
17 July 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 25TH JULY, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To receive apologies for absence.	
2. To receive Declarations of interest from Members in respect of any matter on the Agenda.	
3. To confirm the Minutes of the meeting of the Committee held on 4 July 2019	3 - 8
4. To consider any items that the Chairman agrees to take as urgent business.	

Items Recommended for Approval.

5. DM/19/1807 - Unit B, 208-216, London Road, Burgess Hill, West Sussex, RH15 9RD	9 - 28
6. DM/19/2069 - 15-17 And 19 The Martlets, Burgess Hill, West Sussex, RH15 9NN	29 - 36

Items Recommended for Refusal.

7. DM/19/1361 - The Old Sand Pit, London Road, Albourne, Hassocks, West Sussex, BN6 9BQ	37 - 58
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Other Matters.

8. 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:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Thursday, 4th July, 2019
from 7.00 - 7.58 pm**

Present: G Marsh (Chair)
P Coote (Vice-Chair)

G Allen	J Dabell	D Sweatman
R Cartwright	A MacNaughton	N Walker
E Coe-	M Pulfer	
Gunnell White		

Absent: Councillors R Eggleston and C Phillips

Also Present: Councillors P Chapman and N Webster

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Phillips and Councillor Eggleston.

2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 29 MAY AND 13 JUNE 2019.

The Minutes of the meetings of the Planning Committee held on 29 May and 13 June 2019 were agreed as a correct record and signed by the Chairman.

4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

5 DM/19/1016 - OAKHURST, MAYPOLE ROAD, EAST GRINSTEAD, RH19 1HL.

Joanne Fisher, the Senior Planning Officer, introduced the application for the demolition of an existing residential building and the construction of a 3 storey residential building comprising of 8 units with associated landscaping works. She highlighted some key issues including 1 additional letter of objection, as stated in the agenda update sheet. She also spoke about the previous applications which had been submitted and refused for the property.

She informed the Members that the application had been improved, with this scheme seeking to address all the previous reasons for refusal; specifically with the plan now

including electric charging points for vehicles, generous gaps between the neighbouring buildings and 8 cycle points within the site.

She highlighted the fact that the new design retained the characteristics of the Edwardian property. She addressed the fact that the application included a larger footprint but highlighted that the planning officers agreed with the urban designer who now had no objection to the design of the building. She advised that the break in the roof, alongside the bay and pitched elements of the building, would help to reduce the overall mass. She told the Committee that the site is in a highly sustainable location in the built up area of East Grinstead. Whilst the application does not meet the Council's maximum car parking standard, she explained that this is considered acceptable given the location's close proximity to public transport routes.

Matt Thompson and Shereen Jenkins local residents spoke against the application. Paul Dadswell, the agent for the applicant speaking on behalf of the applicant, spoke in favour of the application.

The Chairman spoke regarding A25 highways and drainage, noting that the Highways Authority has no objections, and the drainage consultant had found that the application is in line, subject to the conditions set out in the application.

A Member voiced his concerns regarding the size of the property, specifically the proposed height. The Member stated he was in favour of increasing housing in the area by creating flats within the property, but stated that parking in the area may need further consideration.

Another Member spoke on his concerns over the bulk of the building, and the potential harmful effect on the neighbours.

Members spoke about the concerns regarding the windows proposed to the rear of the property which faces neighbouring Lyndhurst, and about the issue of reduced light to the neighbours, especially in winter.

The Senior Planning Officer responded that the applicant has worked with the Council to revise the plans to address previous reasons for refusal. She also spoke on how approving the application would make efficient use of the land, and create more housing, without causing significant detriment to the surrounding area.

Addressing Members' specific concerns regarding the window facing Lyndhurst, she pointed out that the room in question is a non-habitable room, and therefore there would be no significant issue regarding privacy.

Regarding the bulk of the building she highlighted that the proposed building would be no higher than the highest part of the pre-existing building, but would have reduced ridge lines and increased detailing, with the coach house set further forward than the building in the application. When discussing loss of sunlight to the neighbours, the orientation of the building and pre-existing relationship between the buildings meant that there would be no significant detrimental impact to the neighbours.

The Vice Chairman noted that were the Committee to refuse the application, and the application to go to appeal it would be likely to be approved by the Planning Inspector. He also spoke on the extensive work which had been done with the applicant and Mid Sussex District Council to resolve past issues.

A Member asked that the applicant be minded to make sure the electric charging points were created with the goal of them lasting into the future and accounting for the likely increase in electric vehicles.

The Chairman stated that the agent would pass onto the applicant the importance of future proofing the charging points. He also reminded the Committee that this decision does not set a precedent and if the application was to be approved that does not suggest that another would be.

The Chairman took Members to the recommendation to approve which was moved by Councillor Coote and seconded by Councillor Cartwright. This was agreed with 8 in favour, 1 against, and 1 abstained.

RESOLVED

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

Recommendation A

That planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A and the update sheet.

Recommendation B

That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 4th October 2019, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

6 DM/19/1498 - NAASTA, 226 LONDON ROAD, BURGESS HILL, RH15 9QR.

The Chairman noted that the application was before the committee as a Councillor had an interest in the property. He noted that there were no public speakers and took Members to the recommendation to approve which was agreed unanimously.

RESOLVED

That express advertisement consent be granted subject to the conditions listed at Appendix A.

7 DM/19/1612 - 151 LOWER CHURCH ROAD, BURGESS HILL, RH15 9AA.

Joanne Fisher, Senior Planning Officer introduced the application for the conversion of an existing building to form 3 x 1 bed flats and 1x 2 bed flats, including the erection of a replacement metal side gate, alterations to the fenestration, existing roof to the rear and the addition of a two storey extension to the rear beneath the pitched roof. She highlighted that the property was currently a vacant commercial building at the ground floor with residential use either side. She also spoke on how the property shared a boundary to St. Johns conservation area, but that the conservation area does not include the application site, and that the application site falls within the built up area of Burgess Hill. The current application will change the building's use from commercial to residential and address the reasons for previous refusal. She highlighted that from the last application the new application set to reduce width and depth, including a stepped down roof.

The mixture of properties in the road and the fact that the extension would not be visible from the road was highlighted to the Committee. Also addressed were the windows to the rear of the adjoining neighbouring flats, which serve bathrooms which are not classed as habitable rooms and therefore not considered to cause significant harm to the surrounding properties. Concerns regarding loss of light, a tunnelling effect, and the foot-print of the building were addressed by the Planning Officer, who noted that the existing property already causes harm, and in the officer's opinion, the proposed set back extension would not contribute further harm. She also mentioned that whilst there was no parking proposed the application was in a highly sustainable area with ease of access to public transport. Therefore, the parking situation laid out in the application was deemed acceptable.

Kate Connolly spoke against the application as a neighbour to the application site.

The Chairman drew the Committee's attention to condition 8, which relates to the windows on the western (side) elevation Condition 8 specifies that windows be non-opening and be opaque using glazing, therefore residents of the building could not change this and the windows would not affect the privacy of neighbouring buildings.

Steve King, Planning Application Team Leader spoke to address condition 8 and the matter of the side windows on the proposed building; he agreed the clause, "shall at all times" would be added to the condition to ensure that the windows cannot be changed in the future.

A Member felt that the application would not affect the conservation area, and it would be a good use of the property as it is currently in a poor state of repair. He also stated that increasing residential areas would be beneficial and that the application appears to have addressed the previously laid out concerns. Another Member spoke in support of this.

The Vice Chairman reassured the Committee that the windows will be non-opening and obscured so as to protect privacy; he also explained that the application did not allow for future tenants to change these conditions and that if this were to occur the Council would act to reverse the changes.

Councillor Walker moved that the application be approved with the additional wording of "shall at all times" being added to condition 8 and this was seconded by Councillor Cartwright.

The Chairman took Members to the recommendation which was agreed unanimously.

RESOLVED

That permission is granted subject to the conditions outlined at Appendix A, and the additional wording agreed to condition 8.

8 DM/19/1624 - BARN COTTAGE PAVILION, BARN COTTAGE LANE, HAYWARDS HEATH, RH16 3QN.

The Chairman introduced the application for the new purpose-built community centre with joining tunnel to the existing pavilion, noting that is as before the Committee as it was to be built on Council owned land.

The Chairman spoke briefly regarding parking in this area, noting that the Highway Authorities request for a parking survey was not deemed necessary by the planning officer as there was adequate parking in the area.

As there were no public speakers the Chairman confirmed with Members that they did not require a presentation and took Members to the recommendation which was agreed unanimously.

RESOLVED

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

9 EF/17/0129 - CRAWLEY LANE, BALCOMBE, RH17 6LA.

Steve King, Planning Application Team Leader, introduced the report relating to a planning enforcement investigation and breach of planning control where the land owner has failed to comply with the requirements of an Enforcement Notice. He highlighted how the non-compliance related to a specific area of land, which the Council had previously received a planning application for an access track and barn, which had been refused, however the access track had been completed without permission. Enforcement action had therefore been undertaken to require the removal of the track.

