
18 September 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 26TH SEPTEMBER, 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 5 September 2019	3 - 10
4. To consider any items that the Chairman agrees to take as urgent business.	

Items Recommended for Approval.

5. DM/18/4697 - Ricebridge Works, Brighton Road, Bolney, Haywards Heath, West Sussex, RH17 5NA	11 - 54
6. DM/19/1742 - The Heath Recreation Ground, Perrymount Road, Haywards Heath, West Sussex, RH16 3BW.	55 - 70
7. DM/19/2671 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, West Sussex, RH10 4LJ.	71 - 104
8. DM/19/3061 - Evergreen Cottage Place, Copthorne Common	105 - 112

Road, Copthorne, Crawley, West Sussex, RH10 3LF

9. DM/19/3204 - 226 London Road, Burgess Hill, West Sussex,
RH15 9QR

113 - 120

Items Recommended for Refusal.

None.

Other Matters.

None.

10. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

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, 5th September, 2019
from 7.02 - 8.30 pm**

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

G Allen	J Dabell	C Phillips
R Cartwright	R Eggleston	M Pulfer
E Coe-	A MacNaughton	D Sweatman
Gunnell White		

Absent: Councillor N Walker

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Walker.

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 15 AUGUST 2019.

The Minutes of the meetings of the Planning Committee held on 15 August 2019 were agreed as a correct record and signed by the Vice Chairman.

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

None.

5 DM/18/4419 - EAST LODGE FARM, MALTHOUSE LANE, HURSTPIERPOINT, BN6 9LA.

The Planning Applications Team Leader introduced the report and explained the recent changes which were on the Agenda Update Sheet, including 3 additional conditions which were recommended. The public speakers were in favour of the officer's recommendation. The Chairman confirmed with Members that they did not require a presentation from officers. He took Members to the recommendation to approve, which was moved by Councillor Sweatman and seconded by Councillor Coote. This was agreed unanimously.

RESOLVED

That planning permission be approved subject to the conditions outlined at appendix A, with the additional conditions 1-3, as stated in the Agenda Update Sheet.

6 DM/18/4541 - LAND EAST OF HAYWARDS HEATH ROAD, BALCOMBE, RH17 6NL.

The Senior Planning Officer Lesley Westphal introduced the report. The application sought the development of the site for the erection of 16 dwellings with associated access, parking, and open space/landscaping on this greenfield site to the east of Haywards Heath Road, Balcombe. She noted that the site is a housing allocation in the Neighbourhood Plan. The development would include affordable housing, complies with policy, and that planning officers would deem this acceptable. The Senior Planning Officer did note the application would involve a footpath to connect Balcombe village to the site, but that this was permissive and subject to an agreement between the Parish Council and the Landowners; she also noted this was outside of the section 106 agreement.

The Senior Planning Officer explained that Appendix A contains a change in condition 13 on p64 relating to the construction of the footpath link to the village. This change requires the applicant to provide details of the siting and design of the proposed footpath only within the site.

The Senior Planning Officer explained that the changes on the Agenda Update Sheet, regarding infrastructure and specifically Total Access Demand. She explained that West Sussex County Council would need to approve changing the Total Access Demand to traffic calming measures within Balcombe, however this would require further discussion. Terms within the S106 obligation could be varied to allow for funding traffic calming measures or the provision of funding for the cycle path as originally advised.

Alison Stevenson, Carol Jarvis, and Charles Metcalfe spoke against the application. Chris Hough spoke in support of the application.

The Chairman, spoke as a Ward Member, to the committee regarding his support of the Neighbourhood Plan. He also voiced concerns regarding the speed of the access road, Haywards Heath Road. He noted that a community speed watch had recorded speeds of 67mph on the road, and that further information should be gathered on the average speed of the road. He asked The Head of Regulatory Services Tom Clark, for clarification regarding the S106 obligation, and the change from Total Access Demand to traffic calming measures.

The Head of Regulatory Services explained that the Section 106 structure is informed by the Councils Infrastructure supplementary planning document, however the Council may be able to allocate the money to a different scheme, such as that of traffic calming measures. West Sussex County Council would need to be consulted for this to happen.

The Chairman commented that the Parish Council and speakers had both called for higher pedestrian safety and as there is a scheme being developed to do this, it would be worth considering.

Councillor MacNaughton, Ward Member, requested more information on the Section 106 agreement, and consultations from experts, such as highways engineers. He also suggested that in light of this, the application be deferred.

A Member addressed the committee to express his traffic speed concerns.

The Chairman agreed that the Committee may need to defer until they have more information. A Member asked if the deferral would allow the applicant to change the design, however it was noted that as the agent for the developer was present this information would be relayed to the developer.

Steve King, Planning Application Team Leader, explained the general S106 contributions are calculated based on the infrastructure supplementary planning document, and must go towards schemes related to the development in question. The use of the infrastructure supplementary planning document ensures that the infrastructure contributions are lawful and mitigate the impact of the development. The Team Leader advised that whilst discussions can be had about where the S106 contributions would be allocated, this had to be informed by the infrastructure supplementary planning document and it would not be appropriate to allocate monies to projects with no evidence behind this. He also noted that West Sussex County Council is satisfied with the visibility on the road of the development, but that the Committee is able to seek further comments regarding the traffic calming, road speed and visibility on Haywards Heath Road. He also requested that the Committee clearly state their reason for deferring the application. The Team Leader advised that if Members had concerns about the design of the scheme these should be made clear now because it would not be reasonable to the applicants to defer the application to obtain more information on highways matters and then return to committee in two months time for example and then to have a new concern about the design and layout being raised.

A Member believed the design to be satisfactory and that the deferral would be due to Section 106 and the need to be further informed regarding traffic calming measures, and reallocating funds from the potential cycle path scheme as currently planned.

A Member asked for confirmation of the sizes of the garages for parking. The Planning Officer answered the garages were open garages without walls which measured 9 metres for 3 cars. This was deemed to be acceptable by Members. It was also noted that the footpath should be surfaced in order to make it accessible year round, however, it was acknowledged that most of the path would be outside of the development and not the responsibility of the applicant. Members reiterated concerns over traffic speed, and it was suggested that the community speed watch data and reports be given to the Parish Council in order to assist their decision regarding Haywards Heath Road on the west of the development.

The Chairman suggested deferring the application based on, Section 106, clarification of design, and the safety of the highways.

The Chairman took Members to the recommendation to defer which was moved by Councillor Sweatman and seconded by Councillor Coote. This was agreed unanimously.

RESOLVED

The application has been deferred until more information regarding highway safety and section 106, and design can be presented.

7 DM/19/1235 - LAND SOUTH OF BOLNEY ROAD, ANSTY, RH17 5AN.

The Planning Applications Team Leader introduced the report and explained the recent changes which were on the Agenda Update Sheet. He noted that permission had already been granted for the site and that this was a reserved matters application for the details of the layout and design of the scheme., . He explained the condition relating to p115 to ensure that prior to occupation that a vehicle activated sign will be submitted to and approved by the local planning authority. As there were no public speakers the Chairman confirmed with Members that they did not require a presentation from officers. He took Members to the recommendation to approve, which was agreed unanimously.

RESOLVED

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

8 DM/19/1341 - CLOCKFIELDS DEVELOPMENT SITE, NORTH STREET, TURNERS HILL, RH10 4AR / RH10 4NS.

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the report which was for 38 dwellings. He noted that an extant permission for 47 dwellings was under construction. He noted that the Urban Designer had recommended the application for refusal on the grounds that the changes including elevation changes resulted in an inferior layout to the previously approved scheme. However, it was the Planning Officers' recommendation that the application should be approved as the design has not changed significantly.

As there were no public speakers the Chairman took Members to the recommendation to approve which was moved by Councillor Sweatman and seconded by Councillor MacNaughton, which was agreed unanimously.

RESOLVED

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

9 DM/19/1613 - ASHPLATS HOUSE, HOLTYE ROAD, EAST GRINSTEAD, RH19 3EZ.

The application was introduced by Steve Ashdown, Team Leader for Major Development & Investigations who explained the application seeks planning consent, with access, for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive. He noted that the area of 1.1 hectares was currently occupied by one large dwelling, with the current access to the site being from Holtye Road, and the site is allocated within the East Grinstead Neighbourhood plan, with allocation for 35-45 dwellings, however, just 30 were part of the application before Members tonight. He spoke regarding concern which has been raised as Greenhurst Drive is a private drive which would provide access to the site, however he explained that road access is not within the Committees responsibility and therefore should not be taken into account.

The Team Leader for Major Development & Investigations explained that Section 106 funds would be used to secure infrastructure and affordable housing, and there were no material concerns to suggest this would be outside of approval.

Patrick Collett and Lucy Sargent spoke against the application. Katie Lamb, representative of the applicants and owners spoke for the application.

The Team Leader for Major Development & Investigations addressed concerns of the public speaker regarding the pumping station used for sewage waste and directed the Committee to Condition 2 which specifically references the requirement for the applicants to further investigate the pumping station's capacity.

A Member wished to ensure the condition was as clear as possible, as he is in favour of the application but required reassurances that the drainage and pumping station limitations be addressed. It was noted that condition 2 was very clear that if the pumping station was not sufficient, the applicants would not be able to proceed until they put it resolve the issue. A Member asked The Head of Regulatory Services to confirm the condition is clear enough legally.

The Planning Application Team Leader explained that the condition stated that the planning department are required to give their written permission for the development to proceed regarding the solution to the pumping station. He also noted that it would be unreasonable to reject the application based on this, advising Members that government guidance was clear, namely that if an issue can be resolved by imposing a planning condition, then this is what should be done rather than refusing the application; this was agreed by the Chairman, Vice Chairman, and The Head of Regulatory Services.

A Member enquired if tank size should be included in the clause, however the Planning Applications Team Leader advised that the technical details of the tank and means of drainage would be considered by the Councils drainage engineer when the details are submitted to discharge the condition and these would have to be approved before occupation could begin and this would include assessing tank size.

The Chairman took Members to the recommendation to approve, which was moved by Councillor Sweatman and seconded by Councillor Pulfer. This was agreed with 9 in favour and 2 against.

RESOLVED

Recommendation A

That, subject to the completion of a satisfactory S106 planning obligation securing the necessary affordable housing provision and financial contributions towards infrastructure and SAMM mitigation, as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

That if the applicants have not completed a satisfactory signed planning obligation securing the necessary affordable housing provision, infrastructure payments and SAMM mitigation by the 5th December 2019, then that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary affordable housing, infrastructure and SAMM mitigation required to serve the development and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

10 DM/19/2639 - ARMSTRONG BODYSHOP LTD, ARMSTRONG AUTO SERVICES, COPTHORNE COMMON ROAD, COPTHORNE, RH10 3LF.

The Chairman introduced the application in which planning permission is sought for the removal of the existing double entrance gates and adjacent fencing and the erection of a 2.4 metre high green powder coated steel palisade double entrance gate and adjacent fencing. As there were no public speakers he confirmed with Members that they did not require a presentation by officers. He noted that the application was before the Committee as a Councillor had an interest in the application as the planning agent for the applicant. He took members to the recommendation to approve which was agreed unanimously.

RESOLVED

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

11 DM/19/0060 - SLAUGHAM MANOR, SLAUGHAM PLACE, SLAUGHAM, WEST SUSSEX, RH17 6FT.

The Planning Application Team Leader introduced the application, which seeks full planning permission for the erection of 8 dwellings at Slaugham Manor, Slaugham Place, Slaugham. The Planning Application Team Leader noted that the plans show that there would be 4 pairs of semidetached dwellings located at the southern end of the site. These houses would be in the same location as 4 houses that were approved under the previous outline and reserved matters consent for 15 dwelling houses on the site. In effect the proposal is to subdivide the 4 plots that have been previously approved to accommodate 8 houses in their place. The proposal would therefore result in a net gain of 4 dwellings on the site compared to the consented scheme. He also noted there is a current application pending determination for an access road, but that that application was separate.

The Planning Application Team Leader explained the elevations of the proposed houses are following the same treatment as the approved plans, utilising a contemporary style, red brick and the same roofing. He noted that the principle is the main issue, the application would be in conflict with Policies DP12, DP21 and DP15 of the District Plan. He explained there would be no impact on adjacent heritage as laid out on p200. The Planning Application Team Leader noted that the site is isolated, and residents would be reliant on private cars. The Planning Application Team Leader stated that officers believe there was no justification in planning policy to approve the further changes beyond what was previously approved. He noted one other reason for refusal; within the site is a tree of merit, which the proposed dwellings would be closer to than in the previous application.

The Chairman noted that Slaugham Parish Council was against the application as amended.

A Member noted that the site that was approved had previously been discussed at length. He also noted that it would not be a sustainable development with more properties as proposed.

The Chairman took Members to the recommendation to refuse, which was moved by Councillor MacNaughton and seconded by Councillor Coote. This was agreed unanimously.

RESOLVED

That planning be permission be refused for the following reasons:

1. The application site is located within the countryside, outside any defined built-up area boundary, on a site not allocated for development within the Mid Sussex District Plan or the Slaugham Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and the applicant has failed to demonstrate the proposal is essential to a countryside location. The site is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. There are considered to be no other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The proposal is therefore considered to conflict with policies DP12, DP15 and DP21 of the District Plan and paragraphs 11 and 108 of the National Planning Policy Framework.
2. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required payments towards affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.
3. The proposal would result in both harm and future pressure to fell a tree that contributes to the visual amenity of the area. The proposal therefore conflicts with policy DP37 of the District Plan.

12 TP/19/0009 - WOODLAND NORTH OF BOLNEY, LONDON ROAD, BOLNEY, RH17 5PY.

The Chairman introduced the report and confirmed with Members that they did not require a presentation from officers. He noted that the Ward Member, Councillor Llewellyn-Burke supported the application. He took Members to the recommendation to approve, which was agreed unanimously.

RESOLVED

That the order is confirmed.

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

None.

The meeting finished at 8.30 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

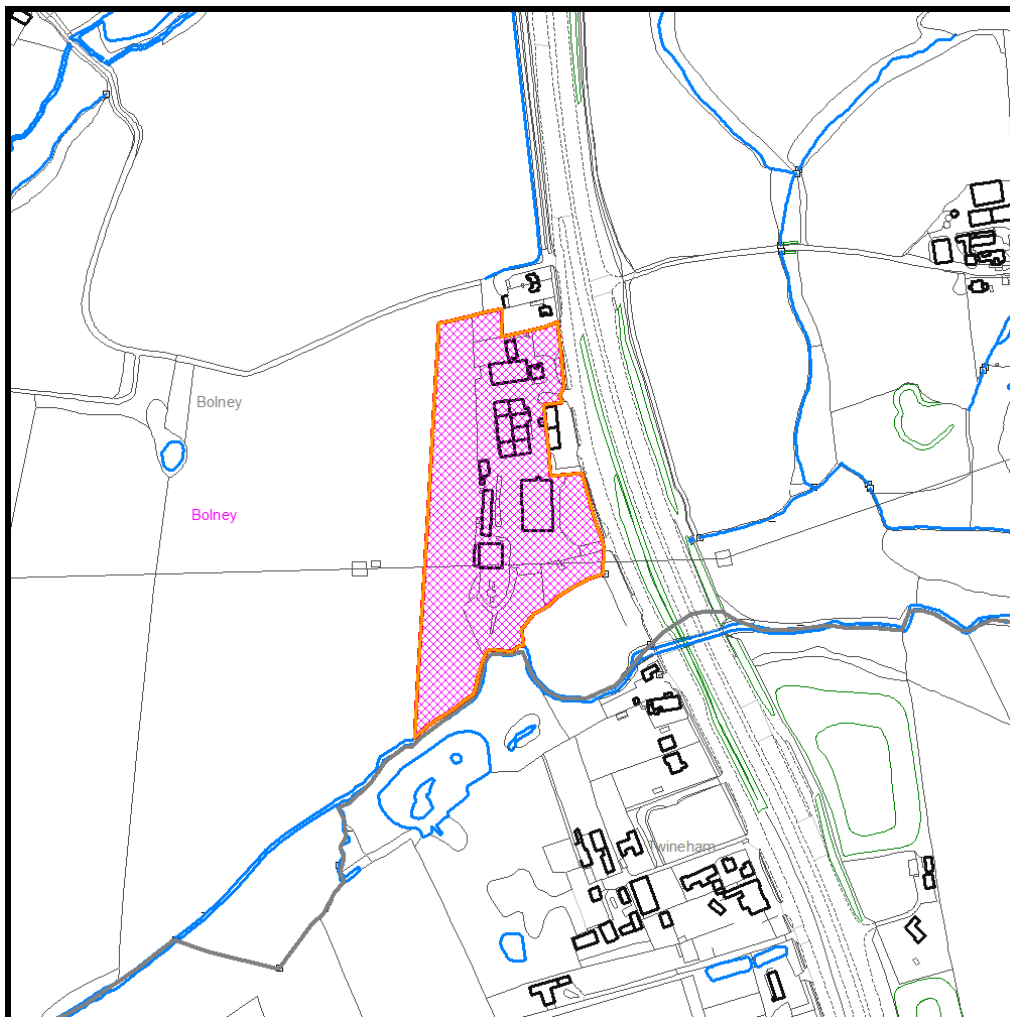
Planning Committee

26 SEP 2019

RECOMMENDED FOR PERMISSION

Bolney

DM/18/4697



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**RICEBRIDGE WORKS BRIGHTON ROAD BOLNEY HAYWARDS HEATH
DEMOLITION OF FIVE EXISTING INDUSTRIAL BUILDINGS (1,153SQ.M),
CONSTRUCTION OF FOUR INDUSTRIAL BUILDINGS,(4,253SQ.M) WITH
MIXED USES OF B2, B8 AND B1, NEW LANDSCAPING SCHEME,
REVISED HARDSTANDING LAYOUT AND PARKING ARRANGEMENTS,
CYCLE PARKING, REFUSE STORAGE AND ASSOCIATED WORKS.
NORRIS BROTHERS LTD**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / High Pressure Gas Pipeline / Major Hazard Site / Site / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Manufacturing

13 WEEK DATE: 31st July 2019

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the demolition of five existing industrial buildings (1,153sq.m), construction of four industrial buildings,(4,253sq.m) with mixed uses of B2, B8 and B1, new landscaping scheme, revised hardstanding layout and parking arrangements, cycle parking, refuse storage and associated works at Ricebridge Works industrial estate, Brighton Road, Bolney.

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 Mid Sussex District Plan and the Bolney Neighbourhood Plan. The National Planning Policy Framework is an important material planning consideration.

The proposed redevelopment and expansion of this existing rural commercial site would provide substantial economic benefits in the form of employment both during the construction period and through the creation of substantial new flexible use business floor space.

