessed the arboricultural implications of the proposal and raises no objection. His comments are set out in full at Appendix B.

The Tree Officer has confirmed that T6, one of the two species to be removed, is in fact a shrub, contrary to the submitted Tree Survey and should be classified as grade C.

It is not considered that there are any grounds to deem the application unacceptable in respect of impact upon trees. A condition is recommended to secure compliance with the submitted Method Statement.

Impact upon neighbouring amenity

Policy DP26 protects neighbouring residents from significant harm to amenity. Similarly, policy CNP10 safeguards neighbouring privacy, light and outlook. As the more recently adopted development plan document, policy DP26 has primacy and therefore this sets the test for the proposal.

The extension would be visible from surrounding dwellings, however visibility itself does not necessarily equate to harm. Taking into account the resulting remaining separation of the building to side boundaries, the limited height, the floor plan layout and associated positioning of window and doors, and the substantial distance from the rear elevations of those adjacent houses, in no respect is the proposal considered to give rise to any significantly harmful impacts upon neighbouring amenity. The combined effect of the previously approved and now proposed extension has been considered when reaching this conclusion.

Parking

The application is submitted on the basis that the proposal would not result in an increase in the resident capacity of the building and staffing numbers; rather it would enable all residents, up to the existing registered capacity, to benefit from a single occupancy room. Accordingly it is considered that there is no basis upon which to conclude that the proposal would result in an increase in parking demand associated with the site.

London Road has unrestricted parking. It is open to the Local Highways Authority to put in place parking restrictions should they deem it to be appropriate in the public interest. Any incidence of roadside and pavement parking associated with the site leading to congestion and highway safety issues, as referred to in representations, is an existing situation. As above, there is no reason to conclude that the proposal would exacerbate this.

Given the limited size and scale of the proposal, as with previous applications, it is not considered necessary to impose any conditions as concern construction management other than standard working hours restrictions. The construction period can be reasonably expected to be brief; any inconvenience arising to nearby residents should therefore be only transient and would not be a reason to deny granting permission for a proposal which is acceptable on its planning merits.

CONCLUSION

Planning permission is sought for a single storey extension to Pelham House, London Road, Cuckfield to provide four additional ensuite bedrooms at a dementia care home.

Officers have referred the application to committee in light of the planning history of the site and the level of interest generated.

It is considered that the proposed extension is satisfactory in respect of its design, scale, form and materials and that the resulting plot coverage and spacing between buildings would be appropriate, with no harm caused to the character of the area. The impact upon neighbouring amenity would be acceptable, as would the resulting amenity for occupiers of the home.

There is no reason to expect highways or parking conditions to be affected by the proposal, and a condition is recommended to control the number of residents such to reflect the rationale upon which the application is made.

Overall, the proposal is deemed to be consistent with the Council's vision for the development of sustainable communities. The planning balance is considered to favour approval on the basis that the application can be regarded as compliant with policies DP19, DP25, DP26 and DP37 of the Mid Sussex District Plan and policies CNP1, CNP10 and CNP16 of the Cuckfield Neighbourhood Plan.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

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

Reason: To protect the appearance of the building and the area and to comply with policies DP26 of the Mid Sussex District Plan 2014-2031 and CNP1 of the Cuckfield Neighbourhood Plan 2011-2031.

4. The development shall be carried out in accordance with the submitted Arboricultural Impact Appraisal and Method Statement.

Reason: To provide for the appropriate protection of existing trees earmarked for retention and to comply with policy DP37 of the Mid Sussex District Plan 2014-2031.

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

Reason: To safeguard the amenities of nearby residents and to accord with policies DP26 of the Mid Sussex District Plan 2014-2031 and CDNP10 of the Cuckfield Neighbourhood Plan 2011-2031.

6. There shall be no more than 30 residents accommodated at the site.

Reason: To prevent a further intensification in the use of the site which could be harmful to the character of the area and the amenity of neighbouring residents, to ensure that the level of parking provision at the site is sufficient and to comply with policies DP19 and DP26 of the Mid Sussex District Plan and CDNP10 of the Cuckfield Neighbourhood Plan 2011-2031.