A subsequent planning application had then been granted for the first 50m of the track and a barn, this planning application stated it required the removal of the track past the first 50m. However, the Planning Application Team Leader confirmed that no action had been taken to do so. The recommendation was therefore for Members to authorise a prosecution in the magistrates court for failure to comply with the notice. It was stated that if the applicant were to comply it may not be necessary to pursue a prosecution. The aim of authorising a prosecution was to secure compliance and encourage a timely removal of the track.

A Member spoke to support the work of the planning and enforcement officers. The Vice Chairman echoed this, also stating that the Planning Department do not enter into enforcement often and that enough time had been given to the applicant, therefore given the lack of action, the Officers recommendation would be the correct way forward. Councillor MacNaughton moved to approve the recommendation. This was seconded by Councillor Coe-Gunnel White.

The Chairman took Members to the recommendation which was agreed unanimously.

RESOLVED

That having due regard to the options that are available (but without prejudice to any other enforcement action the Council may decide to take), the Town and Country Planning Act 1990 and relevant policies and applicable guidance issued, it is concluded that the most satisfactory course of action, at this time, is to recommend that authority be given for the Council to prosecute the owner of the land for non-compliance with the Enforcement Notice (which is an offence under section 179 TCPA 1990) with respect to the eastern 90m element of the track, subject to the Solicitor to the Council being satisfied that there is sufficient evidence and it is in the public interest to pursue a prosecution.

10 TP/19/0001 - LAND EAST OF STONE HOUSE, RYECROFT ROAD, BOLNEY, RH17 5PR.

The report was introduced by Steve King Planning Applications Team Leader asking Members to consider whether or not to confirm a new Tree Preservation Order (TPO), on an area of land east of Stone House, Rycroft Road, Bolney.

He highlighted that the eastern half of the land in question has been felled, and whilst the western half currently remains wooded it is important to grant the TPO swiftly. He spoke regarding the required assessment which was completed by the Council's Tree Officer and which demonstrated that the TPO was justified. The Planning Application Team Leader highlighted that the TPO would not prevent the owner from completing maintenance on the woodland, but would prevent the western half from being clear felled.

Councillor Coote moved that the order be confirmed and this was seconded by Councillor Coe-Gunnel White.

The Chairman took Members to the recommendation which was agreed unanimously.

RESOLVED

That the order be confirmed.

11 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.58 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

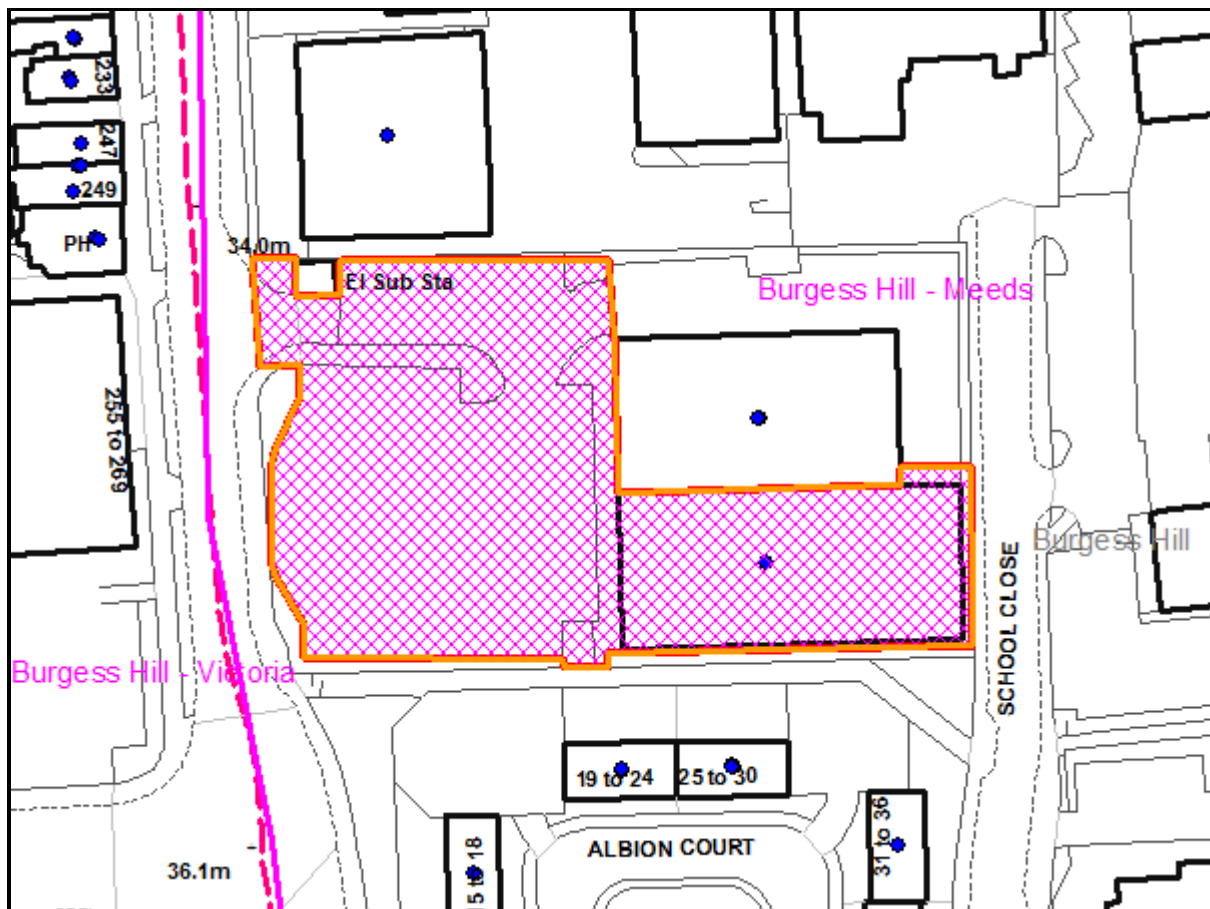
Planning Committee

25 JUL 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/1807



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**UNIT B 208 - 216 LONDON ROAD BURGESS HILL WEST SUSSEX
CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS D2
(GYMNASIUM) TOGETHER WITH MINOR EXTERNAL ALTERATIONS.
MR BRETT PICKFORD**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement
/ Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line
(Southern Water) /

ODPM CODE: Change of Use

8 WEEK DATE: 30th July 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Deborah Lynn

Purpose of Report

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

Executive Summary

This application seeks planning permission to change the use of the existing unit, previously occupied by Carpetright, from an A1 retail use to an A2 gym use. The proposal also includes some minor external alterations together with the installation of associated plant. It is proposed that the gym will be available for use for 24 hours a day.

The application is being reported to planning committee as the land is owned by Mid Sussex District Council.

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

The principle of development is deemed acceptable under policies DP2 and DP24 of the Mid Sussex District Plan and policy LR3 of the Burgess Hill Neighbourhood Plan as the proposal would make use of an existing vacant A1 unit which lies in an accessible edge of centre location which is well connected to the town. The proposal would make a small contribution to job creation within the district in support of the economic development objectives of Policy DP1 of the Mid Sussex District Plan.

The proposed development is considered to benefit from sufficient parking provision taking into account its sustainable location where there is access to alternative means of transport. The proposal is not considered to have any adverse impacts on the local highway network.

The proposal is not considered to result in significant harm to neighbouring amenities in terms of resultant noise and disturbance. Whilst the 24 hour facility could result in additional noise and disturbance during the night time period, it is anticipated that visitor numbers will be relatively low during such periods and consequently it is not considered that any likely harm to adjoining residents would be significant.

The proposal is not considered to cause harm to the character of the area and would not be likely to have any significant effects, alone or in combination, on the Ashdown

Forest SPA and SAC from the proposed development.

It is considered that the application complies with policies DP1, DP2, DP17, DP21, DP24, DP26 and DP29 of the Mid Sussex District Plan 2014-2031 and policy LR3 of the Burgess Hill Neighbourhood Plan 2015-2031.

Recommendation

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

Summary of Consultations

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

WSCC Highways Authority

There are no transport grounds to resist the proposal. Recommend a condition is imposed in respect of covered and secure cycle parking.

MSDC Environmental Protection

Potential disturbance to residents can be managed by conditions in respect of construction hours, plant and machinery and gym noise.

MSDC Corporate Estates

The Council is in favour of this proposal from a landowner's perspective.

MSDC Planning Policy

The Sequential Assessment submitted shows that there are no suitable sites in sequentially preferable locations, which seems to be an appropriate conclusion.