Whilst the site is situated within the countryside, the proposal is deemed to be acceptable both in principle and in its detail on the basis of the appropriate scale of development sought, the siting of the new buildings fully within the confines of the existing estate and the high quality of design and associated landscaping. It is considered that the scheme will make a more efficient use of the site and improve its overall appearance whilst not harming the landscape setting, biodiversity, flood risk, neighbouring residential amenity, or highway safety. Sufficient parking is to be provided and the scheme's impact on the Ashdown Forest is deemed acceptable.

Having regard to the above, it is considered that the proposal constitutes a sustainable form of development which complies with the Development Plan as a whole. In this case, there are no material considerations that indicate a decision should be made contrary to the Development Plan.

The application complies with Mid Sussex District Plan policies DP1, DP12, DP14, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 and Bolney Neighbourhood Plan policies BOLD1, BOLE1, BOLE2, BOLB1, and BOLT1 as well as the broader requirements and aspirations of the NPPF and can be supported. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary infrastructure required for this development.

Recommendation

Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contribution and the conditions listed in Appendix A.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure contribution by 9 January 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contribution necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan.

SUMMARY OF CONSULTATIONS

West Sussex County Council - Highways

No objection subject to condition
Highways England

No objection subject to condition

MSDC Drainage

No objection subject to condition

West Sussex County Council - Lead Local Flood Authority

No objection

Environment Agency

No objection

WSSC Infrastructure

Total Access Demand contribution requested

MSDC Urban Designer

No objection subject to conditions

MSDC Tree Officer

No objection subject to condition

MSDC Environmental Protection and Contaminated Land

No objection subject to conditions

Consultant Landscape Architect

No objection subject to conditions

Consultant Ecologist

No objection subject to condition

BOLNEY PARISH COUNCIL

No objection.

INTRODUCTION

This application seeks full planning for the demolition of five existing industrial buildings (1,153sq.m), construction of four industrial buildings,(4,253sq.m) with mixed uses of B2, B8 and B1, new landscaping scheme, revised hardstanding layout and parking arrangements, cycle parking, refuse storage and associated works at Ricebridge Works industrial estate, Brighton Road, Bolney.

RELEVANT PLANNING HISTORY

There is an extensive history of applications to extend, rebuild or change the use of individual buildings on the site since the 1980s, the most recently permitted of which dates from 2016 for the formation of a D2 use class gymnasium.

SITE AND SURROUNDINGS

Ricebridge Works is an industrial estate located on the west side of Brighton Road (A2300) which serves as a slip-road to the northbound A23 on the northern outskirts of Hickstead. It accommodates 4,125 square metres of employment floor space. The developed area of the site measures approximately 1.7 hectares, whereas the wider site area subject of this application measures approximately 3.4 hectares.

The site is a low density, multi-let industrial estate which has been incrementally developed such that it currently comprises a mixed range of light industrial, general industrial, storage and office buildings in the form of small to medium sized units of one and two storeys in height. There is also a small retail business currently operating from a portacabin and a construction equipment and machinery yard spread across the southwestern corner of the site.

The buildings are of varying footprint, height and form but are generally of brickwork and cladding appearance below shallow pitched metal roofs. They are surrounded by large areas of hardstanding for vehicle circulation and parking. An assortment of low amenity value trees are dispersed across the site.

There are two existing vehicle access points onto the A2300 to the east which serve the different parts of the estate. There is then a vegetation buffer between the A23 and A2300 which largely obscures view of the site from the A23.

The western part of the site is an undeveloped grassed area beyond the existing buildings and is bounded by chain link fencing. Beyond this is a large arable field. There is a large electricity pylon within this adjacent field; the presence of this and its associated cables which cross over the site significantly influence the locality's semi-rural character.

To the north are three dwellings fronting onto Brighton Road and beyond this a public footpath which follows a track along the north side of the large adjacent field.

To the south the ground level drops with vegetation cover to the River Adur and beyond this are a variety of industrial and retail uses and scattered dwellings.

There is a gentle fall in ground levels across the site towards the south east.

The site is located within the countryside as defined by the Mid Sussex District Plan and Bolney Neighbourhood Plan. It is however free from other designations or constraints. The nearest bus stop is approximately half a mile to the south.

APPLICATION DETAILS

The five buildings proposed for demolition are situated on the periphery of the three largest buildings on the site which are themselves to be retained in their current form. Three of these buildings together with porta cabins are situated towards the west of the site and are of low quality construction and appearance. The area vacated by these together with surrounding undeveloped curtilage land provides the space for the proposed expansion. The other two buildings to be removed, one of

which is a converted former dwelling, are situated adjacent to the northern-most retained building and would be replaced by one of the parking areas.

The proposed buildings are therefore all to be located within the rear western part of the site and with the exception of the southern-most would be largely sited behind the three retained buildings. They are proposed to be of mixed industrial use (Use Classes B1, B2 and B8) to allow flexibility and to reflect the existing mixed use of the estate. The applicant states that the approximate ratio of uses anticipated is general industrial B2 (60%), storage B8 (20%) and office B1 (20%).

The new buildings have a combined gross internal floor area of 4,253 square metres. The new additional floor area following the demolitions is 3,100 square metres. The detailed accommodation schedule is as follows:

Retained existing units:

- Unit A - Ingenia Solutions Ltd: 625sq.m
- Unit B - Altech Engineering Ltd: 1,196sq.m
- Unit C - Flotronic Pumps Ltd: 1,047sq.m
- Total Retained: 2,868sq.m

Proposed new units:

- Unit D - tenant to be confirmed: 1,173sq.m
- Unit E - tenant to be confirmed: 592sq.m
- Unit F - tenant to be confirmed: 1,171sq.m
- Unit G - tenant to be confirmed: 1,317sq.m
- Total New (gross): 4,253sq.m

The buildings are consistently designed with untreated timber (cedar) elevations and shallow pitched sedum roofs into which roof lights are placed. They all measure 8 metres in height; for comparison purposes the three retained buildings measure 6.5 and 6.5 metres in height.

A comprehensive landscaping strategy is proposed which seeks to soften and reduce the visual impact of the industrial estate within its landscape setting and to improve its appearance more generally. Key components of this are a planting scheme of native species, grasscrete parking bays, a central swale and the construction of a vegetated berm and gabion wall at the western boundary which will limit the vertical expression of the new buildings to the open landscape to the west.

No changes are proposed to the existing access arrangements. Existing parking is not clearly marked; a total of 108 parking spaces for the site are proposed as marked out together with cycle parking, motorcycle and lorry parking.

The applicant's supporting statement summarises the scheme as *'the architectural and landscape design proposals engage with the site in a wholesale, master-planned approach to upgrade its functionality, sustainability and attractiveness whilst using currently unused or underused areas to provide additional high quality commercial accommodation and associated landscape design.'*

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP1	Sustainable Economic Development
DP12	Protection and Enhancement of Countryside
DP14	Sustainable Rural Development and the Rural Economy
DP21	Transport
DP26	Character and Design
DP29	Noise, Air and Light Pollution
DP37	Trees, Woodland and Hedgerows
DP38	Biodiversity
DP39	Sustainable Design and Construction
DP41	Flood Risk and Drainage

Bolney Neighbourhood Plan 2015-2031

BOLBB1	Built-up Area Boundary
BOLE1	Protect and Enhance Biodiversity
BOLE2	Protect and Enhance the Countryside
BOLD1	Design of New Development and Conservation
BOLT1	Transport Impact of Development

The **National Planning Policy Framework** February 2019 is a material consideration.

This sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic 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.

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

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

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

ASSESSMENT

In determining this application it is considered that the main issues that need to be taken into account are as follows;

- Principle of development
- Visual impact on landscape
- Design and layout
- Trees
- Biodiversity
- Impact on neighbouring residential amenity
- Highways and parking
- Infrastructure
- Sustainability
- Drainage
- Other matters

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 in Mid Sussex consists of the adopted Mid Sussex District Plan ('MSDP') and Bolney Neighbourhood Plan ('BNP').

The developed part of the site is identified as an existing employment site within Appendix D of the Council's Draft Site Allocations Development Plan Document.

BNP Policy BOLB1 allows for development outside of the defined village built up area boundary under certain circumstances:

*'it is supported by a specific policy elsewhere in the Neighbourhood Plan; or the proposal is in accordance with other planning policies applying to the Parish it relates to necessary utilities infrastructure where no reasonable alternative location is available; or
it is necessary for the purposes of agriculture, or some other use that has to be located in the countryside; and
it maintains or where possible enhances the quality of the rural and landscape character of the parish; and
it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality.'*

Paragraph 4.99 of the BNP sets out a desire to protect existing commercial activities in the parish, plus to support 'limited expansion in appropriate locations'. Bolney Grange Business Park is specifically identified as suitable for expansion (Policy BOLB2 refers) whereas Ricebridge Works is not referred to within the Plan. It should be noted however that business expansion in other locations such as this is not explicitly ruled out by the Plan.

Policy DP1 of the MSDP sets out the Council's commitment to sustainable economic development. The policy cites 'supporting existing businesses, and allowing them room to expand' as one of the means by which the goal of an average of 543 jobs per year is to be realised. The policy refers to an approach of allowing new-small scale economic development in the countryside (in accordance with development in the countryside policies). It is also stated that effective use of employment land and premises will be made by 'Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan'.

Policy DP12 provides that the countryside 'will be protected in recognition of its intrinsic character and beauty'. This sets out a requirement for non-agricultural development in the countryside to be supported by a specific policy reference and to maintain or where possible enhance the quality of the rural and landscape character of the District.

Under the heading of sustainable rural development and the rural economy, Policy DP14 states:

*'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and
DP13: Preventing Coalescence:*

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*

- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.'*

Paragraphs 80 and 83 of the NPPF provides strong support for planning decision which help create the conditions in which businesses can invest, expand and adapt. Economic growth is to be afforded significant weight and with reference to rural areas, decisions should enable business growth and expansion through conversions and well-designed new buildings.

Paragraph 84 goes on to state:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Employment evidence is contained within the applicant's supporting Sustainability Statement. This sets out that the proposed development is anticipated to generate create up to 98 full time equivalent (FTE) new jobs on the site, principally in light industrial and manufacturing sectors plus storage and distribution, based on standard national employment densities from the HCA Employment Density Guide. In addition, an estimated 55 FTE existing jobs at the site will be retained with approximately 22 lost from those units to be demolished. The net total contribution to the local economy, taking into account leakage, displacement and multiplier effects is stated as likely to be 56 jobs. This positive contribution to towards meeting the employment needs of the district is in accordance the policy DP1 above.

The applicant's position is that the planning unit of the industrial estate as identified by the application site red line should all be deemed previously developed land for planning purposes. Previously developed land is defined by the NPPF as '*land which is or was occupied by a permanent structure, including the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*'.

In this case the proposed development does not encroach into open countryside and is all located within the identifiable confines of the industrial estate (including its surrounding undeveloped areas). Irrespective of whether it is accepted that the entirety of the site should be appropriately treated as 'previously developed', it is considered that the above policy context provides an in-principle level of support for the proposal. This is on the basis that it is considered that the amount of development sought in net terms can be reasonably characterised as 'small-scale' with reference to factors such as its siting within the same planning unit and site boundary, the quantum of development, its site coverage and relationship to existing retained buildings and its visual prominence.

Visual impact on landscape

BNP Policy BOLE2 states:

'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.'

'Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest'

MSDP Policy DP12 has already been identified as seeking to protect the countryside in recognition of its intrinsic character and beauty. Furthermore, Policy DP26, while dealing with design matters requires developments to demonstrate that they are sensitive to the countryside. The site is not located within a national designated area (i.e. AONB or National Park).

The Mid Sussex Landscape Capacity Study 2007 identifies the site as within Crosspoint Southern Weald Landscape Character Area, a part of the district which is concluded has a low / medium landscape capacity.

There is very little vegetative screening along the site's exposed western boundary to open countryside beyond and so the existing buildings are highly visible from the west, including from public footpath 22Bo. Existing planting across the site is sporadic and most heavily concentrated at its south-eastern corner as well as adjacent to the eastern-most building. As identified above, excepting the undeveloped grassed area as forming the western part of the site, the majority of the rest of the site is characterised by a disparate collection of buildings surrounded by large areas of hard surfacing.

The application is supported by a Landscape and Visual Appraisal (Scarp; November 2018). This provides an assessment of the effects of the proposed development on existing views and visual amenity as well as impacts on the landscape character. In addition a Landscape Design Statement (Turkington Martin; January 2019) has been submitted which sets out a Landscaping Masterplan, including sections of the earth berm to partially screen the new buildings and is associated retaining gabion wall, a schedule of planting and hard surfacing materials.

The LVIA makes the following conclusion on the impact of the proposed development;

'There would be very low level overall changes to the local landscape. These would be both negative and positive. There would be an increase in the amount of built development on the site. However, the industrial characteristics of the site, including large sheds, amenity planting, mown grass and peripheral native and ornamental tree/shrub planting would remain unchanged. The existing incoherent array of low

quality buildings and temporary structures would be replaced by larger, high-quality buildings (with timber cladding and sedum roofs). There would be an increase in the amount of on-site native tree/shrub vegetation with a resultant net enhancement in the vegetated character and ecological value of the site. The proposed peripheral tree/shrub planting and new earth bunds, together with the design of the proposed buildings, would successfully integrate the proposed development into the local rural landscape.

Existing views from the northwest of an incoherent array of low quality buildings, temporary structures and parked vehicles would also be partially replaced by new larger buildings that would be better integrated into the existing rural view by virtue of their materials (untreated cedar cladding and sedum roofs), colours and textures. However, the proposed buildings would occupy a wider horizontal visual extent of the site. New native tree planting on the proposed earth bund (not shown in the visualisation) would also be provided alongside the western site boundary to visually integrate the proposed buildings into the rural character of the views. There would be a net enhancement to the character and visual amenity of views obtained by high sensitivity recreational footpath users.

The proposed development would cause negligible change to views from the northeast, east, southeast and south. The proposed development would not be visible from any publicly accessible viewpoints located to the west and southwest.'

The Council's Consultant Landscape Architect has reviewed the application and raises no objection to the proposal in landscape impact terms, subject to the use of conditions to secure landscaping and the protection of existing trees. Full comments can be found at Appendix B.

Officers are in broad agreement with this recommendation, albeit it is not considered necessary that understorey planting be secured as recommended by the Consultant in order to make the scheme acceptable in landscape impact terms. Overall it is considered that the proposal will not harm the intrinsic character and beauty of the countryside in this location and that accordingly the application complies with policies DP12 and DP26, BOLB1 and BOLE2 in this regard.

Design and Layout

MSDP Policy DP26 requires all development to be well designed and that the applicant demonstrates that proposals are of high quality (both in terms of design and layout) and include appropriate landscaping. Proposals should also positively contribute to the public realm and protect the character and scale of the surroundings.

BNP Policy BOLD1 similarly requires new development to be of a high quality design and to respond to Bolney's rural nature and character by way of considerations including building height, scale, spacing, layout, materials, and appearance of public realm, land contours and existing landscape features.

The application is supported by a Design and Access Statement (Urban Infill, November 2018). This sets out that the new buildings have been positioned to best

relate to the existing (retained) units, allow for the most practical access and servicing, whilst best delivering the new landscaping principles.

Each building's plan contains reception, office, amenity and plant space with the remaining floor area open offering flexibility of use for a range of potential occupiers. The building envelopes each comprise a series of shallow pitched sedum roofs over a timber clad steel portal frame. All ridges run on an east-west axis, providing the opportunity for northern slope roof lights and the potential installation of solar pv panels. Bound gravel surfaced thresholds surround and connect the buildings and grasscrete is proposed for the parking areas. The main vehicle circulation areas are to be formed by a tarmac surface.

The Statement summarises the scheme as follows:

'Through considered scale, massing and positioning, the proposed units offer an improved working environment for light industrial companies, whilst respectfully enhancing the site. It is believed that the proposed development shall not only prolong Ricebridge Works' status as a important local employment centre but also set a precedent for similar proposals for future development in the area, schemes that look to not only enhance working environments but also acknowledge sustainability and context beyond levels previously achieved by light industrial sites.'

The Council's Urban Designer has provided the following observations:

'The overall strategy and approach can be commended. The proposed buildings have been thoughtfully designed in terms of their consistent rhythm, cedar cladding, sedum roof and orientation. The incorporation of earth bunding and tree planting on the western boundary and the loss of the scrappy-looking existing sheds should also help to enhance the appearance of the development especially in terms of the visible vantage from the adjacent public right of way that extends across the countryside to the west.

The proposed buildings are angled-on to the red line / western boundary generating an inconsistent depth of buffer zone which become narrow in some areas. Further section drawings and a full western elevation have been provided that now show how the bunding and landscaping works throughout this boundary demonstrating there will be a level of screening throughout. I also note that Irene Fletcher feels that the additional tree planting is appropriate and has raised no objections (I am glad to see oak trees included although there might be space for more in the large gaps between the tree groupings behind blocks E and F).

In conclusion, I have no objections to this planning application but as the elevations have limited detail, I would recommend the decision is subject to the approval of: (a) facing materials and (b) large scale vignette drawings (elevation and section) showing the elevational finish to secure the quality of the design (and ensure they fulfil the aspirations of page 37 of the DAS).'

Officers consider that the proposal has good merit in design terms and that the scheme's layout, scale, materiality and associated landscaping measures demonstrate a suitably high quality and sensitive approach. It is therefore

considered that the application complies with the requirements of policies DP26 and BOLD1.

Trees

As identified above BNP Policy BOLD1 requires new development to sensitively incorporate natural features such as trees. MSDP Policy DP37 sets out that the District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native.

The application is supported by an Arboricultural Report and Tree Condition Survey (Ruskins Tree Consultancy; November 2018). This sets out that whilst the proposed layout has been designed where possible to retain the vegetation within the site, a number of trees are identified for removal to facilitate development or due to their poor condition. The 14 trees to be removed are relatively small trees growing internally within the site and as a consequence their removal will not have any impact on the public amenity of the tree resource when viewed from the public realm or within the wider area. They are all categorised as BS Category C. From a public amenity point of view the most significant trees are trees located at the front of Ricebridge Works on the eastern boundary. These will be unaffected by the proposed development. Furthermore, the proposed demolition works can be undertaken without any incursions into the theoretical root protection area of any trees identified to be retained. The report also sets out protection measures and plan for existing trees in accordance with BS5837 (2012).

The Council's Tree Officer has reviewed the Arboricultural Report together with the proposed planting plan for additional trees across the site and raises no objection to the proposal subject to suitable conditions. On this basis it is considered that the application can be considered compliant with the above policies.

Biodiversity

BNP Policy BOLE1 and MSDP Policy DP38 concern the protection, and where possible, enhancement of biodiversity by ensuring development does not result in loss or harm to protected and sensitive species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures.

The application was originally supported by a Preliminary Ecological Appraisal (CSA Environmental; November 2018). This Appraisal identified that additional investigation/survey work was required to inform suitable ecological impact avoidance, mitigation and/or compensation measures and assessment of residual impacts on bats, reptiles and great crested newts.