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

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

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	1810/01		20.07.2018
Existing Block Plan	1810/02	A	21.08.2018
Existing Floor Plans	1810/04	A	23.07.2018
Existing Elevations	1810/05	B	11.09.2018
Proposed Floor Plans	1810/06	A	30.08.2018
Proposed Elevations	1810/07	B	11.09.2018
Proposed Block Plan	1810/08	A	21.08.2018

APPENDIX B – CONSULTATIONS

Cuckfield Parish Council

Recommend objection on the basis the application conflicts with policies CNP1 and CNP7 (scale, height and form) and CNP10 (space between building)

Tree Officer:

Further to reviewing the submitted AIA/AMS reports, please find my comments below.

The site currently has no trees subject to TPO and is not within a Conservation Area.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

Two individual trees (T6 - Cortinus & T7 Purple Sycamore) are to be removed to facilitate the development. The trees recommended for removal have been classified grade C, due to being young in age or in poor health and condition. As such these trees should not act as a constraint upon the development.

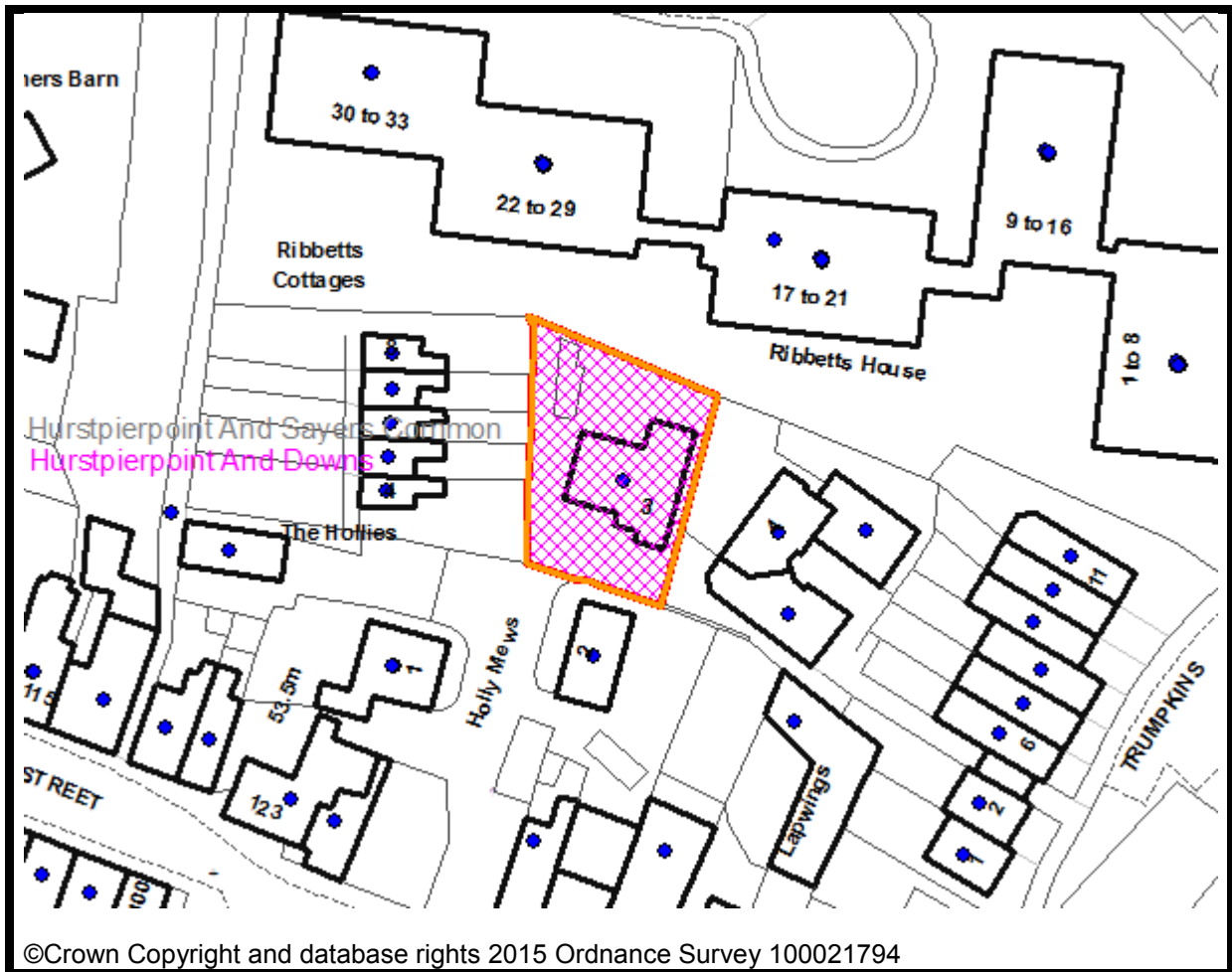
A large high quality tree (T2 - Oak) does overhang significantly into site and will require pruning in the future. Once the development is complete, the canopy of T2 will be directly above the building. However, it is thought that post development pressure to prune T2 will be no greater than currently and the tree has been subject to recent crown lift.

