
1 December 2020

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 10TH DECEMBER, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. Roll call and Virtual Meetings explanation.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 12 November 2020. **3 - 14**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

6. DM/19/4077 - 60-64 Church Walk, Burgess Hill, RH15 9AS. **15 - 48**

Items Recommended for Refusal.

None.

Working together for a better Mid Sussex

Other Matters.

7. TP/20/0002 - Ayrton House, Borers Arms Road, Copthorne, Crawley, West Sussex RH10 3LH 49 - 54
8. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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, 12th November, 2020
from 4.00 - 7.00 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

Also Present: Councillors A Peacock and R Whittaker

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal Representative explained the virtual meeting procedure.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Walker.

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

The Vice-Chairman declared a personal interest in application DM/20/1647 - East Grinstead Sports Club, Saint Hill Road, East Grinstead, West Sussex, RH19 4JU as his son is the Vice-Chairman of the Hockey Club.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 8 OCTOBER 2020

The Minutes of the meeting of the Planning Committee held on 8 October 2020 were agreed as a correct record and signed electronically by the Chairman.

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

The Chairman had no urgent business.

6 DM/20/2976 - THE HEATH RECREATION GROUND, PERRYMOUNT ROAD, HAYWARDS HEATH, WEST SUSSEX

Katherine Williams, Planning Officer, introduced the application which sought permission for the erection of a 40-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. She noted that the application was brought before the Committee as the site is located on land owned by Mid Sussex District Council.

The Vice-Chairman proposed to move straight to the recommendation to approve the application. The proposal was seconded by Cllr MacNaughton.

The Chairman took Members to the recorded vote, which was carried out by the Legal Officer, and the application was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
J. Dabell	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

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

7 DM/20/1647 - EAST GRINSTEAD SPORTS CLUB, SAINT HILL ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 4JU

Steven King, Planning Applications Team Leader, introduced the application which sought planning permission for a change of use of an agricultural field to a sports field and the erection of a yurt at East Grinstead Sports Club, Saint Hill Road, East Grinstead.

Cllr Rex Whittaker, East Grinstead Town Council, spoke in favour of the application.

Martin Donaghy, local resident, spoke in objection to the application.

Clemency Scarfe Beckett, local resident, spoke in objection to the application.

Simon Curtis, local resident, spoke in objection to the application.

Bob Shelley, East Grinstead Sports Club, spoke in favour of the application.

Richard Leman, Trustee of East Grinstead Sports Club, spoke in favour of the application.

Steve Phillips, Chairman of East Grinstead Meads Football Club, spoke in favour of the application.

Cllr Adam Peacock, Ward Member, spoke in objection to the application. He expressed his support for the District Council's aspirations for improving sports pitches in the District however he raised concerns on the harm caused to the neighbouring amenity and the formalisation of the irreversible change from agricultural land, of which sits within the High Wield Area of Outstanding Natural Beauty, to a sports field.

The Planning Applications Team Leader provided an explanation of the historical and current use of the site. He noted the proposal would not make significant physical changes to the site but highlighted that the main concern of officers is the formalisation of the change of use of the site. He outlined what was proposed in the application and highlighted the main issues to consider and summarised how they had been assessed in the committee report. He outlined that the Committee would have to assess the application against the relevant development plan policies and material considerations, some of which weighed in favour of the scheme and some which weighed against the scheme, to come to a view on the application.

In response to a query from the Chairman the Planning Applications Team Leader highlighted how the site is used currently under permitted development rights. He went through the photographs that showed what was on and around the site at present time.

The Chairman and Vice-Chairman stated that they sat on the Planning Committee which refused the previous application in 2011 however they came to the meeting with an open mind to hear the consideration of the committee, officers and public speakers.

The Chairman drew attention to the Prime Minister's promotion of young people engaging more with sporting activities.

A Member also drew attention to the Prime Minister's comments and noted that there is an increasing amount of young people in the town. He mentioned that the field is already being used by the Sports club and Treehoppers so he believed that, with the right mitigations, the change of use would not cause substantial harm. He supported the aim of providing young people with better facilities for outdoor sport. He did not consider it would cause significant harm to neighbouring properties. He believed that the application should instead be approved and proposed a motion to approve the application.

The Vice-Chairman noted that the neighbouring properties are newly built and supported the encouragement to get more young people engaging with sports. He did not consider the proposal would harm the amenities of neighbouring properties.