The Council's Consultant Ecologist advised that the results of the recommended bat, great crested newts and reptile surveys was required together with an ecological impact assessment in order to robustly assess the application.

In response to this advice, more recently Phase II Ecological Surveys and an Ecological Mitigation & Enhancement Strategy have been prepared (Ecosupport

Limited; May 2019). The results of this survey firstly identified a small number of slow worms and a single grass snake. The survey results do not indicate that the site is a 'Key Reptile Site' as defined by appropriate guidance (HGBI, 1998) therefore the site is considered to be of local value for Reptiles.

In respect of bats, none were recorded as roosting within the building identified in the Preliminary Ecological Appraisal as appropriate for such further investigation. It is therefore considered highly unlikely roosting bats will be negatively impacted by proposals. Relatively low levels of activity were recorded during the survey.

With respect to great crested newts, assessment work of a nearby pond whereby the landowner granted access confirmed the likely absence of this species. A rapid risk assessment was undertaken on the only other nearby pond which was not accessible and this illustrates that it is highly unlikely newts would be negatively impacted and Natural England would not require a license for works.

The Ecological Mitigation & Enhancement Strategy sets out a range measures to protect and promote site ecology. This includes the formation of log piles to encourage invertebrates and enhance foraging resources and the erection of a series of bat boxes. The document concludes that *'The Mitigation Strategies detailed within this document have been developed to ensure development is in line with the applicable legislation and to ensure species utilising the site are adequately protected. By introducing numerous features acting as both compensation and enhancement, it is considered the development will result in a net gain for biodiversity in line with national and local policy.'*

The Council's Consultant Ecologist has reviewed this latest information and recommends that there is no biodiversity policy reason for refusal or amendment of the proposals, subject to a condition requiring full implementation of the above Strategy.

There is no evidence in front of officers to suggest that the proposal would have a detrimental impact on the ecological value of the site and as such the application is deemed to comply with the above policies.

Impact on neighbouring residential amenity

Part of the MSDP Policy DP26 protects neighbouring residential amenity from significant harmful effects arising from new development. MSDP Policy DP29 and BNP Policy BOLD1 protect the environment and the quality of people's life from unacceptable levels of noise, air and light pollution.

The nearest residential occupiers are Little Garston and Little Garston Cottages to the north and Wayside Cottage which has a greater separation distance to the south.

The application is supported by a Desktop Noise Assessment (Temple; November 2018). This identifies that the site currently operates from 7:00 to 18:00 Monday to Friday and no change is proposed to this for the new development. It is predicted that the redevelopment of the site will lead to approximately a doubling of movements using the northern and southern access in the morning and afternoon

peak hours. Given the wider context of existing road traffic on the A2300 and A23 it is unlikely that any minor increase in noise level from this increase in movements would be noticeable such to cause detriment to amenity. The Assessment concludes that it is anticipated that any resulting change in noise levels from the proposal will not have a significant impact on the nearby residential properties.

The applicant's Planning Statement sets out that for any new sources of noise arising from the tenants of the industrial units in due course, appropriate noise assessments will be undertaken in accordance with the applicable British Standard and any mitigation provided as required. Any future external plant and extraction equipment will require separate planning permission in its own right and so the Council will be able to assess and control the noise impact of any such equipment.

The Council's Environmental Protection Officer has provided the following comments on the application:

'It is agreed that the impact from the increased road traffic noise is likely to be minimal.'

'I note in the report that the site operates between 07:00 to 18:00 hours. As the potential impact of operation during night hours has not been assessed, the hours should be restricted. If in the future premises at the site did want to look at opening later, then additional information would need to be provided to show the potential impacts, and how they would be mitigated if required.'

'Additionally while no plant and machinery has been confirmed, it is recommended that a condition be attached to ensure any machinery will not impact on sensitive receptors. Given the very high background noise levels of the area such a condition will likely be easily met by most plant and machinery.'

No objection is therefore raised by the Council's EPO Officer subject to suitable conditions. Given however that no air conditioning units are proposed through this application it is not considered that a condition can be suitably applied as suggested.

The northern-most proposed building (D) is sited no closer to the nearest neighbouring dwellings than the existing retained northern-most building. Between these buildings and the garden curtilage boundary for Little Garston is a proposed parking area which is to be constructed in part replacement for two existing buildings.

It is not considered that the siting, layout and massing of the proposed development will give rise to any significantly harmful impacts upon existing levels of light, privacy and outlook currently afforded to neighbouring residents.

Subject to recommended conditions, the application is considered to comply with the above policy requirements for the protection of neighbouring amenity.

Highways and parking

MSDP Policy DP21 and BNP Policy BOLT1 deal with transport matters including considerations of traffic generation and congestion, safety of access and parking.

There are no proposed changes to the existing vehicular access points into the site, which have good visibility. The application is supported by a Transport Assessment (TTP Consulting; November 2018). A Road Safety Audit has been carried out and a designer's response is included. This does not identify any issues which need to be addressed to make the development acceptable.

The Assessment sets that the proposed increase in floor space is expected to result in an additional 36 trips in the morning peak hour and 32 in the evening peak hour. The Assessment concludes that this amount of increase would not have a harmful impact in highway capacity or congestion terms in respect of the A23, A2300 and nearby junctions.

The Assessment also identifies the availability of existing opportunities for access to the site by sustainable measures such as by foot, cycle and public transport.

The new buildings will be accessed through the construction of an extension to the existing hardstanding access routes. The scheme incorporates appropriate turning and circulation spaces for large vehicle deliveries and servicing.

Existing parking spaces across the estate are not clearly delineated but space for 80 spaces has been approximated on site at present. A total of 108 car parking spaces (including 5 disabled spaces) will be provided in formalised locations across the site. This amount of provision has been broadly based on parking standards as set out by West Sussex County Council and Mid Sussex District Council for B2 use and is considered appropriate given that flexibility across B classes uses is proposed. 9 lorry, 11 motorcycle and 36 cycle parking spaces are also to be provided.

The Local Highway Authority and Highways England have been consulted on this application and neither raises an objection to the proposal in transport terms. Full comments are provided in Appendix B. Both consultees recommend a condition securing a Construction Management Plan.

Overall on this matter it is considered that the proposal is acceptable and accords with the requirements of the above policies.

Infrastructure

MSDP Policy DP20 seeks to ensure that development is accompanied by the necessary infrastructure, which will be secured through the use of planning obligations.

The Council's Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations.

The NPPF sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

The nature of the proposal is such that there are no District Council contributions applicable. West Sussex County Council has however requested a Total Access Demand (TAD) contribution of £85,081 in order to mitigate the impacts of the subject proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development.

The contributions generated by this proposal shall be spent on a cycling improvement scheme between Sayers Common and Hassocks, a high priority scheme in the WSCC Walking and Cycling Strategy (ID 286) to link local communities and provide alternative means of travel to the site. The contribution is justified on the basis that the development is providing an increase in B1a, B2 and B8 floor space, an additional 28 spaces (108 in total) which will require an additional 98 full time employees (according to the application form). This will therefore equate to an increased use of the road network in the vicinity of the development. The scheme identified will encourage employees to utilise alternative forms of transport other than cars, in order to reduce the impact on the highway network that is created as a direct result of the development.

The development is likely to employ people from the local area, this will include those coming from the south of the site from Hassocks, Hurstpierpoint and Albourne. The creation of a safe cycle route leading to Sayers Common will encourage employees living in these areas to utilise alternative forms of transport to get to the site. There is already a cycle route in place from Sayers Common to the site along the A23, so the addition of the scheme from Hassocks to Sayers Common will create a safe cycle route the entire distance from Hassocks through Hurstpierpoint and up to the site.

The applicant has indicated that there are prepared to enter into a section 106 agreement to secure the above contribution.

It is considered that the above contributions are justified having regard to this Council's Development and Infrastructure SPD and would meet the test of the CIL Regulations.

Sustainability

MSDP Policy DP39 seeks to improve the sustainability of development and proposals should, where appropriate and feasible, incorporate measures to reduce energy consumption and carbon emissions.

The application is supported by a Sustainability Statement (Temple; November 2018) which covers a range of sustainability considerations which have informed the proposal:

- Energy efficiency, building design and orientation. Specifically the new buildings have been designed to achieve good thermal performance with insulation, external timber cladding, sedum roofs and double glazed windows and doors on all units. Passive heating and cooling design measures include north facing roof lights whilst provision is made for potential solar PV on the south facing roofs.
- Sustainable drainage measures including swales and permeable paving to assist in the management of surface water
- Water efficient fittings/appliances
- Comprehensive planting scheme to promote biodiversity

It is considered that the applicant has demonstrated that they are suitably incorporating sustainable measures where appropriate and feasible and as such the proposals complies with the above policy.

Drainage

The majority of the site is situated within Flood Zone 1, however there is a small part at its southern end adjacent to the river in Flood Zones 2 and 3. This area does not however include the extent of the proposed development.

The application is supported by a Flood Risk Assessment & Drainage Strategy and a Foul & Surface Water Drainage Strategy (SWP Ltd; November 2018). This concludes that the risk of flooding from all sources has been assessed and is considered to be low.

In respect of surface water, it is proposed that the development will attenuate this on site through a range of measures before discharging at a controlled rate into the watercourse to the south of the site utilising an existing discharge point.

In respect of foul water it is proposed to install a new foul water drainage treatment plant to serve the development, which will discharge to the existing watercourse at the development's southern boundary, making use of the existing connection.

The Council's Drainage Engineer has reviewed the proposals and raises no objection to the strategy in principle. A condition is recommended to secure full

details and on this basis it is considered that the application complies with Policy DP 41 of the Mid Sussex District Plan.

Other Matters

Contamination

The applicants have provided a Ground Investigation Report (Jomas Associates; February 2018). The report identifies ground contamination, asbestos fibres and potential ground water and grassing risks and therefore recommends further investigation of the site prior to the creation of a remediation plan, and therefore construction on site.

The Councils Contaminated Land Officer has considered this report and has confirmed that it meets current standards. He has advised that a phased contaminated land condition and separate precautionary condition should be attached to ensure the site is safely developed for its end use. Such a condition would meet the tests set out paragraph 178 of the NPPF and would be appropriate.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017/1012 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

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

A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file. Given the fact that the application site is not within 7km of the Ashdown Forest SPA, there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

PLANNING BALANCE AND CONCLUSION

This application seeks full planning permission for the demolition of five existing industrial buildings (1,153sq.m), construction of four industrial buildings,(4,253sq.m) with mixed uses of B2, B8 and B1, new landscaping scheme, revised hardstanding

layout and parking arrangements, cycle parking, refuse storage and associated works at Ricebridge Works industrial estate, Brighton Road, Bolney.

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 Mid Sussex District Plan and the Bolney Neighbourhood Plan. The National Planning Policy Framework is an important material planning consideration.

The proposed redevelopment and expansion of this existing rural commercial site would provide substantial economic benefits in the form of employment both during the construction period and through the creation of substantial new flexible use business floor space.

Whilst the site is situated within the countryside, the proposal is deemed to be acceptable both in principle and in its detail on the basis of the appropriate scale of development sought, the siting of the new buildings fully within the confines of the existing estate and the high quality of design and associated landscaping. It is considered that the scheme will make a more efficient use of the site and improve its overall appearance whilst not harming the landscape setting, biodiversity, flood risk, neighbouring residential amenity, or highway safety. Sufficient parking is to be provided and the scheme's impact on the Ashdown Forest is deemed acceptable.

Having regard to the above, it is considered that the proposal constitutes a sustainable form of development which complies with the Development Plan as a whole. In this case, there is no material considerations that indicate a decision should be made contrary to the Development Plan.

The application complies with Mid Sussex District Plan policies DP1, DP12, DP14, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 and Bolney Neighbourhood Plan policies BOLD1, BOLE1, BOLE2, BOLB1, and BOLT1 as well as the broader requirements and aspirations of the NPPF and can be supported. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary infrastructure required for this development.

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.

Pre commencement conditions

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

4. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. No development above slab level shall take place until a 1:20 scale elevation (vignette) and section drawing showing the elevational finish to secure the quality of the design of the buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

7. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
 - a. A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Where possible the laboratory analysis for permanent gases and Volatile Organic Compounds (VOCs) should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS). The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and unless otherwise agreed in writing by the LPA,

- b. A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

Construction phase

8. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 178 of the NPPF.

9. The Ecological Mitigation and Enhancement Strategy by Ecosupport (May 2019) shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan.

10. The development shall be carried out in full accordance with the Arboricultural Report and Tree Condition Survey by Ruskins Tree Consultancy (November 2018) including accompanying Tree Protection Plan.

Reason: To ensure the appropriate protection of existing retained trees on the site and to comply with Policy DP37 of the Mid Sussex District Plan 2014-2031.

11. Operating times shall be restricted to 07:00 to 20:00 hours.

Reason: To preserve the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

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

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

Reason: To preserve the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

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

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

Reason: To preserve the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

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

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

Reason: To preserve the amenity of neighbouring residents and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

Pre occupation conditions

15. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (7)b that any remediation scheme required and approved under the provisions of conditions (7)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a. Description of remedial scheme
- b. as built drawings of the implemented scheme
- c. photographs of the remediation works in progress
- d. certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 178 of the NPPF.

16. The approved Landscaping Masterplan and Materials and Planting Strategy shall be carried out in full prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

17. The building(s) shall not be occupied until the vehicle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

18. The building(s) shall not be occupied until the cycle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To provide for a facility which is likely to reduce traffic and promote sustainable methods of transport in accordance with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. 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.

3. You are advised that this planning permission requires compliance with a planning Condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. You are encouraged to plant a native shrub understorey to the approved tree planting upon the landscaped berm, such to provide for a more naturalistic woodland cover and enhanced habitat potential.

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	0492-PL	001	20.11.2018
Existing Site Plan	0492-PL	001	20.11.2018
Existing Sections	0492-PL	002	20.11.2018
Existing Elevations	0492-PL 041	Unit A	20.11.2018
Existing Elevations	0492-PL 042	Unit B	20.11.2018
Existing Elevations	0492-PL 043	Unit C	20.11.2018
Existing Site Plan	0492-PL 101	Demo	20.11.2018
Sections	0492-PL 102		20.11.2018
Existing Elevations	0492-PL 141	Unit V	20.11.2018
Existing Elevations	0492-PL 142	Unit W	20.11.2018
Existing Elevations	0492-PL 143	Unit X	20.11.2018
Existing Elevations	0492-PL 144	Unit Y	20.11.2018
Existing Elevations	0492-PL 145	Unit Z	20.11.2018
Proposed Site Plan	0492-PL 201		20.11.2018
Proposed Sections	0492-PL 202		20.11.2018
Proposed Floor Plans	0492-PL 211	Unit D	20.11.2018
Proposed Roof Plan	0492-PL 211	Unit D	20.11.2018
Proposed Elevations	0492-PL 212	Unit D	20.11.2018
Proposed Sections	0492-PL 212	Unit D	20.11.2018
Proposed Elevations	0492-PL 213	Unit D	20.11.2018
Proposed Sections	0492-PL 213	Unit D	20.11.2018
Proposed Floor Plans	0492-PL 221	Unit E	20.11.2018
Proposed Roof Plan	0492-PL 221	Unit E	20.11.2018
Proposed Elevations	0492-PL 222	Unit E	20.11.2018
Proposed Sections	0492-PL 222	Unit E	20.11.2018
Proposed Floor Plans	0492-PL 231	Unit F	20.11.2018
Proposed Roof Plan	0492-PL 231	Unit F	20.11.2018
Proposed Elevations	0492-PL 232	Unit F	20.11.2018
Proposed Sections	0492-PL 232	Unit F	20.11.2018
Proposed Elevations	0492-PL 233	Unit F	20.11.2018
Proposed Sections	0492-PL 233	Unit F	20.11.2018

Proposed Floor Plans	0492-PL 241	Unit G	20.11.2018
Proposed Roof Plan	0492-PL 241	Unit G	20.11.2018
Proposed Elevations	0492-PL 242	Unit G	20.11.2018
Proposed Sections	0492-PL 242	Unit G	20.11.2018
Proposed Elevations	0492-PL 243	Unit G	20.11.2018
Proposed Sections	0492-PL 243	Unit G	20.11.2018
Illustration	TM361-L01	#	20.11.2018
Landscaping Details	TM361-L02	#	20.11.2018
Levels	TM361-L03	#	20.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection.

Trees And Landscape

No objections.

Additional trees appropriate and will supplement existing planting.

Condition adherence to arboricultural report and require replacements should trees die or become diseased within 5 years.

WSCC Highways

The A2300 Brighton Road forms part of the strategic road network (SRN), and Highways England are responsible for maintaining this section of highway. As such the case officer should consult Highways England regarding this application.

WSCC in its capacity as the County Highway Authority has considered the impact of this development and raise no objection in an advisory capacity.

The Site

Ricebridge Works is located off the A2300 slip road which runs parallel to the A23, and known as Brighton Road. It meets the public highway to the south via a pair of roundabouts in a 'dumbbell' arrangement, via a link road over the A23. These roads are known as Hickstead Lane, Jobs Lane Link Road (over the A23) and Dumbrells Farm Way.

Some of the existing buildings at Ricebridge will be demolished to make way for 5 new industrial units creating a net increase of 3,194sqm. As such the impact this increase will bring in terms of parking demand and vehicle movements has been assessed by WSCC.

Access

The site provides two access and egress points onto the A2300 slip road. No changes are proposed and these will continue to provide access to the site. A speed survey was undertaken and the current speeds northbound are 60.6mph northbound and 48.5mph southbound. Existing visibility splays at the access points have been measured and are 2.4m x 215m which are appropriate for the recorded speeds along this road.

Parking

There will be an increase in the number of parking spaces provided by the new units. An additional 28 car parking spaces will be provided for the additional 3,194sqm of B1/B2 and B8 space. This parking combined with the existing parking layout will create a total of 108 spaces for the entire site. 5 of these will be designated for disabled use and will be wider to accommodate this. The layout of the parking areas are perpendicular and a 6m aisle width is provided and therefore will allow good access in and out of the spaces. 9 loading bays are also provided (11m x 3m).

WSCC car parking standards have been consulted based on 3,194sqm of new floor space broken down as, 60% B2, 20% B8 and 20% B1. Lorry Parking spaces has also been considered.

B2 - 1 space per 40sqm= 47 spaces

Lorry parking 1 space plus 1 space per 500sqm = 3 spaces

B8 - 1 spaces per 100sqm = 6 spaces

Lorry parking 1 space plus 1 space per 500sqm = 1 spaces

B1 - 1 space per 30sqm = 21 spaces, no lorry parking required.

Therefore a total of 74 car parking spaces and 4 lorry parking spaces are required. Given the site can offer a total of 108 spaces and 9 lorry parking spaces parking for the proposed units can be accommodated within the site.