Protection measures for retained trees have been detailed within the submitted AMS report, including: Construction Exclusion Zones using suitable fencing/signage and temporary ground protection.

No objection.

Hurstpierpoint And Sayers Common

3. DM/18/3114



**3 HOLLY MEWS HIGH STREET HURSTPIERPOINT HASSOCKS
DEMOLITION OF EXISTING GARAGE, OUTBUILDING AND DWELLING
TO CONSTRUCT, IN ITS PLACE, A TWO STOREY DWELLING ALMOST
IDENTICAL TO THAT APPROVED UNDER APPLICATION DM/17/4622
(WHEREBY THE EXISTING BUILDING WAS TO BE ADAPTED) AND
CONSTRUCTION OF BOUNDARY WALL IN BRICK TO NORTH, NORTH
WEST AND NORTH EAST OF SITE.
MR AND MRS R SALISBURY
GRID REF: EAST 528339 NORTH 116424**

POLICY: Built Up Areas / Conservation Area / Planning Agreement / Planning
Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /
Highways and Planning Agreement (WSCC) /

ODPM CODE: Minor Dwellings
8 WEEK DATE: 24th September 2018

WARD MEMBERS: Cllr Anthony Watts Williams / Cllr Colin Trumble / Cllr John Wilkinson /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of existing garage, outbuilding and dwelling to construct, in its place, a two storey dwelling almost identical to that approved under application DM/17/4622 (whereby the existing building was to be extended and adapted) and construction of boundary wall in brick to north, north west and north east of site at 3 Holly Mews, High Street, Hurstpierpoint.

The application has been referred to Committee because the applicant is an elected member of the Council.

The proposed development is acceptable in respect of its design, scale and impact upon the character and appearance of the Conservation Area. The proposal is also acceptable in respect of its impact upon neighbouring amenity.

The proposed development complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DP26 and DP35 of the Mid Sussex District Plan, and the design, amenity and heritage asset protection guidance of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

1 letter of support.

1 letter neither objecting or supporting, requesting conditions ensuring 2 metre height of boundary wall and additional tree planting for screening.

SUMMARY OF CONSULTATIONS

MSDC Conservation Officer:

I consider that the proposal will not harm the character and appearance of the Conservation Area. This would meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

Drainage Engineer:

Further information requested.

PARISH COUNCIL OBSERVATIONS

Permission is granted subject to a sufficient Traffic Management Plan being put in place, with conditions that no construction traffic should be allowed to access the site during rush hours and must only enter and leave village via the East side.

INTRODUCTION

Planning permission is sought for the demolition of existing garage, outbuilding and dwelling to construct, in its place, a two storey dwelling almost identical to that approved under application DM/17/4622 (whereby the existing building was to be adapted) and construction of boundary wall in brick to north, north west and north east of site at 3 Holly Mews, High Street, Hurstpierpoint.

The application has been referred to Committee because the applicant is an elected member of the Council.