Summary of Representations

One letter of support has been received raising the following points:

- Whilst there are a few fitness studios in Burgess Hill, they are prohibitively expensive
- PureGym are known for being affordable whilst offering a wide range of services which will benefit the health and well-being of the local population.

Town Council Observations

Recommend approval - cycle parking should be included.

Introduction

This application seeks planning permission to change the use of the existing A1 retail unit to a D2 gymnasium together with minor external alterations.

This application is being determined at committee as Mid Sussex District Council is the landowner.

Relevant Planning History

BH/131/96 - Demolition of existing buildings and redevelopment of site to provide two A1 non-food retail warehouses, parking and landscaping. Permission granted 19.05.1997.

BH/204/97 - Use of part of unit 2 for a coffee shop and shoe sales for the benefit of customers to the jaeger factory outlet store. Permission granted 10.10.1997.

12/00602/FUL - Installation of 2 No. new display windows to existing front elevation of retail unit. (Amended plans received 2nd March 2012 showing slight alteration to front elevation). Permission granted 10.04.2012.

14/00990/LDP - To confirm that Unit B may be lawfully used for the unrestricted retail sale of goods within Class A1 (Shops), with the exception that any area used for shoe sales does not exceed 95 square metres and that any area used as a cafe does not exceed 95 square metres. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Refused 09.05.2014. Allowed on appeal 31.03.2015.

Site and Surroundings

Unit B is a large retail warehouse, formerly occupied by Carpetright, which forms part of a pair of large retail units situated on the eastern side of London Road in Burgess Hill. The units benefit from a shared access off from London Road with a large car park located to the front (west) of the site. The unit is currently vacant, having been vacated by Carpetright in late 2018; unit A to the north is occupied by Halfords.

A footpath immediately adjoins the site to the south with two and a half storey flats at Albion Court situated beyond. School Close and St. Wilfrids primary school lie to the east (rear) of the site, with commercial units / businesses situated to the north. Wickes lies opposite the site to the west of London Road.

Application Details

Plans show that the building will be converted from an existing A1 retail use to a D2 gymnasium use with internal alterations proposed such as a mezzanine deck at first floor level to be accessed via stairs and lift; this will accommodate male and female changing rooms.

External alterations are proposed to the front entrance doors which are proposed to be replaced with automated bi-fold doors which will be finished in black. The existing roller shutter door on the north elevation is proposed to be sealed with a new single door opening proposed. Existing curtain walling to the front of the building is proposed to be painted grey; existing external doors will be repainted. An external plant compound is proposed to the rear of the unit, with external condensing units to be installed to the north elevation, adjacent to Unit A.

The application has been accompanied with a Planning Statement which confirms that the building is to be occupied by PureGym, the UK's largest gym group. The gym would operate on a 24 hour basis, seven days a week and would employ 2 full time and 12 part time employees. The gym will comprise a main gym area, studio, free weights area, spin area and functional zone plus changing facilities, showers, staff facilities and a small seating area for members. Access to the gym will be controlled at all times via secure entry pods, which can only be operated by the use of an 8 digit PIN code that is individual to each member.

The gym will occupy 836.5 square metres of ground floor area with an additional 280.9 square metres to be added by the mezzanine creating a total floor area of 1117.4 square metres.

List of POLICIES

Mid Sussex District Plan 2014-2031

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

DP1	sustainable economic development
DP2	town centre development
DP17	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21	transport
DP24	leisure and cultural facilities and activities
DP26	character and design
DP29	noise, air and light pollution

Burgess Hill Neighbourhood Plan 2015-2031

The Burgess Hill Neighbourhood was made on the 28th January 2016.

LR3 protect and improve existing leisure and recreational facilities

National Planning Policy Framework (February 2019)

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

well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. However, paragraph 12 makes clear that:

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

Paragraph 15 states:

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

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

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

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

National Planning Practice Guidance

Assessment

The main issues for consideration in determining the application are as follows:

- The principle of development
- Impact upon residential amenity
- Highways and parking issues
- Design and impact on character of area
- Impact upon the Ashdown Forest Special Area of Conservation

Principle of Development

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

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

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

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

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

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

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

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

District Plan policy DP24 relates to leisure and cultural facilities and activities and states in part that:

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

This stance is also reflected under policy LR3 of the Burgess Hill Neighbourhood Plan which states that:

'existing formal leisure and recreational facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones.'

The provision of a new leisure facility such as a gym is therefore encouraged by both district and neighbourhood plan policies.

Policy DP2 of the District Plan relates to town centre development. The MSDC Retail Study updated in 2016 indicated that while the three towns of Mid Sussex are performing reasonably well as shopping destinations, they are not meeting their full potential, with a need to improve their attractiveness to minimise competition from other towns outside the District. As such, policy DP2 seeks to maintain the overall

objective of improving the services and attractiveness of the district's town centres by encouraging developments of mixed uses to meet the needs of the community.

Proposals for retail, leisure, office and other main town centre uses should therefore be in a town centre location. Where planning applications are for main town centre uses proposed on the edge of town, outside the town centre or out of town and are not in accordance with the District Plan or Neighbourhood Plan, the Council will apply a sequential test, in accordance with paragraph 86 of the NPPF. The sequential test will require:

- *'Applications for main town centre uses to be located in town centres; or, if suitable sites are not available*
- *In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available*
- *At accessible out of centre sites that are well connected to the town centre*

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.'

Paragraph 87 of the NPPF states that:

'when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

In this case, the application site falls outside of Burgess Hill town centre, in what can be considered an edge of town centre location, approximately 300 metres to the west of Burgess Hill town centre as designated by the District and Neighbourhood Plans. A Sequential Assessment has been included with the Planning Statement submitted, focusing on potential sites within the town centre of Burgess Hill considering that the primary catchment area for the gym would be from within Burgess Hill.

The Assessment identified nine vacant properties within the town centre that were being marketed, with the largest properties being the first floor of 60-64 Church Walk (recently refurbished office suites) and the open plan offices at Jubilee House, 56-58 Cyprus Road. Both properties fall significantly short of the proposed floor space that Unit B would provide, with significant works required to the offices at Church Walk in order to provide suitable heights for the proposed gym use; the premises at Jubilee House would include a shared entrance with the occupied offices on the first floor. As such the sites were considered unsuitable for the proposed gym use.

The Assessment concludes that there are no suitable sites available in a sequentially preferable town centre location. This assessment is supported by your officers. The proposed use would be located in an edge of centre location, which is considered accessible and well connected to the town centre. In addition, the proposal would utilise a unit that is currently vacant and benefits from a main town centre use. As such the proposed use is considered acceptable in this edge of town location,

thereby complying with policies DP2 and DP24 of the Mid Sussex District Plan and policy LR3 of the Burgess Hill Neighbourhood Plan.

Impact on residential amenity

The proposed 24 hour gym has the potential to negatively impact the residential amenity of nearby residents, particularly those at Albion Court which lie in close proximity to the south of the unit.

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

Policy DP29 of the District Plan deal with noise pollution and seeks to protect the quality of people's life from unacceptable levels of noise by only permitting development where;

- *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 noise attenuation measures.*

A noise impact assessment has been submitted with the application providing details of potential noise levels from the gym unit and from plant and machinery and likely effect on the nearest residential properties; this concludes that both music and plant noise will fall within acceptable limits. In addition the Planning Statement provides details of likely visitor patterns at night based upon figures gathered from similar sites operated by the applicant; it is anticipated that the number of members using the gym at night will be low, averaging fewer than 10 visitors per hour between 10pm and 6am. No classes are held at night and only background music is played within the gym.

Your Environmental Protection Officer has been consulted on the scheme and is satisfied that conditions can be used to mitigate the impact of the proposal. Whilst the 24 hour facility could result in additional noise and disturbance during the night time period, it is anticipated that visitor numbers will be relatively low during such periods and consequently it is not considered that any likely harm to adjoining residents would be significant.

Your Environmental Protection Officer has advised that there is potential for structure-borne noise from the gym activities to affect the adjoining commercial unit and has recommended that an informative is placed in this respect. Whilst impact upon adjoining commercial properties is not considered to be a significant planning constraint, an informative can be placed accordingly.

Having regard to the potential alternative uses within the D2 Class Order, and the fact that the consent would grant a 24 hour use, it is suggested that a condition be applied to any planning permission limiting the use to that of a gym only, in order to protect neighbouring amenities.

Taking the above into account, it is not considered that the proposal would result in significant harm to neighbouring amenities in terms of generating noise and disturbance. The proposal therefore accords with policies DP26 and DP29 of the Mid Sussex District Plan.

Impact on Highway Safety

Policy DP21 of the District Plan deals with transport matters and sets out a number of criteria that development proposals should take account of, including;

- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of proposed mitigation;'*

The application site benefits from a shared access onto London Road (with Halfords) and a shared parking area to the front which has a total of 79 parking bays.