It should be noted that any additional site parking demands from the existing units has not been included and should be considered to ensure all units have ample parking for their demands.

Cycle Parking

Space has been provided which is secure and covered in line with current standards for B2 use class.

Road Safety Audit

As the proposal will see an increase in trips to and from the site a Road Safety Audit has been under taken in accordance with HD19/15 and completed in accordance with WSCC Road Safety Audit Policy. A signed and dated designer's response is included.

The audit provides two points for recommendation.

1. South and North site accesses. Risk of blocking lanes. It is recommended that the designer should check any longer vehicles that could be associated with the new development and adjust the gate positions if found necessary.
2. North Site Access. Risk of over-running centre line. The exit radius at the northern access was assessed at 3m. This could cause larger vehicles left turning out of the site to overrun the centre line at risk of clipping a southbound vehicle.

Road Casualty and Collision Data

An interrogation of WSCC Road Casualty and Collision Database has been undertaken and there have been no incidents recorded at the access or on the slip road in the last five years. Further away from the access on the eastern roundabout, there have been a few recorded incidents of which none were attributed to any highway defect.

Vehicle Movements

A Transport Assessment has been produced by TTP consulting confirming the impact of the proposal will not create any significant increase in traffic to the network. The additional traffic increase on the slip road would create an additional movement every 20mins during the morning peak and 1 every 5 minutes in the evening.

Junction modelling of the near-by roundabout network was undertaken using Junctions 9, and the outputs have been checked by WSCC and these show minimal changes to the operation of both roundabouts, to require any mitigation.

Tempo growth factors were also used to understand the effect the development would have in a future year scenario of 5 years, which was shown to be low.

In summary the proposed demolition and redevelopment of the Ricebridge Works site on Brighton Road, has been considered and no significant highway safety or capacity impacts are expected. No objection.

Conditions

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Highways England

Having examined the information provided, while Highways England does not entirely agree with the Transport Assessment, we have determined that there is no reason for Highways England to object to the development proposals on the basis that they will not result in a severe impact on the Strategic Road Network. It should be noted however, that in reviewing the Transport Assessment, the Road Safety Audit (RSA) in Appendix E states that it has been carried out in accordance with HD 19/15 but this is incorrect as Highways England has not approved the audit team or brief. Indeed, it is also noted that the RSA has been undertaken on an existing road layout that will not be altered as a result of the development proposals. As such, the RSA is rejected but this does not have a consequence upon our decision, which is that we are satisfied that the development proposals can be achieved, subject to certain necessary conditions, without detriment to the safe and efficient operation of the Strategic Road Network. Accordingly, I attach our formal conditional response.

Referring to the planning application referenced above (consultation received 28 November 2018) in the vicinity of the A23 and A2300 (which form part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we recommend that a condition should be attached to any planning permission that may be granted:

1) No works shall commence on site until a Construction Management Plan, to include details of numbers and routeing of construction vehicles, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

Reason: To ensure that construction of the development does not result in avoidable congestion on the A23 and A2300, to ensure that the 23 and A2300 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

WSSC Infrastructure

Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	28
Net Commercial Floor Space sqm	3100
Total Access (commercial only)	92.9856
Number of fire hydrants	be secured under Condition

Total TAD Contribution due

£85,081

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

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

The calculations have been derived on the basis of an increase in 3,100 sqm of Class B1(a), B2, B8 floor area, and an additional 28 car parking spaces.

Please see below for a Breakdown and explanation of the WSSC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further

explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2020. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of Transport and Sustainable Infrastructure should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on a cycling improvement scheme between Sayers Common and Hassocks, a high priority scheme in the WSCC Walking and Cycling Strategy (ID 286) to link local communities and provide alternative means of travel to the site.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, parking spaces, nature or tenure, may generate a different contribution requirement and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the altered figures are known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Should you require further information in relation to the calculation of the contributions, please see below:

TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2019/2020 is £1,407 per parking space.

Infrastructure contributions = Car parking spaces x £1,407

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£703).

Sustainable transport contribution = (net car parking - occupancy) x 703

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

MSDC Planning Policy

Ricebridge Works is an existing industrial estate adjacent to the A23, covering approximately 1.7ha.

Policy DP1: Sustainable Economic Development of the adopted Mid Sussex District Plan reflects the Council's aspirations for sustainable economic growth - providing for the residents of Mid Sussex to work locally and reducing the need to commute.

The policy encourages high quality development of land and premises to meet the needs of 21st century businesses and supports existing businesses by allowing them room to expand. The proposal subject to this planning application is supported by the aims of this policy.

The Council recognises the importance of protecting existing employment land and premises as well as making more efficient use of existing sites. Policy DP1 permits appropriate intensification, conversion, redevelopment and/or extension for employment uses (in accordance with other policies within the Plan) in order to allow existing businesses to expand and to ensure that employment premises within the district is fit for purpose and appropriate for the range of businesses that operate within the district. The proposal involves intensification by redevelopment of an existing employment site, which is therefore supported by DP1.

The existing site is predominantly B2 use (around 60%), with smaller proportions of B1 and B8 (20% each). This is an appropriate mix for this location, noting the requirements of NPPF paragraph 82 which recognises the locational requirements of different sectors; and paragraph 84 which recognises that local business needs may be found beyond existing settlement boundaries. The proposal seeks an increase in floorspace, but retains the same proportions of B2, B1 and B8 uses, which is supported.

The Council are currently preparing a Site Allocations DPD. The DPD will allocate housing and employment sites. As part of the background work for the DPD, a number of housing and employment sites have been included within the Strategic Housing and Economic Land Availability Assessment (SHELAA).

Ricebridge Works has been assessed within the SHELAA (site reference 863), and the assessment concludes that it will progress to Stage 2. For existing employment sites, Stage 2 will include an assessment of the potential for expansion, intensification or redevelopment with a view to supporting these mechanisms for increasing employment land within the district if appropriate.

Consideration needs to be given to the effects of this proposed development on the Ashdown Forest SAC and a Habitats Regulations Assessment needs to be undertaken. Information in the Planning Statement and the Transport Assessment submitted alongside the planning application suggests that the majority (90%) of traffic will be travelling to/ from the site from a north or south direction via the A23 with the remaining 10% travelling to/ from the site from the east. This 10% represents 3-4 vehicle trips that could potentially be across the Ashdown Forest SAC, however, the applicant anticipates the majority would originate from locations to the west of Ashdown Forest. The site is located approximately 10km from the Ashdown Forest SAC. On the basis of the information submitted, it is considered that the predicted number of vehicle trips that could potentially travel across the Ashdown Forest SAC is small and the Habitats Regulations Assessment should take this information into account.

In conclusion, the principle of this proposal is supported in planning policy terms as it increases economic land in accordance with DP1: Sustainable Economic Development and the NPPF.

MSDC Tree Officer

No objections.

Additional trees appropriate and will supplement existing planting.

Condition adherence to arboricultural report and require replacements should trees die or become diseased within 5 years.

MSDC Urban Designer

The overall strategy and approach can be commended. The proposed buildings have been thoughtfully designed in terms of their consistent rhythm, cedar cladding, sedum roof and orientation. The incorporation of earth bunding and tree planting on the western boundary and the loss of the scrappy-looking existing sheds should also help to enhance the appearance of the development especially in terms of the visible vantage from the adjacent public right of way that extends across the countryside to the west.

The proposed buildings are angled-on to the red line / western boundary generating an inconsistent depth of buffer zone which become narrow in some areas. Further section drawings and a full western elevation have been provided that now show how the bunding and landscaping works throughout this boundary demonstrating there will be a level of screening throughout. I also note that Irene Fletcher feels that the additional tree planting is appropriate and has raised no objections (I am glad to see oak trees included although there might be space for more in the large gaps between the tree groupings behind blocks E and F).

In conclusion, I have no objections to this planning application but as the elevations have limited detail, I would recommend the decision is subject to the approval of: (a) facing materials and (b) large scale vignette drawings (elevation and section) showing the elevational finish to secure the quality of the design (and ensure they fulfil the aspirations of page 37 of the DAS).

MSDC Contaminated Land Officer

Main comments

The application looks to redevelop an existing industrial site, demolish five building that currently take up 1,153sq.m, and constructing four industrial buildings that will cover 4,253sq.m.

As part of the application a ground investigation report for contamination by Jomas (ref: P1331J1284), dated 15th February 2018 has been submitted. This report has been assessed and has been found to meet current standards.

The report assesses the proposed site for redevelopment as either commercial or residential use, as the se have differing assessment criteria's.

In terms of ground contamination, elevated concentrations of benzo(b)fluoranthene, benzo(a)pyrene and dibenzo(ah)anthracene were all found to exceed screening criteria for the currently proposed commercial end use. Additionally, asbestos fibres were found within 3 of the 10 sample of made ground tested.

In terms of controlled water risk, the report recommends that further ground water sampling and analysis is undertaken if the site is to be re-developed.

In terms of gassing, a single ground gas monitoring visit was undertaken that showed high levels methane (10.5%) and carbon dioxide (6.6%) levels at WS1, close to the sewage beds. If the proposed re-development was to go ahead, then this area would be redeveloped. As such further assessment of the risk from gassing is required.

Given the report recommends further investigation of the site prior to the creation of a remediation plan, and therefore construction on site, it is recommended this be conditioned.

Additionally, any ground investigation cannot rule out the presence of further hotspots between sampling points. For that reason a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions:

No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a. A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Where possible the laboratory analysis for permanent gases and Volatile Organic Compounds (VOCs) should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS). The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and unless otherwise agreed in writing by the LPA,

b. A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of conditions (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- c. Description of remedial scheme
- d. as built drawings of the implemented scheme
- e. photographs of the remediation works in progress
- f. certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

In addition, the following precautionary condition should be applied separately:

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Environmental Protection Officer

Main Comments:

The application looks to increase the size of the site.

As part of the application a noise assessment has been undertaken by Temple Group Ltd (ref: T4276-R001-NJB), dated the 19th November 2018. This report looked at the likely increased road traffic noise levels as from the increased use of the site.

It is agreed that the impact from the increased road traffic noise is likely to be minimal.

I note in the report that the site operates between 07:00 to 18:00 hours. As the potential impact of operation during night hours has not been assessed, the hours should be restricted. If in the future premises at the site did want to look at opening later, then additional information would need to be provided to show the potential impacts, and how they would be mitigated if required.

Additionally while no plant and machinery has been confirmed, it is recommended that a condition be attached to ensure any machinery will not impact on sensitive receptors. Given the very high background noise levels of the area such a condition will likely be easily met by most plant and machinery.

Recommendation: Approve with conditions

1. Noise associated with the air conditioning units incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To preserve the amenity of neighbouring residents.

2. Operating times shall be restricted to 07:00 to 20:00 hours.

Reason: To preserve the amenity of neighbouring residents.

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

MSDC Drainage Engineer

Recommendation: No objection subject to condition

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is within an area identified as having possible surface water (pluvial) flood risk. 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 Proposal

It is proposed that the development will attenuate surface water on site before discharging at a controlled rate into the watercourse to the south of the site utilising an existing discharge point.

Foul Water Drainage Proposal

It is proposed that the development will construct a new foul water treatment plant to service the entire site before discharging treated effluent into the watercourse to the south of the site utilising an existing discharge point.

Consultation Response

The proposed development is supported by a flood risk assessment and drainage strategy. The flood risk assessment states existing surface water flow routes will be incorporated into the proposed surface water drainage system as well as utilising an existing ditch on the western boundary of the site.

The surface water drainage strategy has calculated existing and proposed runoff rates for the 1 in 2, 1 in 30 and 1 in 100 year storm event. The runoff rates including a +40% allowance for climate change have also been provided. The surface water drainage strategy proposes to attenuate surface water up to the 1 in 100 year +40% storm event within a singular attenuation tank before releasing water into the watercourse at a rate of 30 l/s for all events up to the 1 in 100 year event. The proposed discharge rate is based on the existing 1 in 2 year runoff rate.

We would advise the applicant that we aim for discharge rates to be limited to the 1 in 1 year Greenfield runoff rate. However the principle of the proposed surface water drainage strategy is considered acceptable.

Further information into our requirements for foul and surface water drainage are included within the 'further drainage advice' section.

We would also advise the applicant that details into how the proposed development will manage the existing surface water flood risk on site, ensuring flood risk is not increased elsewhere will also be required.

Suggested Condition

1. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its

lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

Surface Water Drainage Advice

The following information will be required for the proposed development. It is acceptable for these details to be provided at discharge of conditions stage.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

As this is for a commercial site, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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

WSSC Lead Local Flood Authority

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk: Moderate risk

Comments:

Current surface water mapping shows the majority of proposed site to be at low risk from surface water flooding although there are areas within and adjacent to the site at high risk.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility: Low risk

Comments:

The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any historic flooding within the site? No

Comments:

We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses present? Yes

Comments:

Current Ordnance Survey mapping shows ordinary watercourses running along the southern and northern boundaries of the site as well as a main river along the southern boundary.

Local or field boundary ditches, not shown on Ordnance Survey mapping, also around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment and Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving, swales and below ground attenuation,

with a restricted discharge to the local watercourse or main river) would be used to control the surface water from this development.

This method would in principle, meet the requirements of the NPPF and associated guidance documents although where attenuation is required, above ground, rather than below ground, attenuation is preferable. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits and ease of access for maintenance.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed (including the culverting of the ditch).

As part of the site is within flood zones 2 and 3 and it is unclear whether the surface water outfall is to Ordinary Watercourse or Main River, it is recommended that the EA are consulted.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Please refer to our Policy for the Management of Surface Water
https://www.westsussex.gov.uk/media/10391/ws_llfa_policy_for_management_of_surface_water.pdf

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Environment Agency

We have no objection to the proposal as submitted as the development site is located in Flood Zone 1 (Low Risk) and outside of the climate change extent.

Advice to Local Planning Authority/Applicant:

Flood Risk Activity Permit

If new surface water outfalls in the River Adur East Branch are proposed, or any works in over under or within 8 meters of the river, a Permit for Flood Risk Activities may be needed.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Consultant Landscape Architect

1) Summary Recommendation: Recommend for approval in principle subject to the imposition of conditions

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

The proposal could comply with Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Subject to satisfactory detailed design the proposal could comply with Section 12 of the NPPF, Achieving well-designed places.

2) Reason for Recommendation :

Policy Context

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment.

Paragraph 170 states that :

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and

- other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2. The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Landscape Character and Visual Context

3. The Landscape and Visual Appraisal (Scarp, November 2018) submitted to support the application provides an accurate assessment of the baseline landscape and visual context of the site and surrounding area.

4. West Sussex County Council Landscape Character Assessment.

The development would be located in the Eastern Low Weald character area and the relevant key characteristics for this area are:

- Gently undulating low ridges and clay vales.
- Views dominated by the steep downland scarp to the south and the High Weald fringes to the north.
- Arable and pastoral rural landscape, a mosaic of small and larger fields,
- scattered woodlands, shaws and hedgerows with hedgerow trees.
- Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.
- Biodiversity in woodland, meadowland, ponds and wetland.
- Crossed by north-south roads with a rectilinear network of narrow rural lanes.

5. The key issues and landscape sensitivities for this character area in WSCC Landscape Character Assessment are:

- Growing impact of development in the east.
- Continuing amalgamation of small fields, severe hedgerow loss, and the ageing and loss of hedgerow and field trees.
- Visual impact of new urban and rural development including modern farm buildings, horse riding centres and paddocks.
- Increasing pervasiveness of traffic movement and noise, particularly around Burgess Hill and busy use of some rural lanes.
- Gradual loss of locally distinctive building styles and materials.
- Gradual suburbanisation of the landscape including the widespread use of exotic tree and shrub species.

- Woodland cover and the mosaic of shaws and hedgerows contribute strongly to the essence of the landscape.
- Pockets of rich biodiversity are vulnerable to loss and change.
- Parts of the area are highly exposed to views from the downs with consequently high sensitivity to the impact of new development and the cumulative visual impact of buildings and other structures.

6. The landscape management Guidance from the WSCC Landscape Character Assessment which

are most relevant to this proposed development are as follows:

- Avoid skyline development and ensure that any new development has a minimum impact on views from the downs and is integrated within the landscape.
- Where appropriate, increase tree cover in and around villages, agricultural and other development and on the rural urban fringe of suburban areas and Burgess Hill, including along the approach roads to settlements and along busy urban routes including the A23 Trunk Road.
- Conserve and replant single oaks in hedgerows to maintain succession.
- Maintain and manage all lakes and ponds and their margins for their landscape diversity and nature conservation value.
- Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflect local distinctiveness

Potential impacts on Landscape Character and Views

7. The Landscape and Visual Appraisal concludes that the development would have an overall beneficial impact on local landscape character and views. The design and layout for the site has been considered in the context of local landscape sensitivities.

8. The removal of existing detracting features on the site would provide an opportunity to improve the appearance and character of the industrial estate. The building layout, use of timber cladding and green roofs would further mitigate the proposed development.

9. The Landscape masterplan as proposed would help to integrate the development into the local landscape. The proposal to use earth bunds retained by gabion walls would help to reduce the scale of the buildings in the landscape.

10. It is recommended that the proposed tree planting is under planted with a shrub layer of native plants including some holly to give an evergreen cover. This would provide a more naturalistic woodland and understorey effect and enhanced habitat potential.

11. If the planning authority is minded to approve the application it is recommended that the following mitigation measures be considered in order to conserve local landscape character and views:

- The full implementation of the landscape masterplan as proposed.
- The inclusion of a shrub understorey to the proposed tree planting.
- Protection of existing trees to be retained on the site in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

Conclusion and Summary Recommendations

12. It is recommended that the proposed development can be supported in principle subject to consideration of the suggested conditions as outlined above.