RELEVANT PLANNING HISTORY

DM/17/4622 Demolition of existing detached garage. Construction of new single storey and two storey extensions to side and rear elevations, in conjunction with the remodelling of the existing roof to create a mansard roof with dormer windows to south elevation. Removal of 4 no. trees adjacent to the side and rear boundaries. - permitted 22 January 2018

SITE AND SURROUNDINGS

3 Holly Mews is a detached 3 bedroom dwelling built around 1990 forming part of a small development of similar dwellings set back to the north of Hurstpierpoint High Street behind the former Fire Station. The dwelling has a part hipped part gabled plain tile roof with two front velux windows, brickwork walls and white painted timber windows. There is a bedroom and bathroom at first floor level within the roof space.

There is a detached pitched roof single garage and brick shed situated to the west side set behind the dwelling, with a driveway in front of this.

Ground levels rise to the south west. A number of trees in proximity to the western boundary have recently been removed.

To the west is the rear elevations and gardens of nos. 4 - 8 Ribbetts Cottages, situated a higher level. To the north beyond the garden boundary fence is sheltered accommodation flats at Ribbetts House. To the east is the rear gardens and elevations of nos. 3 and 4 Trumpkins. To the south is no. 2 Holly Mews, also situated at a higher level, together with the vehicle access into the Mews off of the High Street.

The application site lies within the Hurstpierpoint built up area boundary and Conservation Area.

APPLICATION DETAILS

The proposal is now for the demolition of the existing dwelling, and garage, the construction of a two storey dwelling almost identical to that approved under application DM/17/4622 and the construction of a brick wall at the northwest, northern and northeast boundaries.

The layout of proposed dwelling is similar to that within approved application DM/17/4622. The first floor plan has been rearranged such that it is now shown that a bedroom would be within the rear most part of the building, and an office within the forward most part and a storage room off the landing at the top of the stairs.

The scale of the building also remains largely unchanged, the only alteration being a very minor increase in the width of cavity walls to enable the rebuild to meet current Building Regulations. This results in a negligible increase in the building's footprint.

There are only minor alterations to the building's appearance from the previous approval. A velux window within the eastern elevation has been omitted, with a ground floor window within this side increased in size and the chimney reduced in height. The positioning of one of the rear northern elevation velux windows has slightly moved and the western elevation velux window has been slightly widened. The ground floor front southern kitchen window has been widened. Finally, the upper part of the mansard roof was previously annotated to be finished in lead, however it is now proposed to be finished in zinc with a standing seam detail. External materials are otherwise unchanged.

The remaining two eastern elevation velux windows are again shown as obscure glazed and non-openable below 1.7 metres internal floor level. One of these serves an office, the other a bathroom.

The proposed boundary wall is to be formed in facing bricks with a series of piers. The wall height is to be at a continuous height of 1.8 metres above the ground level of adjacent Ribbetts Cottages to the west, which is circa 0.7 metres above ground levels within the site. The varying height of the wall as expressed externally to west, north and east is shown on the submitted elevation drawing.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted as part of the development plan.

DP26: Character and Design
DP35: Conservation Areas

Dormer Window and Roof Light Design Guidance SPG

Hurstpierpoint and Sayers Common Neighbourhood Plan 2031:

Adopted as part of the development plan, however no relevant policies.

The **National Planning Policy Framework** July 2018 is a material consideration. Paragraphs 8, 11, 124, 127, 192 and 193 are of particular relevance to the application.

Planning (Listed Buildings and Conservation Areas) Act 1990:

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

ASSESSMENT

As with the previous application DM/17/4622, the main issues are considered to be the design and scale of the proposal and resulting impact on the character and appearance of the conservation area, together with the impact upon neighbouring amenities.

Design and character impact

Policy DP26 states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

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

Policy DP35 states:

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

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

Paragraph 124 of the National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 sets out design criteria that developments should fulfil, including that they should be sympathetic to local character and history. Paragraph 192 sets out that local planning authorities should

take account of the desirability of sustaining and enhancing the significance of heritage assets, with paragraph 193 going on to state that 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.

The Council's Conservation Officer's comments on the current proposal are set out in full at Appendix B. In summary, no objection is raised to the application in light of the fact that the end result would be a development of very similar scale and appearance to that as previously approved. These comments are also to be read in conjunction with those made in respect of the previous application DM/17/4622, which were as follows:

"The principle of the extensions and alterations to the existing modern dwelling is not considered contentious- although the proposal will enlarge the footprint of the mews building the roof height will be lower than the existing and the scale of the building will remain in keeping with its surroundings. The scheme has been worked up somewhat since the pre-application stage in terms of the detail of the dormer window and other fenestration, and I now consider that the scheme is acceptable in the context subject to some further detail (for example of the roofing and facing materials) which could be reserved by condition.