The Highways Authority at West Sussex County Council has been consulted on the proposal and has advised that parking standards recommend 1 space per 14 square metres for an A1 retail use, and 1 space per 22 square metres for a D2 gym use. Taking into account the additional floor space to be created by the mezzanine, this would generate a requirement of 51 parking spaces which can be accommodated within the site, albeit parking spaces are shared with Halfords. This requirement is still less than the requirement of 60 parking spaces for the existing A1 use.

The site is located within a highly sustainable location, being just a 12 minute walk from the train station and a 3 minute walk from local bus services. As such, it is anticipated that alternative means of transport would be taken by customers to the site. Parking restrictions on surrounding roads should prevent any on street parking in unsafe locations.

London Road is a predominantly straight road and good forward visibility can be achieved for road users. There have been two recorded injury accidents near the junction with the highway; these collisions have been attributed to driver error and there is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

As such the Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework, (para 109) and that there are no transport grounds to resist the proposal. It is recommended that a condition be imposed in respect of covered and secure cycle parking in order to promote alternative means of transport.

The proposed development is therefore considered to accord with policy DP21 of the Mid Sussex District Plan.

Design and impact on character of the area

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

'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;'*

Minor alterations are proposed to the building with bi-fold automated doors proposed to replace existing entrance doors on the front elevation. To the rear of the building a new door is proposed, with a number of external condensing units proposed to the north elevation and adjacent to the rear of Unit A. These are proposed to be installed at ground level and should be well screened within the locality by a 2 metre high fence.

The proposed alterations, being modest in nature, are considered to have limited impact upon the visual amenity of the area and therefore should not cause harm to the character of the area. The proposal therefore accords with policy DP26 of the Mid Sussex District Plan.

Impact on Ashdown Forest Special Protection Area and Special Area of Conservation

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other matters

The proposal would generate 2 full time jobs and 12 part time jobs that would make a small contribution to the Council's economic development objectives in line with Policy DP1 of the Mid Sussex District Plan.

Planning balance and conclusions

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

The principle of development is deemed acceptable under policies DP2 and DP24 of the Mid Sussex District Plan and policy LR3 of the Burgess Hill Neighbourhood Plan as the proposal would make use of an existing vacant A1 unit which lies in an accessible edge of centre location which is well connected to the town. The proposal would make a small contribution to job creation within the district in support of the economic development objectives of Policy DP1 of the Mid Sussex District Plan.

The proposed development is considered to benefit from sufficient parking provision taking into account its sustainable location where there is access to alternative means of transport. The proposal is not considered to have any adverse impacts on the local highway network.

The proposal is not considered to result in significant harm to neighbouring amenities in terms of resultant noise and disturbance. Whilst the 24 hour facility could result in additional noise and disturbance during the night time period, it is anticipated that visitor numbers will be relatively low during such periods and consequently it is not considered that any likely harm to adjoining residents would be significant.

The proposal is not considered to cause harm to the character of the area and would not be likely to have any significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

It is considered that the proposal complies with policies DP1, DP2, DP17, DP21, DP24, DP26 and DP29 of the Mid Sussex District Plan 2014-2031 and policy LR3 of the Burgess Hill Neighbourhood Plan 2015-2031.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Construction phase

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

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

Reason: To protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

Pre-occupation

4. 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 in writing by the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

Post-occupation monitoring/management conditions

5. Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (e.g. extract or intake fans, condenser units etc.) shall be no higher than 35 dBA during the daytime hours (07:00 - 23:00) and 30 dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements and calculations shall be defined and derived in accordance with BS4142: 2014. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

6. Gym Noise: Unless otherwise agreed in writing, the noise rating level of any noise breakout from the gym (e.g. music and gym activities) shall be no higher than 35 dBA during the daytime hours (07:00 - 23:00) and 30 dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements and calculations shall be defined and derived in accordance with BS4142: 2014. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

7. The premises shall be used as a gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.

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

3. It is strongly advised that the recommendations made by Red Acoustics in their supplementary report R1661-REP01-PC dated 10 May 2019 are implemented, with particular regard to the recommendations for floor systems, electronic noise limiters, carpeting, use of free weights and mezzanine construction.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	2250 105	A	20.05.2019
Existing Floor Plans	2250 101		14.05.2019
Proposed Floor Plans	2250 102		14.05.2019
Existing Elevations	2250 103		14.05.2019
Proposed Elevations	2250 104		14.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND APPROVAL - cycle parking should be included.

WSCC Highways

Comments received 11.07.2019

I have assessed the proposal on the basis of the floor space being 1117.4sqm, this would generate the requirement for 50.7 (rounded up to 51) parking spaces. This still falls within the provision that the site offers of 79 spaces, although this provision appears shared with the neighbouring A1 unit.

The site is located within a highly sustainable location and there is an anticipation that these alternative means of transport would be taken up by potential visitors to the site. Given the nature of the proposal a proportion of movements would potentially be made up on foot or by bicycle, but busses and rail services are also available within a short distance of the site to offer alternative to the use of a car.

The main routes surrounding the site including B2036 London Road and B2113 Queen Elizabeth Avenue are subject to parking restrictions which prevents on street parking impacting upon the major routes. Adjoining roads within proximity of the site are also subject to junction protection which prevents parking in unsafe locations on the network.

Based upon the above, my recommendation remains as previously advised. A condition securing cycle parking is advised to be secured alongside any permission of this proposal.

Comments received 10.06.2019

Summary

The Local Highways Authority (LHA) has been consulted on the above proposal for the change of use of Unit B 208-216 London Road from A1 to D2 with minor external alterations.

The 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 near the junction with the public highway, onto Brighton Road. These collisions have been attributed to driver error and there is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

Access and Parking

The access onto London Road and the associated parking bays are existing with the access being shared with the adjoining Halfords unit. There are a total of 79 parking bays within the site, it is anticipated that these spaces are shared with the Halfords unit. The parking spaces are considered to meet WSCC requirements for parking space dimensions. There appear no known safety concerns with their use.

When considering parking provisions, the LHA is mindful that an A1 retail use generates the requirement for 1 space per 14SQM whereby a D2 Gym use requires 1 space per 22SQM. The proposed use therefore would be a less intensive use of this portion of the site.

For a D2 Gym use the 836.5 SQM floor space would generate the requirement for 38 parking spaces. There are 79 parking spaces assigned to this development fronting the unit. The proposal therefore utilises under half of the available provision. When considering the proposed development, the LHA has also considered the sustainable nature of the site in determining if this parking provision would be adequate for the proposal as outlined (below).

Sustainability

The National Planning Policy Framework states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In these respects, the site is located within a reasonable walking distance of the passenger transport infrastructure.

Burgess Hill train station is a 12 minute walk from the proposal site and the route is served with linked pedestrian footways and is lit along its length. Regular bus services operate within a 3 minute walk of the site and allow links to Crawley, East Grinstead and Haywards Heath.

Cycle parking has not been outlined within this proposal however the LHA advise that cycle parking is provided to promote sustainable alternatives to the use of a car.

London Road is a predominantly straight road and good forward visibility can be achieved for road users, there is a pedestrian crossing point opposite the unit which facilitates crossing at safe locations on the network. Due to the central location and ease of access for pedestrians- it is considered that sustainable modes of transport could be taken up by users of the gym and that there would not be a reliance on the use of a car for transportation.

I advise that the applicant considers promoting car sharing, cycling and the use of public transport for potential gym users and staff, this is to assist in reducing vehicular movements to the site while promoting healthier and more sustainable alternatives.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal. Should planning consent be obtained, the following condition is advised.

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.

MSDC Environmental Protection

This application for change of use from retail to gymnasium (24hr) has the potential to negatively impact the residential amenity of nearby residential premises due to noise from the following sources:

Noise from "ambient" music which may be played 24 hrs.

Noise from externally mounted plant (air conditioning condenser units)

Use of planning conditions can be used to mitigate the impact from these. An acoustic report has been submitted to quantify the likely effect on the nearest residential premises which are around 12m away. The report concludes that both music noise and plant noise will fall within acceptable limits.

NOTE - There is potential for structure-borne noise from gym activities to affect the adjoining commercial premises. Whilst this may not be a material consideration for Planning, it could affect the tenants of, and therefore the commercial viability of, the adjacent unit. On this basis I have added an informative based on the recommendations of the supplementary noise report submitted in addition to the main acoustic report.

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

On balance, and having considered all of the above, I feel that the potential disturbance to residents can be managed by way of planning conditions. In the event that planning permission is granted, I would recommend that the following conditions are applied:

Conditions:

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

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

- **Plant & Machinery:** Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (e.g. extract or intake fans, condenser units etc.) shall be no higher than 35 dBA during the daytime hours (07:00 - 23:00) and 30 dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements and calculations shall be defined and derived in accordance with BS4142: 2014. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents.