Consultant Ecologist

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

1. The Ecological Mitigation and Enhancement Strategy by Ecosupport (May 2019) shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To protect the ecological value of the site and to accord with policies DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

MID SUSSEX DISTRICT COUNCIL

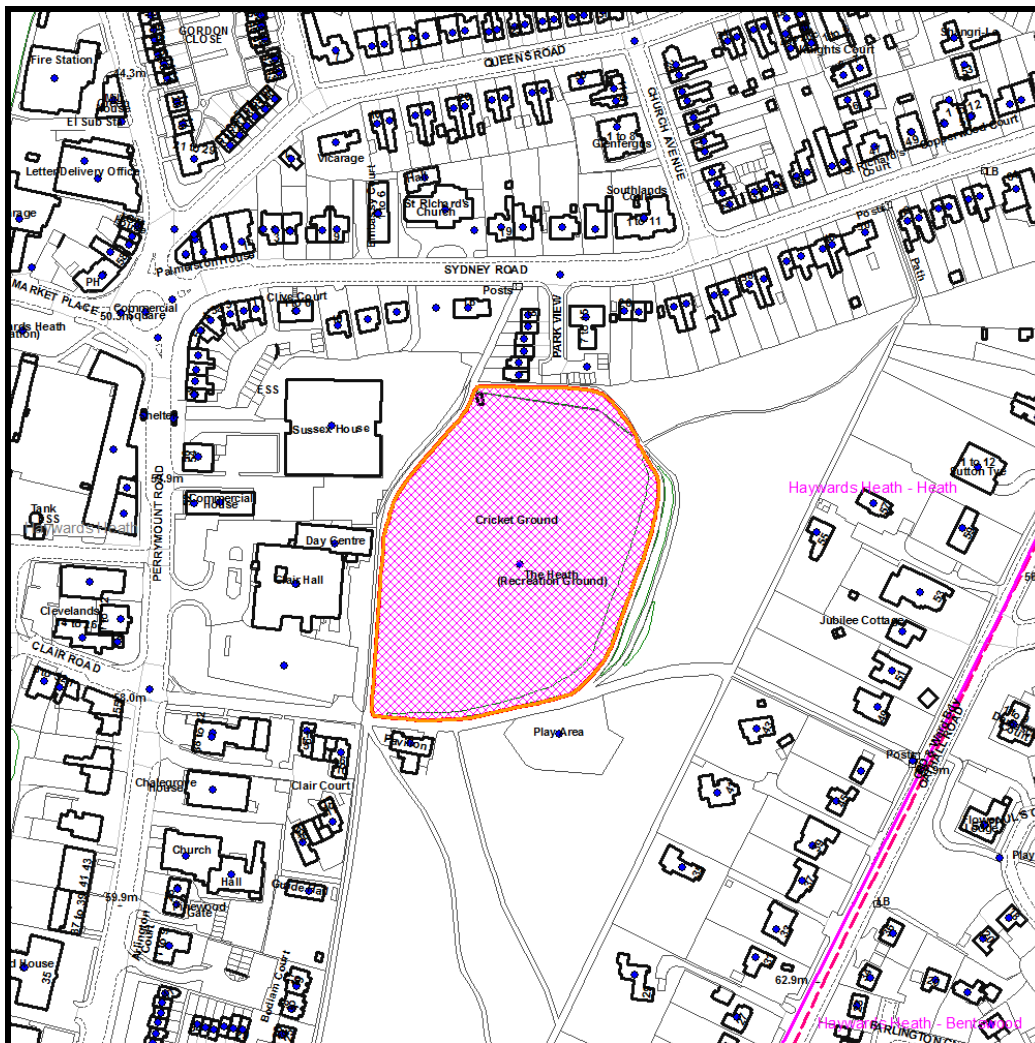
Planning Committee

26 SEP 2019

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/19/1742



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THE HEATH RECREATION GROUND PERRYMOUNT ROAD HAYWARDS HEATH WEST SUSSEX

INSTALLATION OF A 75M X 8M HIGH BALL STOP FENCE ALONG THE NORTHERN BOUNDARY OF HAYWARDS HEATH CRICKET CLUB PITCH (AMENDED PLANS AND DESCRIPTION 25.07.2019, AMENDED PLANS 14.08.2019)

MR MARK HAYLER

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area Boundary / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 27th September 2019

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a 75 metre long and 8 metre high ball stop fence which would be positioned along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground.

Last year tree works were undertaken to the row of Poplar trees along the northern boundary of the cricket pitch which included cutting back the canopies of the trees and the removal of some of the trees, which resulted in gaps within the tree line. After these works the trees were left in poor condition. The current proposal would replace the existing nets.

This application is before committee as the application site is located on land owned by Mid Sussex District Council.

The proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees or biodiversity.

Therefore the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35, DP37 and DP38, Haywards Heath Neighbourhood Plan policies E9 and L9, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

Three letters of representation were received in the original proposal and raised the following concerns:

- Restrict the ability to walk in the grass to avoid the path which requires repair and would cause injury
- Error on the proposed location plan, require additional posts
- Foundations would undermine the stability of the bank
- The erection of the would require cut backs to the existing trees
- Negative impact on the visual amenity due to the excessive height
- Manholes and a gully adjacent to the centre post
- Damage to the drainage system
- Unknown colour of the proposed mesh
- Impact on biodiversity and bird flight paths
- Should be temporary nets not permanent

Following these letters of representation amended plans were received which included a reduction in height by 4 metres. The application was then re-advertised and two further letters of representation were received.

- Error on the proposed location plan, require additional posts and incorrect heights
- Foundations would undermine the stability of the bank
- The erection of the would require cut backs to the existing trees
- Negative impact on the visual amenity due to the excessive height
- Manholes and a gully adjacent to the centre post
- Damage to the drainage system
- Unknown colour of the proposed mesh
- Impact on biodiversity and bird flight paths
- Should be temporary nets not permanent

The applicant then made subsequent changes to the application to correct the errors identified within the letters of representation received. The application was then subsequently re-advertised again. Two of other letters were then received:

- Obtrusive in height
- Nets should be not be permanent
- Impact on the appearance of the area
- Overbearing impact
- Loss of outlook
- Impact on bank stability and flooding
- Intrusion into the countryside

- Disrupt flightpath of birds and biodiversity

SUMMARY OF CONSULTATIONS

HAYWARDS HEATH TWON COUNCIL OBSERVATIONS

02.06.2019 - No comment

07.08.2019 - No comment

02.09.2019 - The Town Council notes both the submission of amended plans dated 14/08/2019 and the objections that have been raised by a neighbouring resident. Taking these into consideration, the Town Council supports the application on the basis that the netting is only in place for the duration of the cricket season and is taken down afterwards.

Recommend permission is granted

Conservation Officer

No objection, subject to conditions

Ecologist

No objection

Tree Officer

No objection, subject to condition

Introduction

The application seeks permission for erection of a 75 metre long and 8 metre high ball stop fence along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground. The proposal would also be within The Heath Conservation Area and the built up area of Haywards Heath.

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

Relevant Planning History

06/02251/FUL - The building of an outdoor practice facility for cricket club. Consists of a single cricket lane enclosed within a security fence. The nets to be sited in area to northwest of outfield parallel to existing chainmail fence. Security fence to be 25m x 4.5m wide x 3.6m high. Existing fencing could form northern side. Granted

DM/18/4994 - Demolition of timber shed at North West corner of playing field and replacement with a permanent and secure equipment store. Granted

Site and Surroundings

The Heath Recreation Ground has a verdant character with mainly residential properties around the perimeter. The Haywards Heath Cricket Club pitch is located within the recreation ground and Conservation Area and is accessed via public footpaths running east-west and north south around the outside of the pitch. The pitch itself is relatively flat with the ground level increasing in height to the east, which gives the immediate locality an enclosed verdant character.

To the north of the pitch is a line of Poplar trees that divides the recreation ground from the residential properties of Park View, which are positioned in a significantly lower ground level. The canopy of these trees have been cut back and a couple of the trees within the line have been removed which has created breaks within the tree line. There is an existing fence line that runs parallel with the line of trees, with additional netting within the trees, and batting cages to the north-west corner.

Application Details

The proposed fencing would replace the existing netting within the trees and would have a height of 8 metres and a length 75 metres. The fencing would run parallel with the tree line and would curve along the path to the east.

The fencing would include 4 No. steel trussed columns with 50mm x 50mm stop ball netting positioned 3 metres above the ground.

Due to the recent tree works the existing nets have been left in a poor condition, offering little protection, which has resulted in complaints from neighbouring properties. Therefore the current proposal has come forward to improve the safety of the neighbouring residents.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP35 - Conservation Area

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

HAYWARDS HEATH NEIGHBOURHOOD PLAN (made December 2016)

E9 - Design

L9 - Play Fields and Sporting Facilities

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124, 127 and 175 are considered to be relevant to this application.

Assessment

Impact on the character of the Conservation Area

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paras 192-196 of the NPPF state:

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

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

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

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

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

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

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

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

Mid Sussex District Plan policy DP35 states:

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

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

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

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

The Council's Conservation Officer has considered the application. She states:

'The application site is within the Heath Recreation Ground, at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original 'Haywards Heath'. The Recreation Ground was created around the turn of the 19th/20th centuries, as the development of the town proceeded around it.

The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.

The current proposal, which has been amended on Officer advice is for the erection of a 8m high x 75 m long ball-stop mesh fence with four supporting lattice towers. The fence would be sited along the northern edge of the cricket ground next to an existing line of poplar trees.

The fence will be of a relatively lightweight construction with black ball stop mesh along its length, and supported by open lattice towers. Notwithstanding this, given its height and length it will have a significant visual impact on the character of this part of the cricket ground and Conservation Area. It will be prominent in views from within the Recreation Ground and also in views looking into the Conservation Area south from Sydney Road along Park View. In the latter views, the raised height of the cricket pitch and the existing gap in the row of poplars, where a tree/s have been felled, will make the fence particularly visually dominant.

However, it is accepted that the continued use of the cricket ground for the sport is desirable for reasons including the contribution that this use makes to the character of the Conservation Area. The applicant has argued that the current situation, with no fence to the southern boundary of the pitch, creates a safety hazard in terms of balls flying out of the ground into neighbouring gardens.

On balance, therefore, the proposed fence is considered acceptable in principle, although I would consider that measures to minimise its visual impact would be desirable, including;

- Careful consideration of the colour and finish to the supporting towers, so that these blend into the surroundings as far as is possible.*
- A condition requiring replanting of the missing tree(s) to the south of Park View, so that the existing gap in the treeline is filled.*

Subject to above, the proposal is considered on balance to preserve the character and appearance of the Heath Conservation Area and to meet the requirements of District Plan Policy DP35.'

The proposed fencing would be visible from within the recreation ground and from Park View, with distance views from Sydney Road. However it would be seen in the context of the cricket pitch and the recreational use of the land as a whole, and would be similar in appearance to the existing fencing and netting. The Conservation Officer has identified that the proposal would have a significant visual impact on cricket ground and the Conservation Area, however notes the public benefit in regards to safety and continued recreation use.

It is considered that with the conditions requested by the Conservation Officer to minimise the visual impact of the proposal, the proposal would preserve the character and appearance and therefore the scheme complies with policy DP35 of the District Plan and the requirements of the Act.

Impact on the amenities of neighbouring properties

In relation to the impact on residential amenities, policy DP26 states:

"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);"

The proposed fencing would be visible from Park View, with No. 1 Park View closest to proposed fence. These properties are positioned on a significantly lower ground level than proposed fencing with a footpath than runs in between. Although the fencing would be visible from these neighbours it would be similar in design to the existing and would be partly obscured by the line of Poplar trees. It is therefore considered that given the nature and form of the proposal, and the existing relationship within the fencing and netting, the proposal would not cause significant harm to the amenities of these neighbouring properties.

The proposal would also be visible from the properties located on the southern side of Sydney Road, however the closest neighbouring property No. 26 Sydney Road would be 44 metres from the proposed fencing and would be seen across the existing garages of Park View and would be partly obscured by an area of trees. It is considered that given the separation distance and the existing screening the proposed fencing is not considered to cause significant harm to the amenities of this neighbouring property.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*

- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Council's Tree Officer has been consulted on the application and has no objection to the proposal however given the proximity to the existing trees further information regarding the works to protect the roots of the trees has been submitted and will be subject to condition.

Impact on Biodiversity

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Paragraph 175 of the NPPF states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

The Council's Ecologist has been consulted on the application and considers that such netting would be heavy enough to avoid bat and bird entanglement, due to the thicker gauge and greater visibility than fine nets. The proposal would have the potential to cause problems on commuting routes but given the heavy built up surroundings and poor habitat represented by the playing field, there is no biodiversity policy objection in this case.

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 proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees or biodiversity.

Therefore the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35, DP37 and DP38, Haywards Heath Neighbourhood Plan policies E9 and L9, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. The development hereby permitted shall not be brought into use until trees of species to be approved in writing by the Local Planning Authority have been planted to the north of the proposed fence within the existing line of trees. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.
Reason: In the interests of the visual amenities of the locality and to accord with Policy DP35 and DP37 of the Mid Sussex District Plan 2014 - 2031.
4. The works shall be carried out in accordance with the information received on 11th September 2019 regarding the protection of tree roots.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

5. The trussed columns hereby approved shall be black in metal unless otherwise approved by the Local Planning Authority.

Reason: To ensure this aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

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

Hours of construction/demolition on site are restricted only to: Mondays to Fridays
0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

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

No burning of materials shall take place on site at any time.

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant should be aware that if roots are found and they are less than 25mm diameter they can be cleanly cut with a suitable sharp tool. If they are in excess of 25mm they should only be severed following consultation with an arboriculturist, as such roots might be essential to the tree's health and stability.

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			08.05.2019
Location Plan			08.05.2019

Location Plan			08.05.2019
Proposed Elevations	19138 SHT1		08.05.2019
Proposed Elevations	19138 SHT2	A	08.05.2019
Proposed Elevations	A 008		08.05.2019
General	A 001		08.05.2019
General	A 002		08.05.2019
General	A 003		08.05.2019
General	A 004		08.05.2019
General	A 005		08.05.2019
General	A 006		08.05.2019
General	A 007		08.05.2019

APPENDIX B – CONSULTATIONS

Conservation Officer (05/08/2019)

The application site is within the Heath Recreation Ground, at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original 'Haywards Heath'. The Recreation Ground was created around the turn of the 19th/20th centuries, as the development of the town proceeded around it. The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.

The current proposal, which has been amended on Officer advice is for the erection of a 18m high x 75 m long ball-stop mesh fence with four supporting lattice towers. The fence would be sited along the northern edge of the cricket ground next to an existing line of poplar trees.

The fence will be of a relatively lightweight construction with black ball stop mesh along its length, and supported by open lattice towers. Notwithstanding this, given its height and length it will have a significant visual impact on the character of this part of the cricket ground and Conservation Area. It will be prominent in views from within the Recreation Ground and also in views looking into the Conservation Area south from Sydney Road along Park View. In the latter views, the raised height of the cricket pitch and the existing gap in the row of poplars, where a tree/s have been felled, will make the fence particularly visually dominant.

However, it is accepted that the continued use of the cricket ground for the sport is desirable for reasons including the contribution that this use makes to the character of the Conservation Area. The applicant has argued that the current situation, with no fence to the southern boundary of the pitch, creates a safety hazard in terms of balls flying out of the ground into neighbouring gardens.

On balance, therefore, the proposed fence is considered acceptable in principle, although I would consider that measures to minimise its visual impact would be desirable, including;

- Careful consideration of the colour and finish to the supporting towers, so that these blend into the surroundings as far as is possible.
- A condition requiring replanting of the missing tree(s) to the south of Park View, so that the existing gap in the treeline is filled.

Subject to above, the proposal is considered on balance to preserve the character and appearance of the Heath Conservation Area and to meet the requirements of District Plan Policy DP35.

Tree Officer (11/09/2019)

Due to the proximity of the installation to the adjacent trees, please can you condition the following:

Details of the method of fence post installation within the RPA of any of the surrounding trees should be submitted and agreed prior to the commencement of the development.

For information:

Limited manual excavation within the RPA may be acceptable providing such excavation is undertaken carefully, using hand held tools. In addition it is recommended the holes are lined with protective non porous material to protect the root from toxic materials.

Tree Officer (11/09/2019)

Although the auger is of quite a substantial width, inspection every 300mm will be acceptable and the hole will be lined with a non-porous material prior to concrete infill as requested.

I would like to add that if roots are found and they are less than 25mm diameter they can be cleanly cut with a suitable sharp tool. If they are in excess of 25mm they should only be severed following consultation with an Arboriculturist, as such roots might be essential to the tree's health and stability.

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MID SUSSEX DISTRICT COUNCIL

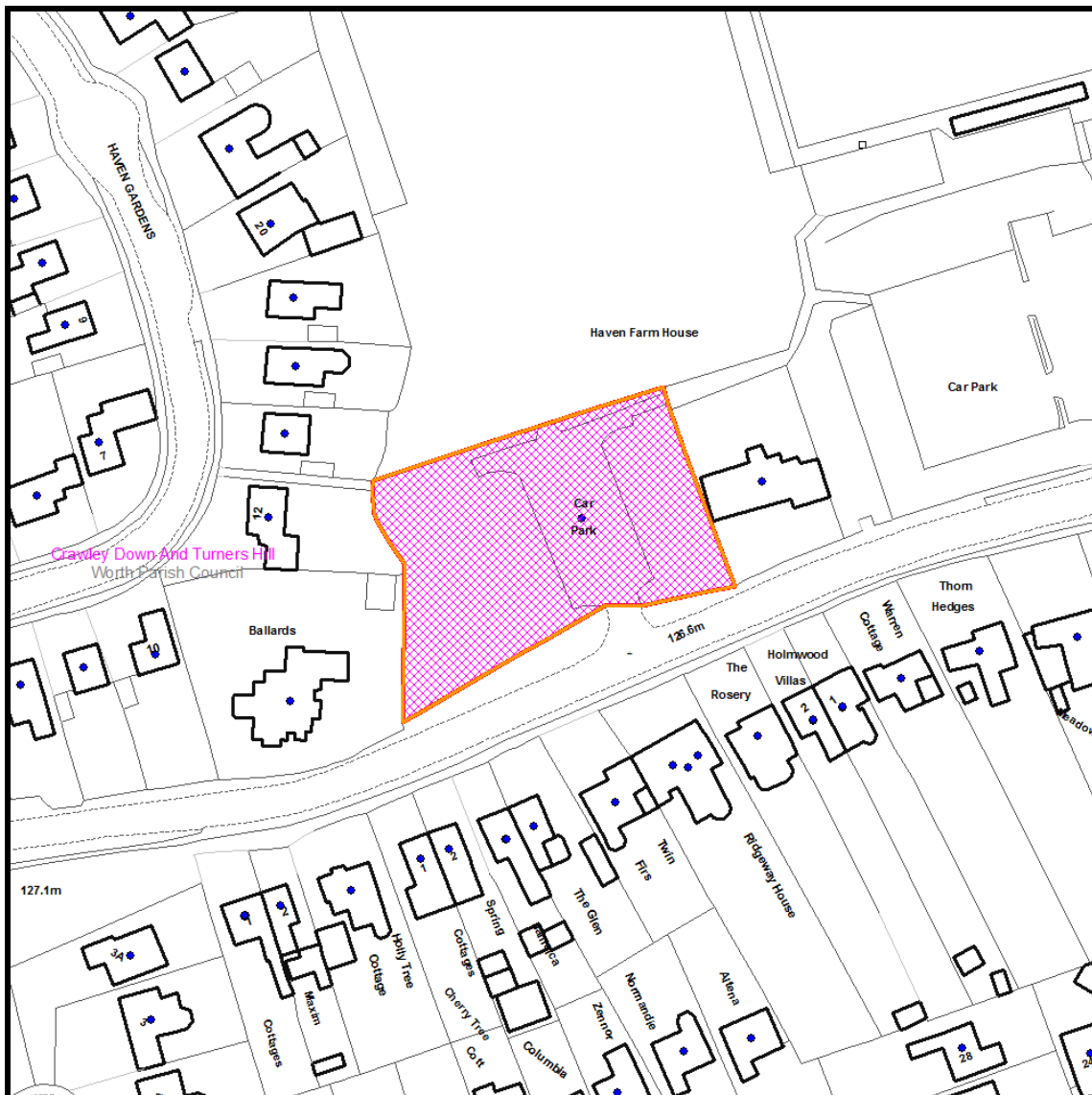
Planning Committee

26 SEP 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2671



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**THE HAVENS SPORTSFIELD CAR PARK THE HAVEN CENTRE
HOPHURST LANE CRAWLEY DOWN
VILLAGE HALL WITH ASSOCIATED PARKING,
THE TRUSTEES**

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition /

ODPM CODE: Minor Other

8 WEEK DATE: 30th September 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for a new building within the western part of the car park site to provide a new village hall. This will replace the existing facility on Turners Hill Road.