A Member expressed his support for the District Council Playing Pitch Strategy and recognised the need for more football pitches within the town. He also expressed the need to be consistent in deliberating planning matters and could not see any difference to the previous application brought before the Committee in 2011. He noted that no noise survey was carried out to see how the noise from the club affects local residents and that the East Grinstead Society recommended refusal to the application. He sought clarification on the final bullet point on P.212 of the Report which refers to other sports being played on the pitch during quieter times.

The Planning Applications Team Leader confirmed that the final bullet point on P.212 states that the field will be used at a time when the other sports facilities at the East Grinstead Sports Club are quieter. He added that he had been in discussion with the

Environmental Protection Officer officers who haven't had any complaints with the field under its temporary permitted development rights; the complaints that had been received by the Environmental Protection Officer related to noise at the main facilities during events and musical performances. The Planning Applications Team Leader advised that whilst there had not been a noise survey supplied with the planning application, the site has been used for 28 days a year for sporting activities under permitted development rights. Therefore, the Environmental Protection Officer had the benefit of this existing use to draw upon when making his comments on the planning application.

A Member recognised the need to all ages to get active and engage with sports however he believed that the need does not overcome the clear policy directive of Paragraph 172 of the NPPF which states that great weight should be given to the protection of National Parks and Areas of Outstanding Natural Beauty.

A Member stated that in his view the proposal would not detract from the character of the AONB. He stated that the need for the facility outweighed any harm to the AONB. A Member referenced the additional housing East Grinstead has received and highlighted the need to develop more leisure facilities to cope with the increasing demand.

The Chairman noted the proposed motion to approve the application and so asked the Planning Applications Team Leader to provide advice to the Committee should it be minded to do so.

A Member sought clarification if the motion to approve the scheme was to approve it on a permanent basis or a temporary planning permission.

A Member proposed that the motion to approve the application should be for a permanent and not a temporary planning permission.

The Planning Applications Team Leader explained that the only construction on the site is the yurt. He explained that as set out in the committee report planning applications must be determined in accordance with the development plan unless material planning considerations indicate otherwise. He explained that when assessing whether a scheme was in compliance with the development plan, this means the development plan when read as a whole. He explained that it is not the case that a planning application must comply with each and every policy in the development plan.

The Planning Applications Team Leader advised that great weight should be given to conserving the natural beauty of the AONB as required by planning policy and the NPPF. He outlined that there was support in policies DP24 and DP25 of the District Plan for improved leisure facilities. He also advised that the need for additional pitch provision was a material planning consideration that weighed in favour of the application. He advised that on balance officers did not support the application for the reasons that were set out in the committee report. He advised that the Committee would have to balance any adverse impact on the appearance of the AONB, if they considered there was harm to the AONB, against the positives of the improved facilities. He added that the Committee could condition that there couldn't be any physical works to the site.

Cllr John Dabell proposed to move to approve the application and Cllr Emma Coe-Gunnell White seconded the proposal.

The Planning Applications Team Leader confirmed the conditions regarding the times, dates and hours of use of the site as well the ecological condition proposed by the Ecology Adviser. He added that the Committee could include a condition that if the site ceases to be used for sporting activities then the yurt would be removed, and the use of the field would revert back to agricultural. He referred to P.212 of the Report as the conditions there would form the basis of conditions regarding the times of use for the approval.

The Chairman explained to Members that the vote was for a permanent planning permission to be granted subject to appropriate conditions on the basis that the committee did not consider that there was an adverse impact on the AONB by permanently formalising what was already taking place on the site. The Chairman took Members to the recorded vote to approve the application, carried out by the Legal Officer and the application was approved with nine votes in favour and two against.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
J. Dabell	Y		
R Eggleston		Y	
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman		Y	

RESOLVED

That planning permission be approved subject to conditions regarding the times of use of the field, ecology, floodlighting any other such condition that the officers feel appropriate, wording of which to be approved by the Chairman and Vice-Chairman.

8 DM/20/2381 - THE WEALD INN, ROYAL GEORGE ROAD, BURGESS HILL, WEST SUSSEX, RH15 9SJ

[Cllr Coote left the meeting at 5:30pm]

Joanne Fisher, Senior Planning Officer, introduced the application which sought planning permission for the demolition of the existing public house and redevelopment of the site to provide 10 dwellings with associated access, parking, and landscaping at The Weald Inn, Royal George Road, Burgess Hill. She directed Members' attention to the Agenda Update Sheet which noted that the Mid Sussex Design Guide has now been approved by the Council and now forms a material planning consideration.