- **Gym Noise:** Unless otherwise agreed in writing, the noise rating level of any noise breakout from the gym (e.g. music and gym activities) shall be no higher than 35 dBA during the daytime hours (07:00 - 23:00) and 30 dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements and calculations shall be defined and derived in accordance with BS4142: 2014. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents.

Informative

It is strongly advised that the recommendations made by Red Acoustics in their supplementary report R1661-REP01-PC dated 10 May 2019 are implemented, with particular regard to the recommendations for floor systems, electronic noise limiters, carpeting, use of free weights and mezzanine construction.

MSDC Corporate Estates

Please be aware that this is a prospective MSDC tenant on Council owned estate, and we are in favour of this planning proposal from a landowner's perspective.

Just to be clear, however, on the block /location plan, the car parking incorporated within the red line is shared in conjunction with the Halfords unit adjacent. It is considered that there will be more than ample provision of car parking between the two occupying businesses.

MSDC Planning Policy

Comments received 08.07.2019

A sequential assessment has been provided by the applicant, as per the requirements of DP2: Town Centre Development.

The assessment seems to satisfy the requirements of a sequential test (as set out in PPG Paragraph: 010 Reference ID: 2b-010-20140306). The assessment considers the suitability of more central sites and demonstrates flexibility in terms of the scale of the proposals. This shows that there are no suitable sites in sequentially preferable locations, and this seems to be an appropriate conclusion. Therefore, the proposal passes the sequential test.

Comments received 04.07.2019

The application site is located on a site that was previously developed and was in retail use as the premises of Carpetright. The application proposes the change of use from an employment use to leisure use. This retail site is located outside of the town centre, as defined on the Policies Map.

The loss of the retail use should be considered in the light of policy DP1: Sustainable Economic Development which states that effective use of employment land and premises will be made by:

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;

DP2: Town Centre Development requires:

A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

- Applications for main town centre uses to be located in town centres; or, if suitable sites are not available
- In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available
- At accessible out of centre sites that are well connected to the town centre

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

Proposals for retail, leisure and office and other main town centre uses should be in a town centre location in accordance with the sequential test for town centre uses. The application proposes a main town centre use outside of the town centre, as defined on the Policies Map, therefore, the sequential test must be applied to this planning application.

There is policy support for an increase in leisure facilities, which should be applied to this application. DP24: Leisure and Cultural Facilities and Activities supports development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex.

Burgess Hill Neighbourhood Plan Policy LR2: Protect and Improve Existing Leisure and Recreational Facilities also supports the allocation of new leisure facilities.

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MID SUSSEX DISTRICT COUNCIL

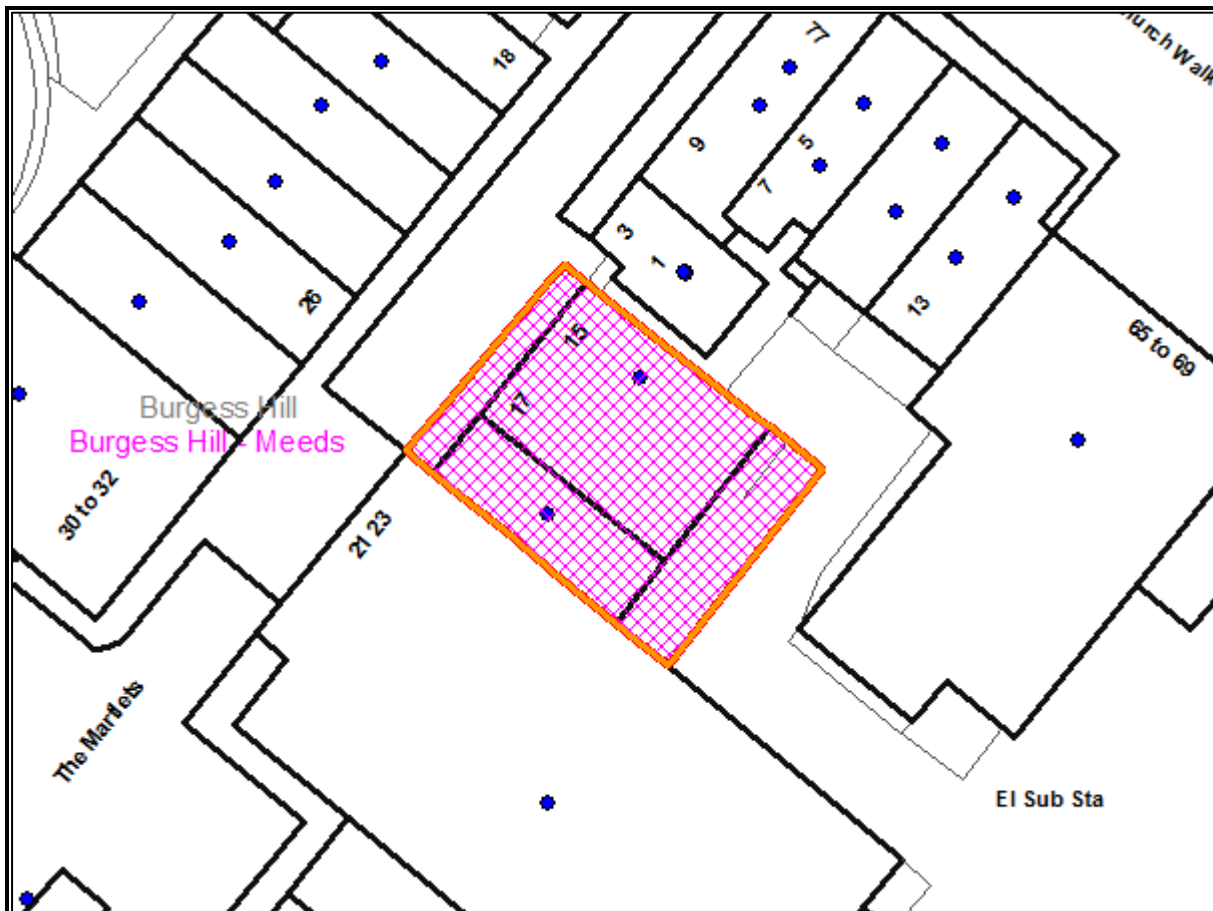
Planning Committee

25 JUL 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/2069



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**15 - 17 AND 19 THE MARTLETS BURGESS HILL WEST SUSSEX RH15 9NN
CHANGE OF USE TO D1 (LIBRARY) AND INSTALLATION OF WINDOWS TO
THE SOUTH-EASTERN AND NORTH-EASTERN ELEVATIONS.
NEWRIVER REIT**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radon Gas
Safeguarding Zone / Sewer Line (Southern Water) /

ODPM CODE: Change of Use

8 WEEK DATE: 29th July 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Permission is sought for the change of the use of the units from A1 retail to D1 library, effectively making an existing temporary change of use, permanent.

The proposal will result in the new permanent home for the library that is currently situated in Martlets Hall. Under the existing permitted town centre redevelopment scheme the library is due to be located in a unit adjacent to Civic Way and a temporary location was required in order to ensure the continuation of service while the Martlets Hall was demolished and the new facility provided.

Plans for the redevelopment of the town centre are being refined in order to meet the increasing challenging retail environment and to ensure that it remains viable. In order to support this it is important that the library facility is relocated.

The proposal will allow for a permanent provision of the library within the heart of Burgess Hill town centre, while enabling the wider redevelopment proposals to be refined and progressed. The vital social facility will sustain and enhance the vitality and viability of the town centre by maintaining its highly visible presence amongst the towns retail offer. Furthermore, the proposal will provide an improved modern facility that will not result in significant harm to the amenities of neighbouring residents. The proposal complies with policies DP2, DP7, DP21, DP25 and DP26 of the Mid Sussex District Plan and policies TC4 and S3 of the Neighbourhood Plan and should be supported.

RECOMMENDATIONS

Recommended that permission be granted subject to the conditions set out in appendix A.

SUMMARY OF REPRESENTATIONS

One letter received stating that the staff toilet should be swapped over to make the access for the disable cubicle easier.

SUMMARY OF CONSULTATIONS

West Sussex County Council

Assume that the parking needs of the proposals will be dealt with through public parking nearby.

There is no objection to the application.

BURGESS HILL TOWN COUNCIL

Recommend Approval - the windows should be fixed and have restricted opening. The window in the staff kitchen should also be restricted opening and feature translucent / frosted glass to ensure privacy for nearby tenants.

INTRODUCTION

Permission is sought for the change of the use of the units from A1 retail to D1 library, effectively making an existing temporary change of use, permanent.

The proposal will result in the new permanent home for the library that is currently situated in Martlets Hall. Under the existing permitted town centre redevelopment scheme the library is due to be located in a unit adjacent to Civic Way and a temporary location was required in order to ensure the continuation of service while the Martlets Hall was demolished and the new facility provided.