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

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.

It is considered that the proposal is necessary to provide an improved facility for the village and therefore this is a significant benefit. It is of an appropriate design and scale and is relatively sustainably located. There will be no highway safety issues, and drainage and sustainability matters can be handled by condition. Impact on neighbouring residents in terms of noise and disturbance during construction and once the use comes into being can also be controlled using conditions.

The loss of trees on this site is regrettable but replacement planting can be carried out on site to mitigate this impact.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP12, DP13, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies CDNP06, CDNP08 and CDNP10 of the Crawley Down Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

CONSULTATIONS

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

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Tree Officer

Objects on arboricultural grounds, however it is a matter for the planning officer to balance the impact of the loss of the trees with the benefits to the community.

WSCC Highways

No objection, subject to conditions.

Gatwick Airport Ltd

No objection.

PARISH COUNCIL OBSERVATIONS

This application was discussed at the Planning and Highways Committee on 29th July. Over one hundred residents were present at the meeting, there was a mixture of support and objection to the proposals from those present in the public gallery.

The Parish Council objects to the proposals on the following grounds

Parking and Access

The Council is of the opinion that the proposals are contrary to CDNP4.3 Loss of Existing Parking. It notes that the building is to be sited on a grass area, not on the car park itself, but there will be a net increase of users of the facilities on site (the new hall, the Haven Centre, and the playing fields) with no additional parking being provided.

This may lead to an increase in on street parking, which would be contrary to CDNP5h)

The access is on a bend where visibility is poor. WSCC Highways comments of 25th July pertaining to visibility splays and requesting additional information in relation to predicted traffic movements were noted and endorsed. Therefore, the proposals are contrary to CDNP10 a), Promoting Sustainable Transport.

The removal of mature trees is noted. However, the building will be very close to trees that are intended to be retained, which the Council believes will encroach onto root protection zones as per the Appendix 3 of the Arboricultural Impact Assessment. Therefore, the proposals are contrary to CDNP9 d) and e)

Declarations of Interest at the Meeting

It should be noted that Cllr Budgen declared a prejudicial interest in the application and left the room during discussion. Cllrs Hitchcock and Webb declared personal interests, Cllr Hitchcock left the room during discussion.

When the response was considered, Cllrs Webb, Phillips, Coote and Dorey abstained.

The Council asks that you take these comments into account when considering this application

LETTERS OF REPRESENTATIONS

56 letters of objection:

- Backs onto the alleyway which is used in late evenings for people coming from the Haven Centre, so will be used more
- Haven Centre should be utilised more as it is underused
- Will affect house prices
- Proposal has not been thought through: why compete with the Haven Centre just 100m away
- Both organisations struggle to keep enough users and will introduce competition, such that one will eventually fail
- Would have been better to extend/improve the Haven Centre with monies from sale of the present village hall
- Football club uses adjacent sportsfield car park and overflow car park which is completely full on Saturdays and Sundays, so parking will be a big issue
- Duplication of resources

- Do not need a new village hall
- Original village hall has historic value
- Will result in overflow parking to adjacent residential roads
- Waste of public money
- Existing building is an eyesore
- Council should force purchase of The Royal Oak and develop as a multi-use facility
- No assessment made of alternative sites
- The Bar and café of the Haven Centre may fail as a result with consequent negative economic impact on the village community
- With no social outlet, will add to level of anti-social behaviour
- Trees are under threat of felling (due to building operations)
- Impact on wildlife
- Significant congestion at weekends
- Plans for new village hall large and imposing
- No traffic survey has been undertaken to curb speeding traffic
- Opening hours of the facility must be set out
- Independent noise assessment must be carried out
- Damage to Sussex countryside
- Application was pre-decided without input from residents
- Pavement is on opposite side of road with cracks and a poor walking space
- Parking nightmare onto surrounding streets
- Noise and disturbance to local residents
- Loss of trees will adversely affect appearance of area, which also provide privacy and coverage for neighbouring homes
- Speeding traffic makes access point dangerous
- Hophurst Lane well used by pedestrians
- Why have other sites been discounted?
- Is there an intention to apply for drinks licence?
- No case has been made of economic benefits or minimum capacity to break even
- Appears that development of the former Palmer's site is the catalyst for the existing proposals
- Design centres around provision of sports hall but no changing rooms and 3 large storage areas and kitchen, which seems excessive
- Footprint of building seems loaded towards one particular sport, and allotted space for non-sporting meetings and activities looks pinched and only intended for small group activities
- Does not appear to be a viable proposition
- Significant impact to local residents both during the build and when fully operational
- Damage to tree roots in neighbouring properties through digging foundations
- Why risk damage to a successful community group which encourages children to exercise and keep fit
- No consideration given for green energy generation, which in my view is a must for any community building of this size
- Concern as to where funds will come from, particularly if reliant on selling the old site
- Pollution

- Block access for emergency vehicles / refuse vehicles / buses
- Increased noise and music from hirers arriving and leaving, which may be exacerbated by windows / doors left open
- Anti-social behaviour will be a problem in the twitten between the site and Haven Gardens
- Village hall website says it lets out the hall for large parties, weddings and discos, not ideal in a residential area
- Loss of outlook
- Direct competition with The Haven Centre
- Having community facilities around the edge of the village detracts from a village community atmosphere
- Reading minutes put forward by Village Hall committee, they admit that even if parking was found, the [existing] building needs money spent on it
- Jobs at risk at the Haven Centre
- Design not in keeping with village hall
- Overlooking from additional function rooms and kitchen facilities
- Impact on late night noise and implications for minimum rest period during work shifts
- Light pollution
- Air pollution
- What security measures will be in place?
- Why was permission obtained from MSDC so quickly to lease the land?
- Conflict with Neighbourhood Plan
- Size of building squeezed between two existing dwellings not in keeping with the road
- Not clear how proposed parking spaces will be accommodated within the same space envelope
- Plant and animal life will be lost
- Impact of heave on neighbouring properties by removal of several mature trees not been factored in
- Site of the Royal Oak would be a better location
- Headlights causing light nuisance from cars leaving
- Grossly oversized
- One large domestic house would be left in the middle of the new site
- Site address is incorrect: it is adjacent to Haven Farm House, not the Haven Centre
- Contrary to MSDC Policy DP12
- Building will require security lighting and alarm systems
- Concern about lack of maintenance in future years due to lack of hire/use, so hall will rapidly become dated like the existing
- Not a viable development
- Not sustainable under the NPPF and actually threatens to reduce social, environmental or economic value to the community
- Not an appropriate use for an MSDC owned site, as it would be an 'incompatible or unacceptable' use of the site, a material planning consideration
- Late evenings in the car park is also used as one of three drug distribution centres within the village
- Village infrastructure already does not cope with existing residents

- Does not enhance local green space
- Already have to listen to noise from skatepark
- Business plan absent, so risk of white elephant
- Replacement trees will pose risk to neighbouring property
- Existing hall is 212 sq m and proposed is 441 sq m, so more than 100% increase in size
- No traffic survey

22 letters of support:

- A centrally located village hall will be an asset for the village
- Users of present hall are aware of danger of increased traffic along Turners Hill Road
- Lack of parking at existing hall (only 3)
- Time to use the funds allocated for building a new village hall to build one which allows access to all
- More accessible
- Safer, so will attract more bookings
- Reduction in bookings has negatively impacted on income of the existing village hall
- The Haven Centre was approved (in the 1980s) on the basis that there was sufficient business in the village for a third venue, which is more true today than then
- Priority of the village hall is to provide a safe place to facilitate groups and individuals who are currently using the hall
- Will provide continued effective use of a village hall
- Will continue fulfilment of the original trust attached to the village hall and given to the villagers
- Proposed location solves both usage and parking problems in a convenient location
- A project looking to the future for generations to come
- Insufficient flexibility from existing facilities to support range of activities that are required in this village
- Village hall will be a complementary, not a competing asset in the life of the village
- Hope that new building will still resemble the lovely 1900s style of the existing village hall
- Old village hall has been badly hit by excessive housebuilding developments
- Crawley Down needs this hall
- Existing Glebe Centre is too small and has inadequate kitchen facilities
- Haven Centre is well past its best with little appeal to villagers wishing to hold social occasions
- More space for social functions is needed
- Suspect The Ark is the only place which may actually lose a small amount of custom
- Social life of the village is in serious need of upgrading
- Glebe Centre is a long walk from the car park for less mobile members of the club, especially during bad weather

- Present village hall is now in the wrong place and not viable
- Crawley Down deserves a village hall not affiliated to any organisations
- A new build would facilitate the requirements of a growing village without encroaching on usage of other establishments, whose functions are different to those existing users
- Ever increasing need for expansion of facilities to be fully maintained and enable help with both health and mental state of mind of the residents
- Site has development potential, as listed in the Neighbourhood Plan evidence base
- Existing village hall has no historically interesting features it is simply a very old building with significant maintenance issues looming
- Neighbourhood Plan gives equal status to all three community centres, so to now suggest that the village hall is no longer required and is a threat to other facilities is disingenuous

1 letter of comment:

- Would like to see zebra crossing opposite bus stop and Haven Centre, as most of the village lives to the south, yet the community facilities are to the north of Hophurst Lane
- Drivers should be reminded this is a residential 30mph road

INTRODUCTION

Full planning permission is sought for a new building within the western part of the car park site to provide a new village hall. This will replace the existing facility on Turners Hill Road.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The site consists of a car park and grassed/vegetated area, located on the northern side of Hophurst Lane in Crawley Down. It is associated with recreational land immediately north, including a skate park and floodlit football pitch to the north-east. The western boundary adjoins residential properties at Haven Gardens, with a footway linking across the northern part of the site to the community facilities. Immediately east is Haven Farm House, a 2-storey detached dwelling with front and rear gardens. East of this is The Haven Centre, a large community building with an extensive car park. Opposite to the south, is a ribbon development of residential dwellings.

The built-up area boundary adjoins the western boundary of the site and runs along the southern edge of Hophurst Lane, so the application site, Haven Farm House, The Haven Centre and The Beckers residential development further east, are all

located within designated countryside. The site also lies within a Strategic Gap between Crawley and East Grinstead and within the 7km zone of the Ashdown Forest.

APPLICATION DETAILS

Full planning permission is sought for a new building within the western part of the car park site to provide a new village hall. This will replace the existing facility on Turners Hill Road.

The building will be located on the grassed/vegetated area to the far west of the site and will measure 27.7m at its maximum depth by 18.1m at its maximum width, providing 441 sq m of floorspace. It will house a badminton court, a meeting/function hall, a kitchen, store rooms, a committee room and WCs. Due to the internal height required for a community standard badminton court (7.4m), the building has been designed as a double-height building of 11.6m in this section (with gabled ends front and rear) and a single-height building wrapping round this section to the rear and side (to a height of 5.4m with dummy pitched roof). Materials will be facing bricks, UPVC windows and powder coated aluminium or timber doors beneath antique brown plain roof tiles.

There are currently 14 car parking spaces on this site, the proposal will result in 17 spaces being provided (including 1 disability space) and 5 cycle parking spaces.

The proposal will result in the loss of 5 trees from the site (2 x Hornbeams, 2 x Beech and 1 x Oak).

POLICY CONTEXT

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP12: Protection and Enhancement of Countryside

Policy DP13: Preventing Coalescence

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

Policy DP21: Transport

Policy DP25: Community Facilities and Local Services

Policy DP26: Character and Design

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP37: Trees, Woodland and Hedgerows

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Crawley Down Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Crawley Down Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Crawley Down as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Crawley Down Neighbourhood Plan area.

Relevant policies include:

Policy CDNP06: Sustainable Drainage Systems
Policy CDNP08: Prevention of Coalescence
Policy CDNP10: Promoting Sustainable Transport

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Feb 2019)

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites) and 180 (noise and light pollution) are considered to be relevant to this application.

Planning Practice Guidance

ASSESSMENT

The main issues for consideration are:

- The principle of development
- Coalescence
- The design and visual impact on the character of the area
- The impact on neighbouring amenity
- Highways matters
- Drainage
- Sustainability
- The impact on trees
- Habitats Regulations
- Accessibility
- Other matters, and
- Planning Balance and Conclusion

Principle of development

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

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

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

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

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

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

The overarching policy relating to countryside uses is expressed in Policy DP12 of the Mid Sussex District Plan, which states (in part):

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

The proposal is not necessary for agriculture, but is supported by a policy elsewhere in the District Plan, namely DP25, which states:

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

The applicant has submitted detailed comments to justify the need for this application and responding to public concerns, which can be viewed on the public file. In summary:

- Alternative options to enable the existing village hall facility to remain at the current location were pursued but ultimately rejected - which date back to 2014
- The village hall cannot be incorporated into the Haven Centre, as the latter could not accommodate all the bookings from the village hall

- This is not a new village hall, rather it is a replacement facility - there exists an informal system in the village whereby if activities cannot be accommodated in the Haven Centre, enquiries may be referred to the village hall or the Glebe
- The village hall was constructed in 1906 and does not meet the needs of the village in the same manner as originally built for
- Consultation on this process has taken place across the village
- The site is not an overflow car park to the Haven Centre as it does not belong to the Haven Centre
- With regard to overflow car parking at busy times, there is no anticipation of the site being used for large groups of people who cannot park on site - a minibus service is available for village hall members to be taxied to the site
- Proposed village hall should enable any existing anti-social behaviour to be abolished on the site, as it is for daytime sports and meetings, not for late night events or loud behaviour
- Its cost is not a material planning consideration
- The building should not overlook or cause air pollution to neighbouring properties

The applicant has further agreed to the opening hours for the building to be between 0830hrs and 2230hrs every day.

In broad terms, therefore, the principle of providing improved facilities is considered acceptable in accordance with Policies DP12 and DP25 of the District Plan, subject to details.

Coalescence

Policy DP13 of the District Plan and Policy CDNP08 of the Neighbourhood Plan seek to prevent coalescence between settlements.

Policy DP13 states:

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.'

Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection'

Policy CDNP08 states:

'Development outside the village boundary will only be permitted if it can be demonstrated that:

- a. It does not detract significantly from the openness and character of the landscape.*
- b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.*
- c. It does not significantly reduce the gaps between the village and neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.'*

The proposed building will be located between a residential housing estate to the west, a ribbon development of housing to the south, an existing dwelling and a community hall and car parking area to the east, and a formal sports pitch to the north-east. In this context, the green space between Haven Gardens to the west and The Beckers to the east (currently occupied by the football club pitch, skatepark, The Haven Centre, car park and Haven Farm House) would not be compromised by the infilling of the vegetated space to the site. It is considered that the building will be viewed in context with the built development in the area and would therefore not impact on the gap between Crawley Down and East Grinstead/Felbridge.

Accordingly the application would comply with the above policies.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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*
- 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*
- positively addresses sustainability considerations in the layout and the building design.'*

It is considered that the siting and scale of the proposed building is acceptable in the context of the surrounding area. By siting the building to the west, the existing entrance and tarmacked car parking area in the centre of the site will be retained,

allowing views through to the green space and trees in the far distance from Hophurst Lane (as currently exist). It also allows the retention of the vegetation screen to the rear of Haven Gardens and allows the eastern grassed area adjacent to Haven Farm House to be retained.

The building will retain a gap of 20m to the corner of the nearest properties in Haven Gardens (Ballards and 12 Haven Gardens) and 30.8m to Haven Farm House, which are considered to be comfortable distances between buildings in this area. Haven Farm House is 8.2m in height, so although the proposed building will be 3.4m taller at its maximum, it is noted that the roof pitches away from this existing dwelling and therefore would not be out of keeping with the street scene - especially given the presence of the larger Haven Centre further east, which is oriented towards (as opposed to side-on) Hophurst Lane.

It is considered that the above policy would be met - detailed landscaping and sustainability measures are discussed below.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *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)'*

The main properties affected by the proposal would be Ballards and 12 and 14 Haven Gardens to the west, Haven Farm House to the east, and properties opposite the site on Hophurst Lane to the south (Jamaica, The Glen, Twin Firs and Ridgeway House in particular).

Although the tree screen on the site will be thinned out, the boundary trees and vegetation will be retained, so the distance of 20m from the corner of both Ballards and 12 Haven Gardens to the side elevation of the proposed building will not result in a significant loss of amenity to these occupiers in terms of being overbearing or resulting in overlooking.

The double-height elevation of the proposed building will be located nearest to the side elevation of Haven Farm House at a distance of 30.8m. Although there is a solid mixed hedge on this boundary, which screens the ground floor from wider views, it is only to a height of around 2.5m, so the upper floors are visible from the site. However, there are no side windows on this upper floor, only windows front and rear, and it is not considered with this distance that the proposed building will be significantly harmful to the amenities of these occupants in terms of being overbearing or causing overlooking. The car parking area will be retained as per its current usage but the noise and disturbance would not be deemed overly harmful given this existing situation.

The southern boundary of the site fronting onto Hophurst Lane possesses a similar height mixed hedge, which will be retained. Although the tree screen to this frontage will be thinned, the Oak and Ash will be retained, and at a minimum front-to-front distance of 29m, it is not considered that this relationship would be harmful in terms of overlooking or being overbearing.

All neighbouring residents in the locality would be affected to varying degrees by the construction phase, the intensification of the usage of this site and the resultant activity within the building. The council's Environmental Protection Officer has considered the scheme and her detailed comments are set out in Appendix B. She raises no objection to the proposal, subject to various conditions being applied to any planning permission.