I therefore consider that the proposal will preserve (not cause harm to) the character and appearance of the Hurstpierpoint Conservation Area, and would meet the requirements of Local Plan Policy B12, emerging District Plan Policy DP33 and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- *Details including samples of all roofing and facing materials.*
- *Detailed drawings at an appropriate large scale, including sections, and annotated to show materials and finishes, of typical examples of all new windows. Your drawings should show the depth of reveal.*
- *New rooflights to be flushfitting metal framed Conservation style windows.*
- *New guttering shall be of painted metal."*

In the committee report for this preceding application, the Planning Officer stated as follows:

"The Planning Officer agrees with the overall comments of the Conservation Officer in respect of the acceptability of the scheme. The site occupies a tucked away position within the Conservation Area, with very limited visibility from the High Street and the dwelling is not of any historical or particular architectural merit. Whilst the scheme will increase the scale of the building and change its character (in particular through the formation of the mansard style roof), it is considered that the proposals represent good quality, sensitive design and will not inappropriately overdevelop the plot. The list of recommended conditions is noted, however given the age and appearance of the dwelling, it is only considered necessary to impose the materials condition. Therefore subject to the use of a suitable condition, it is considered that the above design, character impact and Conservation Area policy requirements are met."

With respect to the current proposal, which now includes a boundary wall, the Planning Officer is again of the view that the scheme is appropriate in all respects and is compliant with the above policy requirements. The Conservation Officer has recommended an additional condition as concerns the detail of the boundary wall, and the Planning Officer agrees that this is justified given that it will partially abut older, more sensitive properties within the Conservation Area.

Impact on neighbouring amenity

In respect of this issue, DM/17/4622 was assessed as follows:

"Policy B3 of the Mid Sussex Local Plan relates to neighbouring amenities and states that proposals for new development will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook. Policy H9 also requires proposals to not be overbearing or unneighbourly. A similar ethos is set out within Policy DP24 of the Submission Version District Plan.

The comments of two adjacent occupiers of Ribbetts Cottages (nos. 5 and 6) to the west and one occupier of Ribbetts House (flat 23) to the north have been taken into consideration. In respect of the impact upon Ribbetts Cottages, the enlargement of the roof to the west and change to a mansard style will inevitably result in some adverse impact in respect of closure of outlook. The overall height of the roof is however lower than the existing and the application site sits at a lower level than these properties which helps mitigate the effect. It is not considered that the degree of harm to these cottages can be reasonably concluded to be at a significant level. The scheme is not assessed to be overbearing or inappropriately unneighbourly.

Given the separation distance between the dwelling and Ribbetts House, the installation of the four rear velux windows to serve a bedroom, dressing room, study and store is not considered to result in a significantly harmful degree of overlooking / loss of privacy.

The formation of the mansard roof, installation of east side bedroom and en suite velux windows, minor single storey east side extension and installation of the front window within the new south elevation gable will also have some impact upon neighbouring nos. 3 and 4 Trumpkins and no. 2 Holly Mews in terms of the change in massing of the dwelling and potential overlooking. The plans have however been amended to indicate that the side bedroom velux windows adjacent to the boundary with 4 Trumpkins are to be fixed shut and obscure glazed up to 1.7 metres from floor level. Subject to this measure being controlled by condition, it is however not considered that the proposal will have a significantly harmful effect upon existing degrees of privacy and outlook that these neighbouring properties benefit from."

Policy DP26 of the adopted version of the District Plan again sets out that the test in relation to neighbouring residential amenity is of significant harm.

As identified earlier in the report, when compared to the previously approved scheme, the current proposal is the same form, no greater height, only negligible increased footprint and proposes no new upper level windows. A boundary wall of an

appropriate height is now proposed to provide for a suitable enclosure of the rear garden space. It is not considered necessary to require additional screening tree or hedge planting.