RELEVANT PLANNING HISTORY

DM/17/4908 - Temporary change of use from A1 retail to D1 for the provision of a library. Approved 2nd February 2018.

DM/15/3858 (as amended by DM/18/1580)- Demolition of multi-storey car park, public library, community building and offices, provision of additional retail floor space (class a1-a5), residential units (class c3), a multi-screen cinema (class d2), public library (class d1), a hotel (class c1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016 (Amendment approved 2nd February 2018).

SITE AND SURROUNDINGS

The site is located within the defined town centre of Burgess Hill and consists of units 15, 17 and 19 of The Martlets, whose previous use was for A1 retail. The existing units are located within the phase one works associated with the town centre redevelopment consented under planning permission DM/15/3858 (and the subsequent amendment), where they are due to be combined into one single large unit and work is well advanced to convert the units into the a library for its temporary use as consented under DM/17/4908.

While the majority of adjacent uses are commercial, residential flats are located above the existing retail units fronting Church Walk, which lay to the north of the application site.

APPLICATION DETAILS

The proposal seeks to permanently change the use of the application unit from A1 retail to D1 library. External changes will be minimal and consist of the insertion of additional windows into the rear north-eastern and south-eastern elevations of the building, the front elevations will remain as consented under the town centre redevelopment scheme.

The submitted plans show that the library facility will be provided over two floors with a changing places toilet provided at first floor level, served by a lift.

The submitted information shows that the library will have a floor area of 688 sqm, which is an enlargement over the Martlets Hall facility which is 633 sqm (as confirmed as part of application DM/15/3858). It should be noted that the proposed library as part of the consented town centre scheme (DM/15/3858 and the subsequent amendment) is 715 sqm.

LIST OF POLICIES

Mid Sussex District Plan

Relevant policies include;

DP2 - Town Centre Development

DP7 - General Principles for Strategic Development at Burgess Hill

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood is a made document and forms part of the Development for the District. It should be given full weight.

Relevant policies are;

Policy TC4 - The Retail Quarter

Policy S4 - Protect and enhance existing Community and Medical Facilities

National Policy and other Legislation

National Planning Policy Framework (NPPF)

ASSESSMENT

The principle of relocating the library has been established through the granting of planning permission DM/15/3858 (and the subsequent amendment) which allows for the comprehensive redevelopment of Martlets Hall, where the library is currently located, and immediate surrounding area to provide additional retail space, a cinema, a hotel, a new library and residential units, along with revised car parking provision and public realm improvements.

The proposed new permanent location is the same as that granted as a temporary 'home' that was required at the time to facilitate the redevelopment of the Martlets Shopping area, while ensuring the continued provision of the important community facility until the new location was completed. In making this application the applicant has stated;

'The now-permanent provision of the library is required to support amendments to the redevelopments of the Martlets. These have emerged in the context of an increasingly challenging retail context and the need to ensure that the proposed redevelopment remains viable. As part of this reconfiguration, the proposed redevelopment envisages that the library would, instead, remain accommodated at the location of its hitherto temporary location.'

From a policy perspective, the redevelopment of the town centre is supported by District Plan policies DP2 (Town Centre Development) and DP7 (General Principles for Strategic Development at Burgess Hill) and policy TC4 of the Neighbourhood Plan (The Retail Quarter). These policies support the regeneration, renewal and environmental enhancement of the town centre and it is considered that the library is an integral part of the fabric of Burgess Hill town centre.

It is considered that the permanent location of the library as proposed complies with policies DP2 and DP7 of the District Plan and the policy TC4 of the Neighbourhood Plan.

The permanent location of the library to this location would result in the loss of retail space and policy DP2 of the District Plan seeks to restrict such losses and proposals should be considered against criteria that include whether a predominance of A1 retail will be retained, the proposed use would sustain and enhance the vitality and viability of the centre and that it would not lead to a significant break in the shopping facilities. To support further the proposal, evidence has been provided that indicates the applicants have been unable to pre-let the application unit for a retail use.

The proposed relocation of the library is a critical part of the redevelopment plans for the town centre and given that the library has enjoyed a location in the heart of the town and its shopping facilities, it can be argued that the now proposed permanent location is more preferable to that proposed under the consented redevelopment plans (Civic Way) and in fact a centre location helps sustain and enhance the vitality and viability of the town centre as a whole.

The size of the new facility is comparable to that granted under the existing redevelopment plans and West Sussex County Council as the service provider are

working with the applicant in relation to the detailed fit out. The proposal will provide for a much improved facility over that provided within Martlets Hall and in this regard the proposal complies with policy DP25 of the District Plan and policy S3 of the Neighbourhood Plan.

As part of the proposal, new windows are being proposed within the north-eastern and south-eastern walls of the unit and while the later windows face the rear servicing area, the three proposed windows in the north-eastern elevation face towards two flats located above the existing retail units in Church Walk. The flats have patio areas to the front with their front door and kitchen window approximately 18m from the side wall of the proposed library. The proposed first floor window serving the proposed staff is at the same level as the flats.

In response to the Town Council's comments the applicants have provided officers with a further plan that shows the first floor staff room will be served by a fixed light upvc window with obscure glazing, while all other windows will be fixed lights with clear glazing. Having regard to this, the application will not cause significant harm to the residential amenities of adjacent occupiers and as such it complies with Policy DP26 of the District Plan.

It should be noted that the external appearance of the building as seen from the Martlets is as consented under the earlier town centre proposals and as part of this application no changes are proposed to this elevation and it would not be reasonable to take an alternative view in the context of this application. In any event, the appearance of the building is acceptable and complies with the high quality requirement of policy DP26 of the District Plan.

Given that the library will remain in its town centre location, as the existing, the proposal would continue to be served by the existing public car parks and it is on this basis that the Local Highway Authority has not raised an objection to the proposal. In this respect the application complies with Policy DP21 on District Plan as adequate parking provision is available. Furthermore, given the central location, the site is well served by public transport.

CONCLUSION

The proposal will allow for a permanent provision of the library within the heart of Burgess Hill town centre, while enabling the wider redevelopment proposals to be refined and progressed. The vital social facility will sustain and enhance the vitality and viability of the town centre by maintaining its highly visible presence amongst the towns retail offer. Furthermore, the proposal will provide an improved modern facility that will not result in significant harm to the amenities of neighbouring residents. The proposal complies with policies DP2, DP7, DP21, DP25 and DP26 of the Mid Sussex District Plan and policies TC4 and S3 of the Neighbourhood Plan and should be supported.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

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	0382		03.06.2019
Block Plan	320	A	03.06.2019
Existing Floor Plans	2200	C-02	03.06.2019
Existing Floor Plans	2201	C-01	03.06.2019
Proposed Elevations	4206	04	09.07.2019
Existing Elevations	4208		03.06.2019
Proposed Floor Plans	2220	07	03.06.2019
Proposed Floor Plans	2221	06	03.06.2019

APPENDIX B – CONSULTATIONS

Burgess Hill Parish Consultation

RECOMMEND APPROVAL - the windows should be fixed and have restricted opening. The window in the staff kitchen should also be restricted opening and feature translucent / frosted glass to ensure privacy for nearby tenants.