Accordingly, it is considered that the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

'Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy)*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable*
- *of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation*
- *The scheme protects the safety of road users and pedestrians, and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

Policy CDNP10 of the Neighbourhood Plan states:

'Development that does not conflict with other Policies will be permitted provided that it promotes sustainable transport within the Neighbourhood Area by:

- a) Providing safely located vehicular and pedestrian access with adequate visibility.*
- b) Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, Health Centre and recreation open space already exist or will be provided.*
- c) Identifying and undertaking appropriate measures, such as highway improvements, to address any transport infrastructure inadequacies.*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes.*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate.*
- f) Development proposals would maintain or enhance the existing public footpaths, rights of way, bridle paths and twittens.*
- g) A full transport assessment is provided using current data and identified issues addressed developments of more than 50 houses.'*

Although the site is located at a northern end of the village, it is nevertheless relatively sustainably located with bus stops and lit footways. This means that patrons can travel to the facility not just by car (utilizing the car park on site) but by bus, walking or cycling (with 5 spaces being provided). The Highway Authority has raised no objection to the application in terms of its access. Following a site visit, the Highway officer observed that sufficient visibility is achievable in both directions. Further information was requested from the applicant concerning number of existing vehicle movements to and from the site. The Highway Authority acknowledges that the existing village hall currently only has 2 car parking spaces and operates a minibus service for some activities. This will continue. Overall, it is not anticipated that a large proportion of visitors to the site would be users who have specifically diverted to Crawley Down, in other words, the majority will be local people.

Accordingly the scheme would comply with the above policies.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding

elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourse, and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Policy CDNP06 of the Neighbourhood Plan states:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1) infiltration measures*
- 2) attenuation and discharge to watercourses*
- 3) discharge to surface water only sewers.*

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient

woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

The means of drainage to serve the proposed development could be controlled by condition, as confirmed by the council's Drainage Engineer, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Neighbourhood Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible*
- *Use renewable sources of energy*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The applicant has provided a Sustainability Statement that sets out the following measures which will be incorporated into the development:

- High efficiency insulation
- Energy efficient light bulbs fitted throughout
- Rainwater harvesting to be employed to mitigate water waste
- Heating provided by high efficiency rated combination boiler

These measures are considered acceptable and can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Council states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme, and*
- *prevents damage to root systems and takes account of expected future growth, and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management, and*
- *has appropriate protection measures throughout the development process, and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change, and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees, and*
- *the contribution of the trees to the character and visual amenity of the local area, and*
- *the amenity and nature conservation value of the trees, and*
- *the extent and impact of the works, and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

As stated above, the proposal will result in the loss of 5 trees from the site (2 x Hornbeams, 2 x Beech and 1 x Oak).

The council's Tree Officer has objected to the proposal, although none of the trees are subject to Preservation Orders and could be removed at any time. Alternative sites to this were explored by the applicant elsewhere in the village (which can be viewed on file) and an alternative location for the building on this site was explored at the pre-application stage. However, while the loss of any trees is regrettable, this matter needs to be weighed up in relation to the benefits of the scheme as a whole, and the direct impacts mitigated as far as possible. In this case, it is possible to provide some replacement tree planting on site, close to the removed trees and this is sought through a condition of any consent.

With this condition in place, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

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.

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.

Accessibility

Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.'

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

Other matters

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

PLANNING BALANCE AND CONCLUSION

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

It is considered that the proposal is necessary to provide an improved facility for the village and therefore this is a significant benefit. It is of an appropriate design and scale and is relatively sustainably located. There will be no highway safety issues, and drainage and sustainability matters can be handled by condition. Impact on neighbouring residents in terms of noise and disturbance during construction and once the use comes into being can also be controlled using conditions.

The loss of trees on this site is regrettable but replacement planting can be carried out on site to mitigate this impact.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP12, DP13, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies CDNP06, CDNP08 and CDNP10 of the Crawley Down Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. **Approved Plans**

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

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

Pre-commencement conditions

3. No development above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the

approved details unless otherwise agreed in writing with the Local Planning Authority.

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

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, plus details of replacement tree planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan.

6. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

- o measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- o dust management plan.
- o site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Construction phase

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

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

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

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted

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

Pre-occupation conditions

10. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. The submitted odour control scheme shall be in accordance with best practice, and shall include a risk assessment for odour, as well as maintenance and monitoring schedules for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: to protect the amenity of neighbouring residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

11. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

12. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to ventilate the premises has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the operation of the development and shall thereafter be retained as such.

Reason: to protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. No operational use of any plant and machinery shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne noise from the operational activities of the plant and machinery from adversely affecting neighbouring residents. The applicant shall submit evidence, in writing, agreed by the Local Planning Authority before operational use commences, that the plant and machinery will obtain a sound level of 5 dB below the existing background sound level (LA90) during the operation of the plant and machinery, as measured one metre from the boundary of any nearby residential dwellings. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: to protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

14. Prior to the development hereby permitted being occupied and used, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

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

15. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan and CDNP10 of the Crawley Down Neighbourhood Plan.

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

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

Post-occupation monitoring / management conditions

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

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

18. Use of the commercial unit shall be limited to the following times:
Monday to Sunday 8.30hrs to 22:30hrs

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

19. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - No burning of materials shall take place on site at any time.

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

4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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	2116-01	REV A	05.07.2019
Proposed Floor and Elevations Plan	2116-01	REV A	05.07.2019
Proposed Floor Plans	2116-03		03.07.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

This application was discussed at the Planning and Highways Committee on 29th July. Over one hundred residents were present at the meeting, there was a mixture of support and objection to the proposals from those present in the public gallery.

The Parish Council objects to the proposals on the following grounds

Parking and Access

The Council is of the opinion that the proposals are contrary to CDNP4.3 Loss of Existing Parking. It notes that the building is to be sited on a grass area, not on the car park itself, but there will be a net increase of users of the facilities on site (the new hall, the Haven Centre, and the playing fields) with no additional parking being provided.

This may lead to an increase in on street parking, which would be contrary to CDNPSh)

The access is on a bend where visibility is poor. WSCC Highways comments of 25th July pertaining to visibility splays and requesting additional information in relation to predicted traffic movements were noted and endorsed. Therefore, the proposals are contrary to CDNP10 a), Promoting Sustainable Transport.

The removal of mature trees is noted. However, the building will be very close to trees that are intended to be retained, which the Council believes will encroach onto root protection zones as per the Appendix 3 of the Arboricultural Impact Assessment. Therefore, the proposals are contrary to CDNP9 d) and e)

Declarations of Interest at the Meeting

It should be noted that Cllr Budgen declared a prejudicial interest in the application and left the room during discussion. Cllrs Hitchcock and Webb declared personal interests, Cllr Hitchcock left the room during discussion.

When the response was considered, Cllrs Webb, Phillips, Coote and Dorey abstained.

The Council asks that you take these comments into account when considering this application

MSDC Drainage Engineer

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will utilise soakaway.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will utilise existing local foul arrangements.

Consultation Response

In light of the explanatory email from Les Humphrey 30/09/2019, which clearly explains the methodology of the use of soakaway, we are happy for this proposed development should not create or exacerbate flood risk.

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.

MSDC Environmental Protection Officer

This application seeks to provide a new village hall adjacent to a main road in Crawley Down in a residential area close to an existing community facility used by a local football club which operates a bar, a café and which offers rooms for hire allowing various uses including exercise classes and functions such as weddings and other celebrations. Although the village hall will be introducing a new noise source into this area, given the proposed location alongside an existing community facility, Environmental Protection is of the opinion that provided the following recommend conditions are applied to any planning permission granted, the amenity of local residents will not be significantly affected during the construction or operation of this premises.

Activities such as exercise classes to music or functions at the new hall could potentially generate noise however, Environmental Protection has received confirmation from the applicant that suitable air conditioning will be provided to the halls and entrance lobby which should ensure that these areas can be used without the need to have windows and doors open to assist ventilation. Environmental Protection would recommend that a Noise Management Plan be provided outlining measures to mitigate disturbance to local residents. Possible measures could include requiring use of air conditioning during exercise classes and functions involving music rather than opening doors and windows, limiting the volume of

music played on site and the provision of signage requesting that guests be considerate to neighbours when using the car park or leaving the site.

Construction phase:

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

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

Reason: to protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sunday and Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

Construction Management Plan: Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking).
- dust management plan.
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents from noise and dust emissions during construction.

Operational phase:

Hours of use: Use of the commercial unit shall be limited to the following times:

Monday to Sunday 8.30hrs to 22:30hrs

Reason: to protect the amenity of local residents.

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: to protect the amenity of local residents.

Lighting: The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents

Odour: The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. The submitted odour control scheme shall be in accordance with best practice, and shall include a risk assessment for odour, as well as maintenance and monitoring schedules for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: to protect the amenity of neighbouring residents.

Ventilation: The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to ventilate the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the operation of the development and shall thereafter be retained as such.

Reason: to protect the amenity of neighbouring residents.

Plant and Machinery: No operational use of any plant and machinery shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne noise from the operational activities of the plant and machinery from adversely affecting neighbouring residents. The applicant shall submit evidence, in writing, agreed by the Local Planning Authority before operational use commences, that the plant and machinery will obtain a sound level of 5 dB below the existing background sound level (LA90) during the operation of the plant and machinery, as measured one metre from the boundary of any nearby residential dwellings. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: to protect the amenity of neighbouring residents.

Noise Management Plan: Prior to the development hereby permitted being occupied and used, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.
Reason: to safeguard the amenity of neighbouring residents.

Informative:

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

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

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

MSDC Tree Officer

I visited the above site on 30 August and have the following comments:

- It is not clear from the plans I have seen whether T2 - Category A Hornbeam is to be removed. The habit of a hornbeam with branches growing wide and low would make it difficult to crown lift or cut back to accommodate the development. I cannot therefore envisage that it is possible to retain this tree in its current state prior to or during construction. In addition, if T2 were to be retained there would be future pressure to prune or fell this tree.
- The development would result in the loss of four category B trees comprising of two beech (T7, T8), one English oak (T9), one other hornbeam (T10), and the possibility of one category A hornbeam (T2) (above). Removal of moderate/ high quality native trees (Category B or above) is a significant loss and not recommended. If the loss is unavoidable replacement should be on a minimum one for one basis as close to the original position as possible.
- The area as a 'whole' is of high amenity value, being visible from the street and surrounding recreation areas, and clearly is of great value as wildlife habitat.
- As with T2, there will inevitably be future pressure on all the retained trees. There needs to be allowance and space for future growth and maintenance, alongside consideration to shading, direct damage and seasonal nuisance from the trees.
- T1 - a large oak sits at the entrance to the development and may come under future pressure due to visibility constraints.
- There are incursions into the RPA of T4, T14 and T15. The impact and protection measures for these trees should be addressed in an Arboricultural Method Statement (AMS).

Consequently I would object to the development based purely on arboricultural grounds, however it is a matter for the planning officer to balance the impact of the loss of the trees with the benefits to the community.

If the development is permitted, an Arboricultural Method Statement (AMS) should be submitted and agreed prior to development commencing as detailed in s7.1.2 of AIA.

WSCC Highways

This proposal is for the erection of a village hall with associated parking. The village hall is proposed to replace the existing village hall on Turner's Hill Road. The site is located on Hophurst Lane, a C-classified road subject to a speed limit of 30mph.

This application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber" and therefore a site visit was undertaken to assess the existing access arrangements and context of the nearby road network.

The LHA has been re-consulted on this application following a request for additional information from the applicant in order to adequately assess the proposal. The applicant was

requested to provide maximum achievable visibility splays at the existing access, taking into account the presence of the existing established tree within the highway. The applicant was also requested to provide information pertaining to the number of existing and anticipated vehicle movements to and from the site.

The site will utilise the existing access from Hophurst Lane which currently serves an informal car parking area. The applicant has demonstrated visibility splays of 2.4 x 43m in each direction at the existing access in accordance with the posted speed limit of 30mph. The LHA notes that the splay to the east of the access is drawn to an offset of approximately 2m from the edge of the carriageway. Ordinarily splays must be drawn to the carriageway edge, or a maximum offset of 1m. However, the LHA anticipates that visibility of at least 40m would be achievable to an offset of 1m in this location, taking into consideration the presence of the tree. The LHA conducted a site visit on 31st July to assess visibility at the access and it was observed on site that sufficient visibility is achievable in both directions. In addition, Hophurst Lane has good forward visibility and vehicles travelling along Hophurst Lane would be able to see a vehicle waiting within the access. The applicant was also requested to provide information pertaining to the number of existing vehicle movements to and from the site, and the number of vehicle trips anticipated as result of the proposal. It is acknowledged that quantifying the existing trips associated with the existing use of the car parking area is challenging - the applicant has indicated that no more than three cars have been present at any one time during site visits. Whilst conducting the site visit, the LHA observed three parked cars within the site. The applicant acknowledges that during the football season, the car park is busier, however, no data indicating the number of trips associated with this use has been provided. The applicant has provided a sample of the booking schedule for July and August for the existing village hall. This booking schedule provides no details of the activities going on on site, nor the number of attendees and associated vehicle trips. However, the LHA acknowledges that the existing village hall currently only has two parking spaces and operates a minibus service for a number of activities. This is proposed to continue at the new site to enable access to the site for residents with no cars and to reduce parking pressure. The LHA also acknowledge the local community use of the site, and anticipate that a number of visitors to the proposed use would be local residents who may walk or cycle to the site. The LHA does not anticipate that a large proportion of the visitors to the site would be users who have specifically diverted to Crawley Down for the purpose of visiting the D2 use of the site.

As the village hall already operates within the local community, it is anticipated that a number of trips associated with the proposal will already be occurring and the LHA would not anticipate a capacity issue within the local road network. Furthermore the applicant has indicated that there is no anticipation of the site being used for large groups of people that would result in overspill parking and the minibus service will operate in the event that there is a large group event, to reduce parking pressure. From the provided booking sheet, the applicant does not anticipate that the use of the village hall will significantly clash with the use of the site at weekends for parking for the playing field.

The proposed 18 parking spaces is anticipated to provide sufficient parking provision for the use. The WSCC Parking Guidance (adopted August 2019) anticipates that 21 parking spaces would be required for the D2 use of the site. However, as stated above, the existing village hall operates with 2 parking spaces and would require a minimum of 9 spaces. As such, the proposal provides a significant improvement in parking provision for the use, and the provision of 5 cycle storage spaces and a minibus service further reduces the reliance upon the private car to access the site. The site is connected to the surrounding area by street lit footways opposite, which enable pedestrians to access the site from the village. There are also a number of bus stops within walking distance of the site, providing access to further afield.

The proposed plans indicate that there will be sufficient space for vehicles to turn on site and exit in a forward gear.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

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

Gatwick Airport Ltd

Thank you for your email/letter dated 10 July 2019, regarding the above mentioned consultation.

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal. We would, however, make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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MID SUSSEX DISTRICT COUNCIL

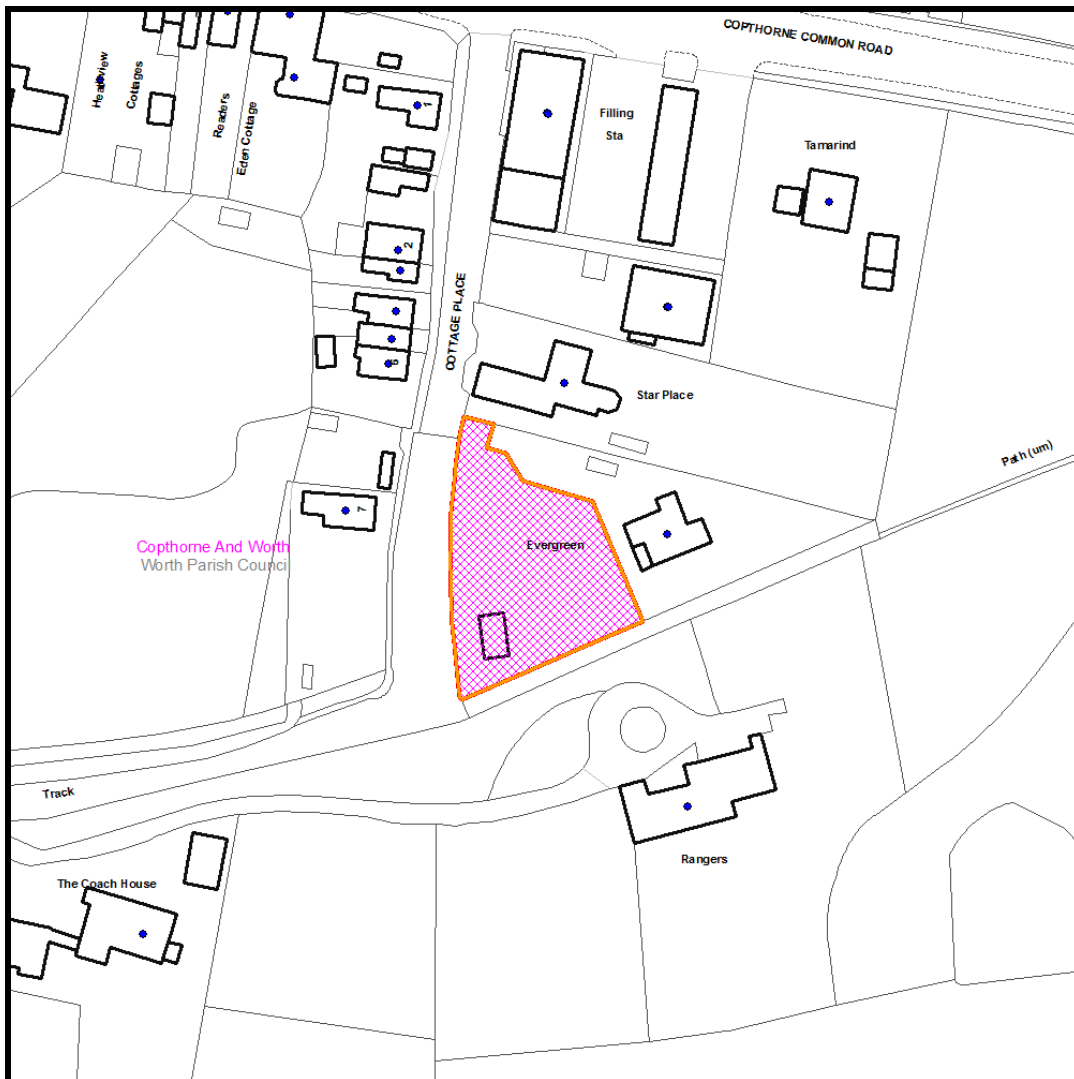
Planning Committee

26 SEP 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/3061



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**EVERGREEN COTTAGE PLACE COPTHORNE COMMON ROAD
COPTHORNE
COMMENCEMENT OF WORKS IN RESPECT OF OUTLINE PLANNING
CONSENT 13/04065/OUT AND RESERVED MATTERS APPROVAL
DM/17/0615.**

MR LEIGH AND CHRIS ARMSTRONG

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Lawful Development Certificates

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for a lawful development certificate as detailed above.