It is therefore considered that the proposal is acceptable in respect of its impact upon neighbouring residential amenities.

Other issues

There are no existing trees within or adjacent to the application site to be potentially impacted by the proposals.

The Council's Drainage Engineer has requested further information in respect of the means of managing surface water drainage and foul drainage on the basis that the nature of the proposal is now a full rebuild and not extension, and so there is an opportunity for betterment. However, given that the resulting development would be almost identical to that previously approved, it is not considered necessary to for these details to form part of the proposal in order for the application to be deemed acceptable. As a full rebuild, the development will in any event need to comply with latest Building Regulations Approved Document H as concerns drainage.

The Parish Council have requested a Traffic Management Plan to restrict the timing and routing of construction vehicles. However, given the minor nature of the proposed development and therefore anticipated limited amount of associated construction traffic, it is not considered that such a condition would meet the test of necessity.

CONCLUSION

Planning permission is sought for the demolition of existing garage, outbuilding and dwelling to construct, in its place, a two storey dwelling almost identical to that approved under application DM/17/4622, whereby the existing building was to be adapted, construction of boundary wall in brick to north, north west and north east of site at 3 Holly Mews, High Street, Hurstpierpoint.

The application has been referred to Committee because the applicant is an elected member of the Council.

The proposed development is acceptable in respect of its design, scale and impact upon the character and appearance of the Conservation Area. The proposal is also acceptable in respect of impact upon neighbouring amenity.

The proposed development complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DP26 and DP35 of the Mid Sussex District Plan, and the design, amenity and heritage asset protection guidance of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

3. No development shall be carried out unless and until a schedule and samples of all new facing and roofing materials to be used has been submitted to and approved by the Local Planning Authority. The submitted details shall include details of the brick to the new boundary wall, together with a sample panel to show the brick bond, mortar colour and method of pointing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area and to comply with Policies DP26 and DP35 of the Mid Sussex District Plan.

4. The proposed east elevation velux office window shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the amenity of the adjacent property and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- No burning of materials shall take place on site at any time.

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Topographical Survey	004-07-17/001	-	30.07.2018
Existing Floor and Elevations Plan	004-07-17/002	-	30.07.2018
Location and Block Plan	H4922.1.PL001	-	30.07.2018
Proposed Floor Plans	H4922.1.PL010	B	30.07.2018
Proposed Floor Plans	H4922.1.PL011	A	30.07.2018
Proposed Elevations	H4922.1.PL012	A	30.07.2018
Proposed Elevations	H4922.1.PL013	-	30.07.2018
Proposed Elevations	H4922.1.PL014	A	30.07.2018
Proposed Elevations	H4922.1.PL015	A	30.07.2018

APPENDIX B – CONSULTATIONS

Hurstpierpoint Parish Council

RECOMMENDATION: Permission is granted subject to a sufficient Traffic Management Plan being put in place, with conditions that no construction traffic should be allowed to access the site during rush hours and must only enter and leave village via the East side.

MSDC Conservation Officer

The application site is an unlisted building in the Hurstpierpoint Conservation Area. Planning permission was granted earlier this year for alterations and extensions including the remodelling of the roof to create a mansard. The current proposal is for demolition of the existing house and rebuilding to create a dwelling very similar in appearance to that which would result were the existing permission to be implemented. The existing building is not considered to be of any special merit in its own right and this aspect of the proposal is therefore not considered contentious for the reasons given in my comments on the previous scheme.

The current proposal also includes the construction of a high brick boundary wall to the north, north east and north west of the site, which encloses the rear garden. This is not considered contentious subject to detail.

I would suggest the conditions previously applied to the former approval are also applied here. I would also suggest a condition requiring details of the brick to the new boundary wall, together with a sample panel to show the brick bond, mortar colour and method of pointing. I think this is merited given the scale of the wall and the impact it is likely to have on the view from adjoining properties.

I therefore consider that the proposal will not harm the character and appearance of the Conservation Area. This would meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

MSDC Drainage Officer

Recommendation: Further information required

Information required:

At this time we will require the following further information;

- Outline details into the proposed means of managing surface water drainage. This should take into consideration the drainage hierarchy.
- Outline details into the proposed means of managing foul water drainage.