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MID SUSSEX DISTRICT COUNCIL

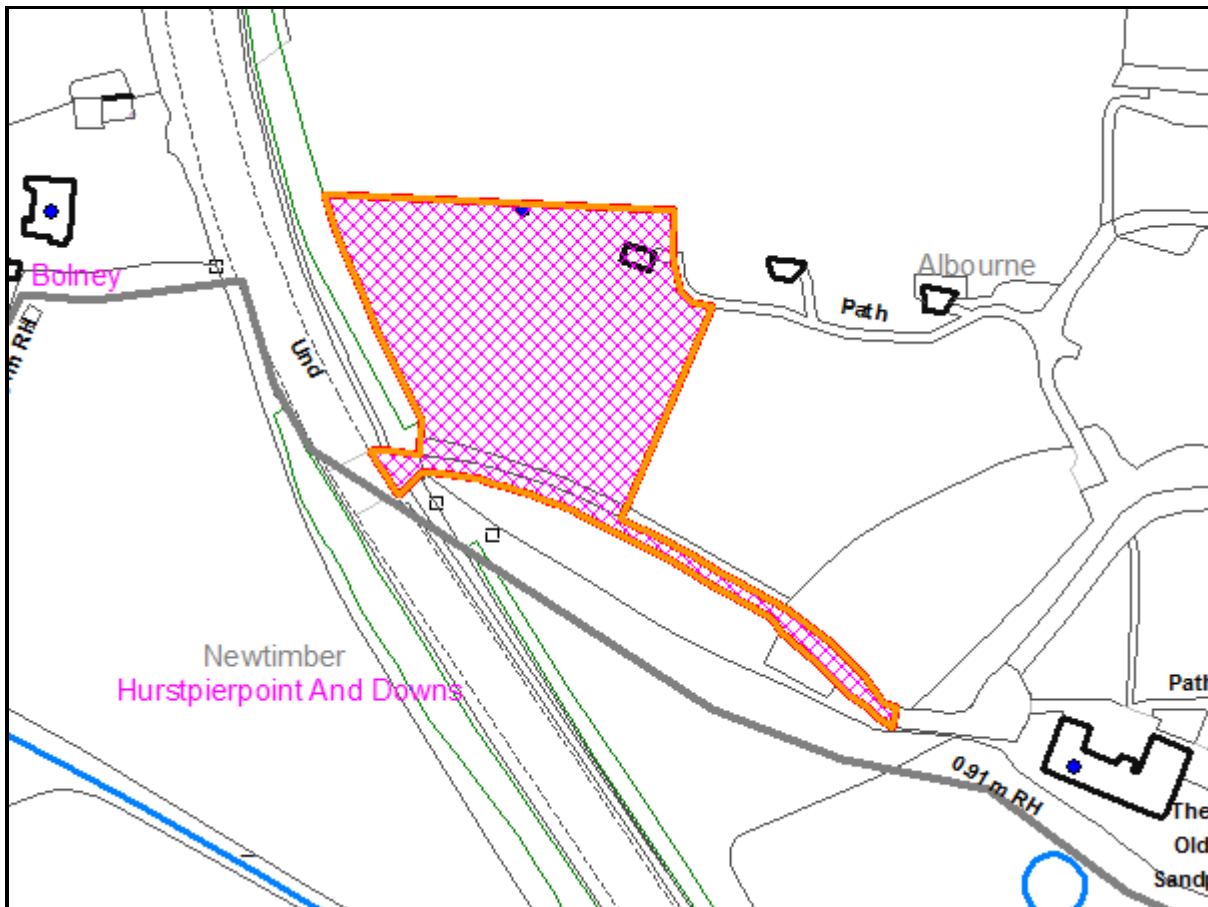
Planning Committee

25 JUL 2019

RECOMMENDED FOR REFUSAL

Albourne

DM/19/1361



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**THE OLD SAND PIT LONDON ROAD ALBOURNE HASSOCKS
PROPOSED TWO STOREY, PARTIALLY BURIED DWELLING (WARDEN
ACCOMMODATION FOR THE WELLBEING OF OVERNIGHT OCCUPANTS
OF 9 ECO PODS AS APPROVED UNDER REF DM/18/1807). NEW
DRIVEWAY ACCESS AND ASSOCIATED HARD AND SOFT
LANDSCAPING.
MR PEACOCK**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 30th July 2019

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for a proposed two storey, partially buried dwelling (warden accommodation for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807). New driveway access and associated hard and soft landscaping.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and Albourne Neighbourhood Plan (ANP).

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to

the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal. There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

Recommendation

It is recommended that planning permission is refused for the following reason:

The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

No highway objection.

Drainage Engineer

No objection subject to conditions.

ALBOURNE PARISH COUNCIL COMMENTS

Albourne Parish Council questions the need for an on-site manager for the proposed eco-huts, and does not accept that this is an essential requirement for running the business. In any event, the Parish Council objects to the proposal for the same reasons, as are set out in respect of previous applications for a dwelling on this site, i.e. it is against relevant District Plan and Albourne Neighbourhood Plan policies. These reasons have previously been accepted by the Planning Authority in rejecting previous proposals, and this stance has been supported on appeal, by a Government Planning Inspector. Further, the property is considered to be oversized,

and excessive for the purposes for which it is claimed it is needed. It is also noted in commenting, that the eco-pods do not appear to have been built yet, and any use of such a property should be tied in by condition.

INTRODUCTION

This application seeks planning permission for a proposed two storey, partially buried dwelling (warden accommodation for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807). New driveway access and associated hard and soft landscaping.

RELEVANT PLANNING HISTORY

There have been a number of planning permissions at the site related to the leisure activities that take place here. The site can be used for activities between the hours of 10.00 and 20.00 and between 10.00 and 23.00 for the main building in the site (for functions, post activity entertainment and so on). For 305 days a year the site is limited to a maximum of 90 customers. For the remaining days of the year there is no limit on the number of customers.

The Council refused an application for the erection of a five bedroom subterranean family home at the same site as this application (AE/05/01350/FUL) on 9 August 2005 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

A subsequent application for the erection of a five bedroom subterranean family home at the same site as this application (AE/ 06/01106/FUL) was refused on 18 August 2006 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

These applications were both the subject of appeals that were dismissed by the Planning Inspector on 13 March 2007.

More recently a planning application for a two-storey, partially-buried dwelling, with driveway access and associated hard and soft landscaping (reference DM/17/3123) was refused planning permission on 22 September 2017 for the following reason:

'The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies C1 and T4 of the Mid Sussex Local Plan and policy DP19 of the Mid Sussex District Plan 2014-2031 Submission Version and the guidance in paragraph 55 of the NPPF.'

SITE AND SURROUNDINGS

Access into the site is via the old A23. There is a driveway into the site that runs along the southern boundary of the site. This leads to the area where the karting track is located. There is a storage building in the site for the applicants quad bikes, karts and other machinery. There is also a building that is used for team building exercises, giving instructions to customers, providing food and so on.

The site of the proposed new dwelling is within a bank in the north-western corner of the site. To the north of this bank the land is laid to grass. To the south of the bank the land is flat and at a lower level and is also laid to grass. To the east there is a group of trees and beyond this is the area where the main activities take place on the site. To the west there is hedge screening to the old A23.

The site is rural in character. The site is within the countryside as defined in the District Plan.

APPLICATION DETAILS

The application seeks consent for the erection of a 3 bedroom dwelling on the western side of the site. This would be designed to take advantage of the change in levels through the site so the north elevation would be cut into the bank. The dwelling would be a contemporary design featuring render, timber boarding and stone with grey colour powder coated frames. The property would be a flat roof building and would feature a roof terrace and roof top lawn area. The dwelling would have undercroft car parking for two cars.

The dwelling would be accessed from the existing access road that serves the business on the site. The design of the proposed dwelling is the same as that which was refused planning permission under reference DM/17/3123.

The applicants have provided a supporting statement with the application. It makes the point that following the last refusal on the site, circumstances have changed as a result of the grant of planning permission for 9 eco pods on the site. The applicants state *'The approval of these eco-pods is considered significant in that it enables up to 24 members of the public to stay on the site overnight. This is considered to represent a significant material change to the business which has not, until now, had permission to host members of the public overnight. In order to effectively manage the pods, and in particular to safeguard the wellbeing of their overnight occupants, it*

is considered essential to employ an on-site warden and to provide him or her with accommodation suitable to that end.' They go on to state that they believe there is a clear management need, a clear need to safeguard the wellbeing of the overnight occupants, a clear need for a permanent house in which a warden can live and there are additional Health & Safety considerations.

LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 Protection and enhancement of the countryside

DP15 New homes in the countryside

DP18 Setting of the South Downs National Park

DP21 Transport

DP26 Character and Design

DP27 Dwelling space standards

DP29 Noise, air and light pollution

Neighbourhood Plan

Albourne Neighbourhood Plan. Made plan with full weight.

ALC1: Conserving and enhancing character

ALC2: South Downs National Park

ALH1: Housing Development

National Policy and Legislation

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use

the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- The impact of the proposal on the character and appearance of the area
- Transport matters
- Drainage
- Impact on Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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 for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Albourne Neighbourhood Plan (ANP).

As the site is within the countryside, policy DP12 in the DP is the starting point for assessing planning applications. Part of the policy states *'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

As such there is a requirement for development to maintain or enhance the quality of the rural and landscape character and to also be supported by another policy reference in the plan or neighbourhood plan.

In this case policy DP15 is relevant. It states

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation. Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for

someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.

Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- *the re-use would secure the future of a heritage asset; or*
- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.*

Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*
- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

The NPPF states in paragraph 79 that '*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling;*
or
- e) the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate'*

The Courts have confirmed that the word isolated in this paragraph should be taken as its ordinary objective meaning, namely a dwelling that is physically separate or remote from a settlement. It is considered that the site of the proposed dwelling

would be isolated in terms of paragraph 79 of the NPPF. Therefore paragraph 79 of the NPPF (part a) is relevant to the determination of this application.

The issue in relation to the NPPF is whether it is "essential" for someone to live on the site. There is no further guidance in the NPPF as to what "essential" means: this is left to the judgement of the LPA. Since the refusal of the last planning application for a dwelling on the site, the business has continued to operate and consent has been granted for an indoor shooting range (DM/17/3002) and the eco pods for camping at the site (DM/18/4461). These two consents have yet to be implemented.