EXECUTIVE SUMMARY

This application is for a lawful development certificate to confirm a lawful start has commenced in respect of outline planning consent 13/04065/OUT and reserved matters approval DM/17/0615 for a bungalow at land adjacent to Evergreen, Cottage Place, Copthorne Common Road, Copthorne.

This is a legal decision where the planning merits cannot be considered.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

It has been submitted that a lawful start has been carried out before the expiry of the planning permission for the construction of a bungalow through the partial construction of foundations including setting out, excavation and concreting.

It is considered that the work carried out on the site constitute a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). All pre-commencement conditions had been discharged. The works therefore constitute a material operation pursuant to the lawful commencement of application 13/04065/OUT and DM/17/0615.

It is therefore recommended that the lawful development certificate be issued confirming that a lawful commencement has occurred in respect of the development of a bungalow on the site and thus the works to implement the above permission and consent may continue.

RECOMMENDATIONS

It is recommended that the lawful development certificate be issued for the reasons outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL OBSERVATIONS

To be reported.

INTRODUCTION

The application is made pursuant to Section 191 (1) (b) of the Town and Country Planning Act 1990 ("TCPA 1990") and seeks confirmation that a lawful start has occurred under the details approved under planning references 13/04065/OUT and DM/17/0615 at Land adjacent to Evergreen, Cottage Place, Copthorne Common Road, Copthorne.

RELEVANT PLANNING HISTORY

Outline planning permission was granted on the 19th February 2014 under reference 13/04065/OUT for the erection of 1 detached bungalow utilising an existing single vehicular access drive and detached garage on land to the west of Evergreen. The matter for consideration was the principle of the development with all matters (access, layout, appearance, landscaping and scale) reserved for future consideration.

Condition 1 of this approval states:

'Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.'

Reserved Matters was granted on the 5th April 2017 under reference DM/17/0615 for the approval of access, appearance, layout and scale, following approval of the above outline planning permission (reference 13/04065/OUT).

Following this pre-commencement conditions 2, 3, 5, 6, 8, 9 and 10 and pre-occupation condition 13 of the outline approval 13/04065/OUT was approved under reference DM/19/0381. The last condition of the outline approval (condition 3 landscaping) was discharged on the 12th March 2019.

SITE AND SURROUNDINGS

The site is situated at the end of an existing narrow private road of Cottage Place set off Cophorne Common Road. The lane currently serves a number of residential properties and a commercial unit of a vehicle bodyshop and van rental. In addition, there is petrol filling station at the top of the lane.

The site is formed of Evergreen, a detached bungalow with a hipped roof set within the plot with a number of outbuildings to the north and west of the unit. The proposed dwelling is to be sited to the west of the existing bungalow within an area used partly as garden and hardstanding serving the existing detached garage to the west of the property. There is an existing access serving the garage separate to that of the main dwelling. At present part of the land subject of the application site is divided off by a timber fence.

To the south and western boundaries is vegetation forming screening of the site. Beyond these boundaries is a public right of way.

The application site is situated within the countryside as defined in the District Plan.

APPLICATION DETAILS

The application seeks confirmation that a lawful start has commenced under the details approved under outline planning reference 13/04065/OUT and reserved matters approval DM/17/0615.

The application has been made on the basis that a material operation has been carried out before the expiration of two years from the date of approval of the last of the reserved matters as set out in the decision notice in respect of the outline approval. The reserved matters approval was determined on the 5th April 2017, thereby works were required to be carried out before the 5th April 2019.

A planning statement has been submitted with the application stating that the works were carried out prior to the 5th April 2019 as the construction works for the partial construction of foundations was carried out between the 15th and 22nd March 2019. It is submitted that these works constitute a lawful commencement of the approved development. Supporting documents showing photographs of the setting out, excavation and pouring of the foundations have been submitted as well as invoices for materials and the concrete for the works. The statement sets out a timeline of the works carried out. It states:

'The work was carried out to the following timescale:

15th March 2019

1) A Building Control application and fee were submitted to Mid Sussex District Council.

2) Setting out work was carried out to accurately mark the centre line of the foundations by MARK BUDGEN and KIEREN HOLLANDS of ALFRED BUDGEN LIMITED.

18th March 2019

3) The applicants purchased and erected HERAS fencing to protect the existing trees in accordance with the approved Arboricultural Method Statement.

20th March 2019

4) The necessary excavation work was carried out, level pegs for foundation concrete were positioned and day bars installed by GERALD BUDGEN and JOHN SHORLAND of ALFRED BUDGEN LIMITED.

21st March 2019

5) A Building Control inspection was carried out by Mid Sussex District Council and the excavated foundations were found to be acceptable.

6) Foundation concrete was supplied by UNITED GRAB HIRE and laid by GERALD BUDGEN, MARK BUDGEN, JOHN SHORLAND and KIEREN HOLLANDS of ALFRED BUDGEN LIMITED.'

LIST OF POLICIES

As this is an application to establish the lawful commencement of the development; development plan policies are not applicable.

ASSESSMENT

To implement a planning permission the developer must:

- a. Carry out a "material operation" (as defined in section 56 of the TCPA 1990); and
- b. Ensure all planning conditions requiring compliance prior to commencement of development have been complied with.

Section 56 (2) of the Town and Country Planning Act (TCPA) 1990 states that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. S.56 (4) lists what is meant by 'material operation':

"material operation" means—

a) any work of construction in the course of the erection of a building;

aa) any work of demolition of a building;

b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

d) any operation in the course of laying out or constructing a road or part of a road;

e) any change in the use of any land which constitutes material development.'

It has been submitted through photographs, and invoices regarding materials used that works have been carried out before the expiry of the 2013 outline approval (reference 13/04065/OUT) and the 2017 reserved matters approval (DM/17/0615) consisting of the laying of a small area of foundation for the attached garage of the dwelling. The location of the foundations is shown in the submitted drawing within Section 3 of the submitted Planning Statement accompanying the application. This shows a 'U' shaped area of foundations measuring some 6.6 metres by 2 metres in an area where the western end wall of the dwelling is to be situated. A site visit by your Planning Officer confirms that these works have been carried out in accordance with the details submitted. Importantly, the operational development was carried out after the approval of the last of the pre-commencement conditions on the 12th March 2019.

Section 56(4) (b) of the TCPA (1990) includes the digging of a trench which is to contain the foundations, or part of the foundations, of a building. It is considered that the location of the trench which was dug and the foundations laid is broadly in accordance with the location of the dwelling approved as part of the 2013 outline and 2017 reserved matters approvals.

It is considered that the works referred to in the Applicants submission does constitute a material operation, was undertaken within the time limit imposed by Condition 1 of the 2013 outline permission and after the approval of the pre-commencement conditions.

No third party evidence has been provided which contradicts the submission in terms of the works carried out and when.

As such, it is considered that on the balance of probabilities, the works carried out are lawful and the remaining development approved under the 2013 outline permission and the 2017 reserved matters application can lawfully be carried out.

CONCLUSION

The works carried out on site, namely the partial construction of foundations including setting out, excavation and concreting constitutes a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). The works therefore constitute a material operation pursuant to the lawful commencement of application 13/04065/OUT and DM/17/0615, and a certificate to this effect may be issued solely for the purpose of section 191 of the Town and Country Planning Act (1990) (as amended).

APPENDIX A – RECOMMENDED CONDITIONS

1. The works carried out on site, namely the partial construction of foundations including setting out, excavation and concreting constitutes a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). The works therefore constitute a material operation pursuant to the lawful commencement of applications 13/04065/OUT and reserved matters approval DM/17/0615 under Section 191 of The Town and Country Planning Act (1990) (as amended).
2. The Mid Sussex District Council hereby certify that on 29th July 2019 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

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	EGREEN-02		29.07.2019
Site Plan	EGREEN-02		29.07.2019

APPENDIX B – CONSULTATIONS

WORTH PARISH COUNCIL OBSERVATIONS

To be reported

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MID SUSSEX DISTRICT COUNCIL

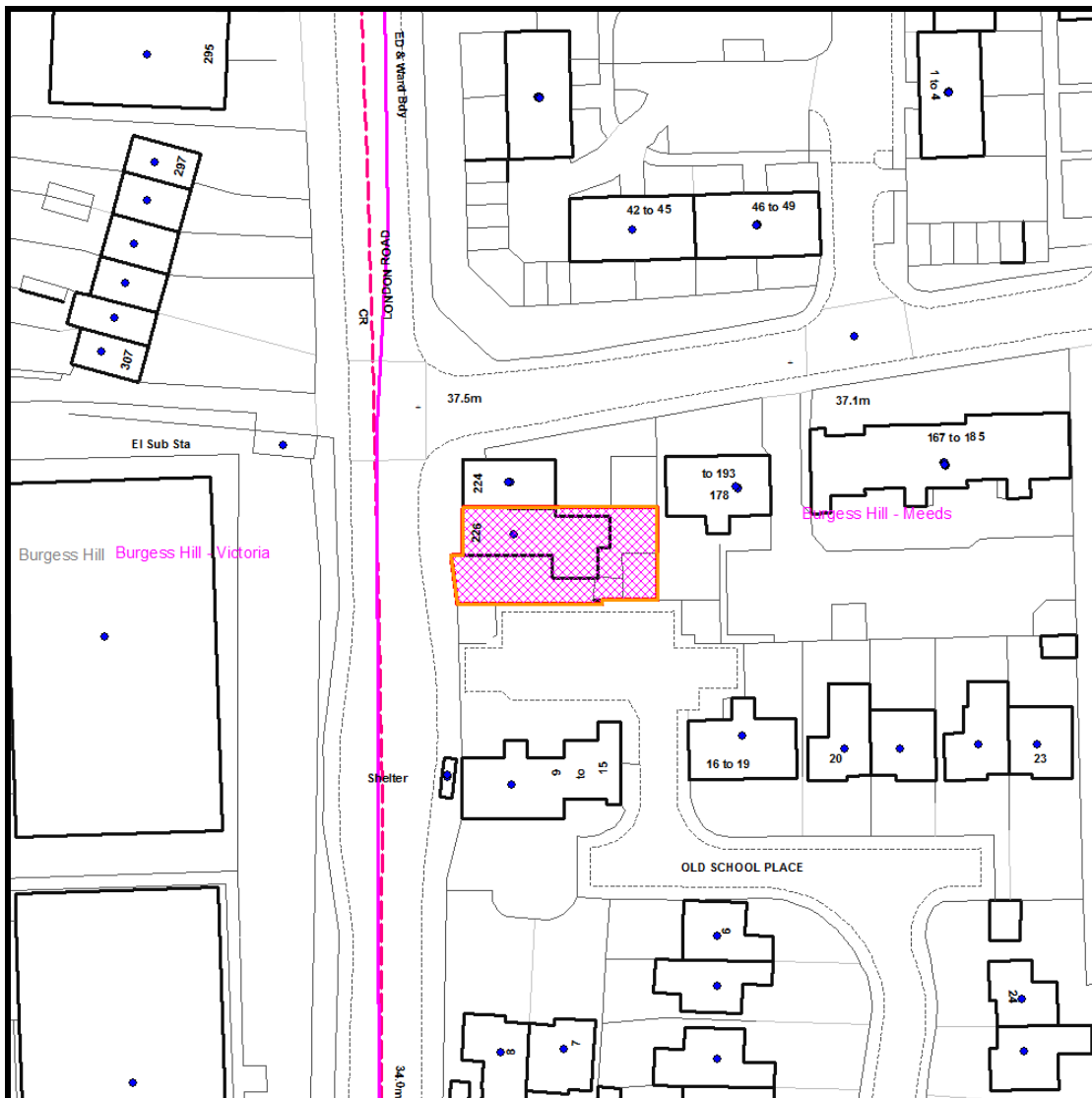
Planning Committee

26 SEP 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/3204



**226 LONDON ROAD BURGESS HILL WEST SUSSEX RH15 9QR
RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF A
RAISED DECK IN THE PRIVATE REAR AMENITY AREA, WITH A NEW
REAR BOUNDARY FENCE.
MR ATHIKUR RAHMAN**

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

ODPM CODE: Minor Other

8 WEEK DATE: 4th October 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Andrew Clarke

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 for the retention of decking and a fence to the rear of an A3 restaurant for use by staff and the occupants of the first floor accommodation.

The application is before committee as a Member for the Burgess Meeds Ward has an interest in the land.

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 application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework.

The decking has been laid on a courtyard already used in association with the first floor residential accommodation and no change of use of the land has taken place. The decking is well screened and does not cause harm to the character and appearance of the area. The fence is visible but is considered necessary to mitigate any potential harm to amenity.

The area borders onto an outdoor amenity space serving neighbouring properties to which a level of overlooking already occurs. On the basis that the decking is solely for use of occupants of the first floor flats, as the courtyard already is, and that conditions can be imposed preventing its use by patrons of the A3 restaurant, it is considered that there is no additional harm to amenity.

The development is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, the contents of the Burgess Hill Neighbourhood Plan and

the requirements of the NPPF.

Planning permission should therefore be granted.

Recommendation

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

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Burgess Hill Town Council noted the application had been referred to this Committee.

Introduction

This application seeks planning permission under S.73A of the Town and Country Planning Act to retain an area of decking and the erection of a new boundary fence.

The application is before committee as a Member for the Burgess Meeds Ward has an interest in the land.

Relevant Planning History

There is no planning history relevant to the determination of the application. Whilst the business occupying the premises has recently changed it remains as a lawful mixed A3/A5 use.

Site and Surroundings

The property at 226 London Road Burgess Hill is a restaurant operating under the name Naasta under an A3/A5 restaurant / takeaway use. The building forms the southern part of a three storey semi-detached building lying on the main London Road on the southern approach to Burgess Hill town centre. The other side of the semi-detached building is also in use as an A5 takeaway.

The site lies at the junction of London Road and Station Road with traffic lights and a pedestrian crossing in front with the site having significant wider views from the main road and traffic passing through the town.

To the rear of the property lies the residential flats at 178 to 193 Station Road which benefit from a small outdoor amenity space which borders onto the site and which is separated from the area of decking by a low brick wall.

Application Details

The application seeks planning permission of the installation of decking to the rear of the restaurant. The decking is raised and occupies an enclosed area which was already in use as informal amenity space for the occupants of the flats, who are staff at the restaurant. The decking is of timber construction and approximately 0.3m high with an access ramp. There is a 1m high timber barrier to one edge of the decking close to the building and to the eastern edge bordering the flats, a 1.5m high close boarded fence has been erected in front of the wall.

The decking was constructed during the summer of 2019 and is now complete. The application is retrospective and therefore made under S.73a of the Town and Country Planning Act 1990.

List of Policies

Mid Sussex District Plan 2014-2031

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

DP26 - Character and Design

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbour Plan has been made and is a material consideration with full weight attached.

National Policy

National Planning Policy Framework (NPPF - 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; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

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

National Planning Policy Guidance

Assessment (Consideration of Key Issues)

Planning legislation holds that the determination of applications shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The main issues considered relevant to this application are the impact on the character of the area and impact on neighbour amenity.

Impact on the Character of the Area

The area in which the decking lies is a small courtyard surrounded on three sides by high walls forming the buildings at 226 and 224 London Road. The area is visible from within the amenity area serving the flats at 178 to 193 Station Road but these are not substantial views and the rear courtyard does not contribute to the character and appearance of the area. The decking is of a high quality design and finish and represents a visual improvement to the courtyard. The fence is of an acceptable design and whilst it obscures views of the more attractive wall it should be noted that the fence in itself does not require planning permission and, as is noted below, seeks to address any concerns relating to neighbour amenity.

The development is therefore considered to be acceptable in respect of its design and impact upon the character and appearance of the surrounding area.

Neighbour amenity

The rear courtyard abuts an outdoor amenity area used collectively by the flats at 178 to 193 Station Road. Whilst not completely hidden from wider public views the area is secluded and provides some outdoor space for the flats.

Policy DP26 of the District Plan states that development can be supported where it:

'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

The test is therefore which there is *'significant'* harm to amenity by virtue of privacy and noise. The area upon which the decking is placed was already used as amenity space for the first floor accommodation above the restaurant and therefore no change of use has taken place. The installation of the decking improves the area and does make it more likely that the area will be used by occupants, however, considering the small size of the flats and the small area of decking it is unlikely that the use would be intensive. It is noted that the decking is raised and therefore allows additional views into the amenity space serving the flats at 178 to 193 Station Road, however, any additional impact has sought to be mitigated by the erection of the timber fence. This reduces views and ensures any additional impact to privacy is minimal. Therefore considering the courtyard is not being used any differently and that any harm has been mitigated it is not considered that any additional impact upon amenity can be considered to be significant for the purposes of policy DP26.

It is noted that the decking is adjacent to the restaurant, although there is no direct access to or for patrons. The application states that the decking is to be used solely in connection with the residential flats above the restaurant and will not be used by patrons either for eating or congregating. Should the decking be used in connection with the restaurant this would require further consideration and a different view and recommendation may be formed. As such it is necessary to impose a condition restricting the use of the decking solely to occupants of the first floor flat and that it shall not be used in association with the A3 use in order to ensure the protection of neighbour amenities.

Other matters

It is noted that the development has already taken place without planning permission and as such the application is made under S.73a of the Town and Country Planning Act. Whilst the undertaking of development without planning permission is not condoned, as stated above planning applications must be solely considered against the policies of the development plan and that the development has already taken place is not a planning consideration and the application cannot be prejudiced by virtue of its retrospective nature.

Planning Balance and Conclusions

In accordance with paragraph 47 of the NPPF application must be considered unless material considerations indicate otherwise.

The installation of the decking and erection of a fence is considered to be of an acceptable design which does not harm the character and appearance of the area. The decking is to be used solely by occupants of the first floor flat and as such the area has not undergone a change of use and whilst by virtue of its improved quality may now be used more intensively, there would not be a substantial change in the relationship with the amenity space serving the flats at 178 to 193 Station Road and the erection of a fence prevents overlooking. Conditions pertaining to its use and preventing its use by patrons of the A3 use can be imposed and therefore neighbour amenity can be protected.

The development therefore does not cause harm to the character and appearance of the surrounding area nor results in a significant harm to neighbour amenity and as such complies with policy DP26 of the Mid Sussex District Plan 2014-2031, the contents of the Burgess Hill Neighbourhood Plan, as well as those of the NPPF and the application is recommended for permission.

APPENDIX A – RECOMMENDED CONDITIONS

1. The decking hereby approved shall not be used in association with the A3 use (or any other commercial use) operating from the site.

Reason: To protect the amenities of neighbours and to accord with policy DP26 of the District Plan.

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

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

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

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

4. The fencing to the eastern boundary as shown on approved drawing NBH.002 shall be retained at all times and should not be altered, amended or removed without the prior written approval of the Local Planning Authority.

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

INFORMATIVES

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

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	NBH.001		09.08.2019
Proposed Floor and Elevations Plan	NBH.002		09.08.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: This application had been referred to Mid Sussex District Council Planning Committee.

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