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

No information into how the development shall manage surface water drainage has been provided.

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.

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.

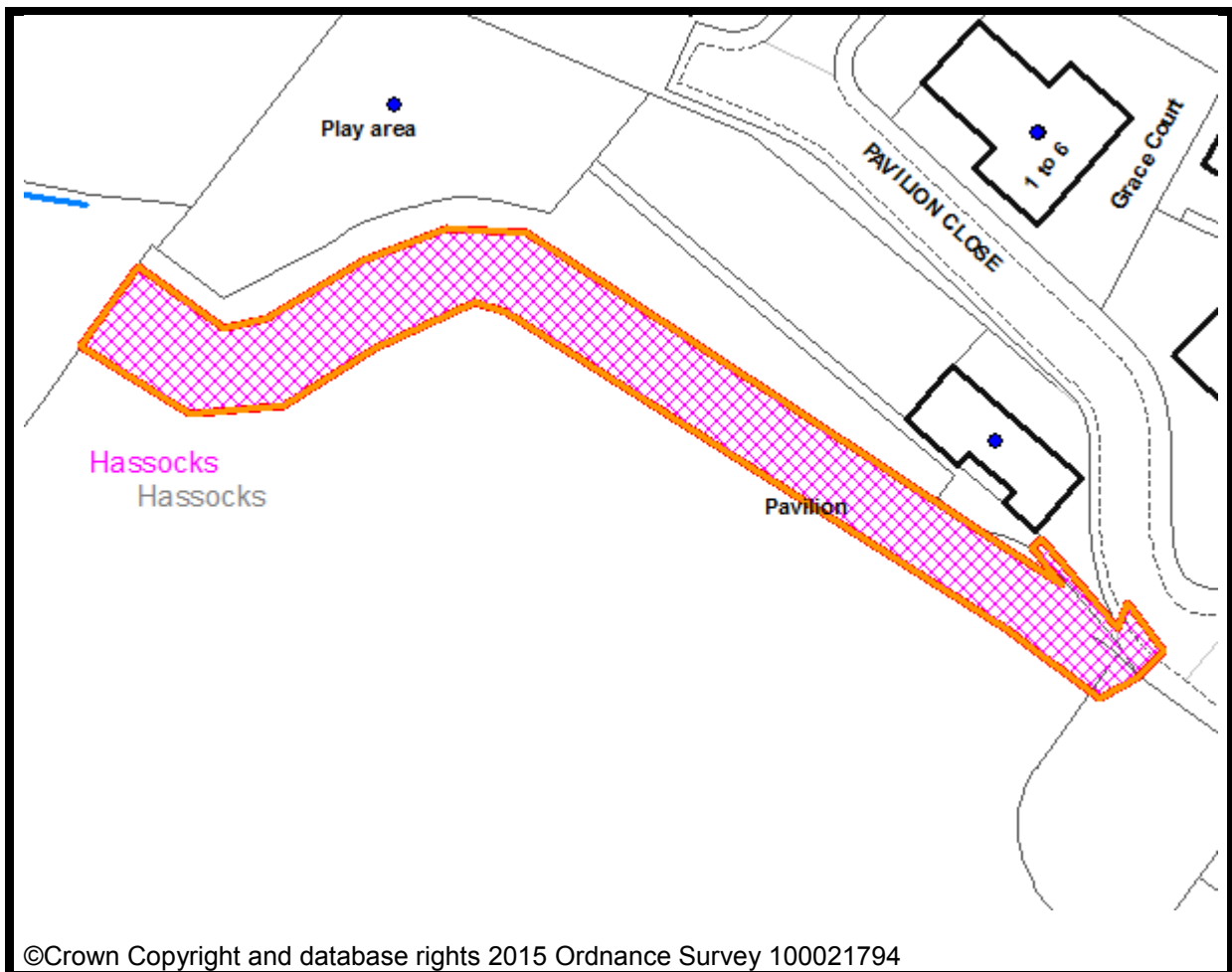
Further guidance in relation to this and guidance for specific disposal methods can be found in the 'Further Drainage Advice' section.

Foul Water Drainage Proposals

No details into how the development shall manage foul water drainage have been provided.