On the previous application for a dwelling at the site it was argued that there was a need for an onsite presence to deter thefts. It is recognised that there is a considerable amount of high value equipment on the site. In dismissing the appeals for a dwelling on the site back in 2007 the Inspector stated *'Concerns about theft are likely to arise at many rural establishments, and if dwellings were to be allowed exceptionally at them it would have a very damaging effect on national and local policy which seeks to protect the countryside from unnecessary development.'* She went on to state *'The fact that the business has developed and become well-established without a dwelling on the site adds support to my view that there is no need for one.'*

In refusing the last application for a dwelling on the site in 2017 the officer's report concluded by stating *'It is considered that in terms of the need for the proposed dwelling, it is your officer's view that it can be categorised as being more "desirable" for the business rather than being "essential". Whilst the Council cannot currently demonstrate a 5 year housing land supply and this is a material consideration that merits a modest measure of weight in favour of the appeal proposal, one additional unit would make only a limited contribution to the overall housing supply in the District.'*

Overall it is considered that the proposal does conflict with policies C1 and T4 of the MSLP and policy DP19 of the MSDP. Whilst there would be benefits to the business from the proposal, it is considered that on balance, the conflict with the development plan and the absence of an essential need to live on the site outweigh the benefits of the scheme and therefore the proposal cannot be supported.'

The applicants are no longer advancing a case based on security concerns. The applicants are putting forward a case that the approval of the eco pods is a significant change in circumstances that has meant that there will be an essential need for a staff member to live on site to manage the operation of this part of the business.

It is considered by your officers that there is some merit in the case put forward by the applicants. With the potential for 24 campers being on the site overnight and arriving/leaving at different times, having an onsite presence would allow a quick response should an emergency occur on site or events that require an onsite presence to resolve.

By way of comparison, planning permission was granted at the former Geers Nursery, Brighton Road, Hurstpierpoint under reference DM/15/1799 for the

'Demolition of two existing dwellings, barns, plant nursery outbuildings and greenhouses, erection of 4 dwellings, craft workshops and a camp site with 10 tent pitches, 4 log cabins, manager's accommodation and ablution block/cycle hire/washing building.' This site is some 1.2km to the east of Q Leisure, on the eastern side of the A23.

Whilst the site at the former Geers Nursery was different in that it contained a number of redundant buildings from a former use and was also approved under a different policy context prior to the adoption of the District Plan, it is still the case that the principle of on site managers accommodation for a camping business was accepted by the Local Planning Authority. It is well established that each planning application must be dealt with on its individual merits. It is also well established that consistency within the planning system is important and if similar cases are not determined in the same manner then the reasons for this should be clearly explained by the decision maker.

In this case it is considered that there is a clear difference between this site and the site at Geers Nursery: the difference being the fact that the Geers Nursery site contained a number of redundant structures and glasshouses whereas the site of the proposed house at Q Leisure is an undeveloped part of the site. As such the sites themselves are not directly comparable.

As the applicant's justification for the proposal is that it is required for a manager in association with the recently approved eco pods, the applicants have advised that they would accept a planning condition requiring the dwelling to be occupied by someone employed by Q Leisure to manage the eco pods. Whilst this is noted, the potential problem would arise that the eco pods could be provided on site, the house constructed but then if the eco pods part of the business no longer operated (for example they became unviable), the house would still be in place but the justification on which it was permitted would no longer exist. It would not be reasonable to have a planning condition requiring the removal of a permanent structure such as a house so the dwelling would remain.

For new agricultural units, policy DP15 envisages a temporary dwelling being put on site to allow the new enterprise to become established and to justify the need for on site accommodation. It is considered that this approach would be more aligned with the planning policy than the applicant's proposal for a new permanent dwelling to serve what would be a new part of the Q Leisure business. It is also considered that it is reasonable to suggest that the likely requirement for a manager to live on the site could have been put forward and considered by the applicants when the original applications were made for the eco pods.

Impact on the character of the area

Policy ALC1 of the ANP states

'Development, including formal sports and recreation areas will be supported in the countryside, defined as the areas outside the Built up Area Boundary shown on the policy map where the following criteria are met:

1. *It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
2. *It maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area;*
3. *It is supported by a specific policy reference elsewhere in this Plan.*
4. *It is necessary for essential infrastructure and it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.'*

Policy DP26 in the DP 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.'*

Due to the location of the dwelling, set within the set and set against the north bank of the site, it is not considered that the proposed dwelling would have any significant impact on the wider character of the countryside. In this respect it is not considered that there would be a conflict with the aims of policy ALC1 or policy ALC2 (which seeks to protect the setting of the South Downs National Park). It is considered that as a piece of architecture the proposed dwelling would be a high quality design as required by policy DP26 in the DP. It should be noted that the design of the proposed dwelling is the same as was proposed under application reference DM/17/3123 and

this 2017 application was not refused on matters relating to the design of the building or its impact on the character of the countryside.

It is considered that the proposed dwelling could be appropriately insulated so that there was no adverse impact on future occupiers from road traffic noise from the A23. As such this part of policy DP29 in the DP would be met.

It is not considered that the proposed development would have an adverse impact on local amenity in relation to light pollution. As such this part of policy DP29 in the DP would be met.

Transport matters

Policy DP21 in the DP relates to transport. It seeks to minimise the need for travel, noting there might be circumstances where development needs to be located in the countryside, such as for rural economic uses. It also seeks to ensure that the development protects the safety of road users and pedestrians.

It is considered that in terms of highway safety, there would be no adverse impact from the proposal. The site lines onto the highway are satisfactory and the proposal would add a very limited number of additional movements compared to the comings and goings associated with the business.

The applicants have referred to the site being on a bus route. The 100 bus, operated by Compass Travel, departs Burgess Hill station at 6.40am and there after every hour until 6.05pm, travelling all the way to Pulborough via Albourne, Henfield, Small dole, Bramber, Steyning and Washington and returns again. A similar service operates on Saturdays. Whilst this is recognised, it is still the case that it is likely to be more attractive to occupiers of the dwelling to use the private car rather than the limited public transport that is available. Therefore in terms of its sustainability, it would be in a relatively isolated location. Although a number of trips to and from work could be saved, visits to shops, surgeries, schools, entertainment, leisure and other services would still need to be made from the site and these would outweigh the benefits of reduced journeys to and from work. The fact that prospective occupiers of the dwelling would be reliant on the private car does weigh against the proposal.

However policy DP21 does recognise that '...there might be circumstances where development needs to be located in the countryside, such as rural economic uses'. This reflects national advice in the NPPF. If the principle of having a managers dwelling on site is accepted, this element of policy DP21 would be complied with.

Drainage

It is proposed that surface water would be dealt with by a soak away and foul water would be via a packaged sewerage treatment plant. It is considered that the means of satisfactorily draining the site can be secured by a planning condition thereby complying with policy DP41 of the DP.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a

significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

PLANNING BALANCE AND CONCLUSION

To summarise planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and ANP.

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal. There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be

constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

APPENDIX A – REASONS FOR REFUSAL

1. It has not been demonstrated that the proposed new dwelling is essential to the operation of the business. In addition the site is in a relatively isolated location and future residents would be reliant on the private car for transportation. The application therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	289.PA001 A		05.04.2019
Survey	16/133/01		25.04.2019
Sections			17.05.2019
Location Plan			29.04.2019
Block Plan			29.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Albourne Parish Council questions the need for an on-site manager for the proposed eco-huts, and does not accept that this is an essential requirement for running the business. In any event, the Parish Council objects to the proposal for the same reasons, as are set out in respect of previous applications for a dwelling on this site, i.e. it is against relevant District Plan and Albourne Neighbourhood Plan policies. These reasons have previously been accepted by the Planning Authority in rejecting previous proposals, and this stance has been supported on appeal, by a Government Planning Inspector. Further, the property is considered to be oversized, and excessive for the purposes for which it is claimed it is needed. It is also noted in commenting, that the eco-pods do not appear to have been built yet, and any use of such a property should be tied in by condition.

Highway Authority

The application is for 1 dwelling with a new vehicular access to be taken from the private driveway to Q Leisure.

The vehicular access from the Public Highway to the private driveway is established and acceptable for use by 1 additional dwelling.

No highway objection.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

It is proposed for foul drainage for this unit and the wider camp site to be managed by contained cesspit. And this would be acceptable.

It is proposed for the warden unit to have surface water run-off be managed by soakaway. This is an acceptable method. The developer needs to know that the soakaway will need to be designed to cater for the 6hr 1 in 100 year storm event and have a half drain time of less than 24 hours.

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

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

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

The proposed development drainage will need to:

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

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

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

Surface Water Drainage Proposals

It is proposed that the development will utilise soakaway

Foul Water Drainage Proposals

It is proposed that the development will utilise cesspit

Suggested Conditions

C18D -

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The **extension/building** shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

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