Hassocks

4. DM/18/3277



**LONDON ROAD RECREATION GROUND BELMONT CLOSE HASSOCKS
WEST SUSSEX
CREATION OF A PEDESTRIAN AND CYCLE PATHWAY.
BELLWAY HOMES LTD (SOUTH LONDON)
GRID REF: EAST 530112 NORTH 116094**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Other

8 WEEK DATE: 11th October 2018

WARD MEMBERS: Cllr Gordon Marples / Cllr Michelle Binks / Cllr Sue Hatton /

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 creation of a pedestrian and cycle pathway along the north-eastern edge of the London Road Recreation Ground in Belmont Close, Hassocks.

The application is being determined at committee level as Mid Sussex District Council is the landowner of the Recreation Ground.

The proposed pathway is considered to be appropriate in terms of its siting and appearance and its construction would not have a significantly harmful impact on the amenities of neighbouring residents.

It is considered that the proposal would comply with Policies DP21 and DP26 of the Mid Sussex District Plan, Policy 8 of the draft Hassocks 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

None.

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection.

PARISH COUNCIL OBSERVATIONS

Recommend approval.

INTRODUCTION

Full planning permission is sought for the creation of an unsegregated pedestrian and cycle pathway along the north-eastern edge of the London Road Recreation Ground in Belmont Close, Hassocks.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The red-lined site runs along and through part of the London Road Recreation Ground, a rectangular-shaped area of land to the rear of properties along London Road in Hassocks. Further dwellings are located along Pavilion Close and Belmont Close to the north-east. Within the Recreation Ground is a single-storey pavilion building and childrens' play area, together with a small car park. Adjoining the site to the north-west is Reed Pond Shaw, a designated ancient woodland, beyond which lies Hassocks Golf Course.

The site is located within a Countryside Area of Development Restraint with the built-up area boundary adjoining the Recreation Ground to the south-east and north-east.

APPLICATION DETAILS

Full planning permission is sought for the creation of an unsegregated pedestrian and cycle pathway along the north-eastern edge of the London Road Recreation Ground in Belmont Close, Hassocks. The application has been submitted by Bellway Homes Ltd (South London) to complement a current planning application on the adjoining Golf Club site to the north, for 165 dwellings. That application follows an outline permission for 130 dwellings which showed an indicative pedestrian/cycle link from the north to Belmont Close. This link formed part of the proposals but the works extended beyond the red line which has necessitated this application. It is intended that, taken together, a continuous non-vehicular link will be formed between Belmont Close and the new residential development.

The proposed pathway will be 3m in width. It will follow a sinuous route around the woodland edge and in front of the pavilion building, joining onto the existing footpath along Belmont Close/Pavilion Close. The proposal includes sections of fencing and dropped kerb for safety, and the existing tactile paving will be retained.

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 DP21: Transport

Policy DP26: Character and Design

Hassocks Neighbourhood Plan (Regulation 16 Submission Version, Jun 2016)

Regulation 16 consultation finished. Currently 'on hold'.
Material planning consideration with some weight

Relevant policies include:

Policy 8: Character and Design

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.

Paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 108 and 109 (highways matters), 124 and 127 (design) are considered to be most relevant.

ASSESSMENT

The proposed pathway is considered to be appropriate in terms of its siting and appearance and its construction would not have a significantly harmful impact on the amenities of neighbouring residents. The Highway Authority requested that the proposal be amended to ensure no segregation between pedestrian and cycle routes in order to comply with advice from Sustrans. This has been done and no objection has been raised from the Highway Authority in response.

PLANNING BALANCE AND CONCLUSION

It is considered that the proposal would comply with Policies DP21 and DP26 of the Mid Sussex District Plan, Policy 8 of the draft Hassocks 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.

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.

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	172221-006		08.08.2018
Block Plan	172221-005		08.08.2018
Sections	S278/38/06		08.08.2018

APPENDIX B – CONSULTATIONS

HASSOCKS PARISH COUNCIL

RECOMMEND APPROVAL

WSCC Highways

Following the provision of the revised drawing which show the route now as an unsegregated facility, WSCC raises no objection to the application.