Billy Clements, agent of the applicant, spoke in favour of the application.

A Member said it was regrettable to see the closure of another pub in the town however he complimented the application for an attractive scheme. He expressed concerns with the access to the site as the road leads to Southway Primary School which can get very busy during peak times. He expressed his disagreement with the

approach taken with the allocation of Section 106 contributions as it ignores the Town Council's Bee Hive project.

Jennifer Bale, Solicitor, confirmed that the collection of monies needs to meet the three tests in the Community Infrastructure Levy (CIL) Regulations, the most relevant relating to the allocation of funding within the proximity of development and the nearest being the play space at Fairfield Recreation Ground.

The Senior Planning Officer confirmed that whilst the Town Council can request where funding is allocated it is for the District Council to decide where the monies are spent, which for this application is the Fairfield Community Centre and Place and Connectivity Programme.

A Member noted that the Bee Hive scheme is not ready and therefore the contributions could not be put in reserves where it could stay there indefinitely. He expressed that he did not want to keep money for specific schemes when there are other schemes that are ready.

A Member believed the scheme was very well designed and whilst he supported the Bee Hive project he felt that there were very worthy activities at Fairfield Community Centre which should receive the contributions.

A Member also mentioned that the closure of the pub was regrettable and that it was an excellent use of a brownfield site. He felt surprised that the scheme had been designed to allow car parking at the back of the development as he was aware that planners have insisted that parking areas can be seen from the road so that the area does not become susceptible to crime. He also felt that the parking spaces does not take into account the visitors to the properties.

The Senior Planning Officer replied that there are 20 parking spaces for the site with some houses provided with parking to the side of the houses; the rear parking court is unallocated. She noted that the Design Principle DG9 in the Mid Sussex Design Guide SPD supports parking courts in high density areas and the layout has been designed to negate the need for a number of vehicle access routes into the site.

The Chairman took Members to the vote to approve the application, which was proposed by Cllr Emma Coe-Gunnell White and seconded by Cllr Eggleston.

A recorded vote was carried out by the Legal Officer and the application was approved with nine votes in favour and one against.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
J. Dabell	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer		Y	
D. Sweatman	Y		

RESOLVED

A

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

and

B

That if the applicants have not submitted a satisfactory signed S106 Legal Agreement securing the necessary infrastructure contributions by the 12th February 2021, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

9 DM/20/0979 - BUXSHALLS, ARDINGLY ROAD, LINDFIELD, WEST SUSSEX

Stuart Malcolm, Senior Planning Officer, introduced the application which sought planning permission for a change of use, adjustment and refurbishment of 19 dwellings for the over 55's to provide 15 dwellings; change of use, adjustment and refurbishment of Buxshalls House from a 21 bed nursing home to provide 11 dwellings; construction of 9 new dwellings; associated adjustments to landscaping and car parking with no age restrictions on any new or refurbished dwellings.

Brendan Tracey, architect of the application, spoke in favour of the application.

A Member noted the improvements to the site and felt that the retention of the existing building as well as the good use of space and fair number of dwellings on the site is positive.

The Chairman outlined that the application is much better than what has been previously proposed at the site and would bring a magnificent building back into use.

A Member concurred with the Chairman and welcomed the provision of electrical vehicle charging points. He expressed concern that some of drainage arrives at a local pond which then feeds into the River Ouse thereby allowing oil and other potentially harmful substances to pollute the River. He also expressed concern that the parking is short for the number of dwellings on the site.

The Senior Planning Officer highlighted that there are to be soakaways on the site that should address the issue raised whilst the drainage engineers will review the condition submissions to ensure that there is an acceptable approach to addressing any issues. He outlined the dwelling mix, including a number of smaller units, and noted that the 70 spaces for the 35 dwellings was deemed sufficient. However, there is sufficient space within the application site to explore additional parking on the site should it be needed in the future.

The Chairman took Members to the vote to approve the application, which was proposed by Cllr MacNaughton and seconded by the Chairman.

A recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
J. Dabell	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

A: That, subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards SAMM and SANG mitigation as set out in the Assessment section of the Officer report, planning permission be granted subject to the conditions set out in Appendix A;

and

B: That if the applicants have not completed a satisfactory signed planning obligation securing the necessary SAMM and SANG mitigation by the 12th February 2021, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason: 'In the absence of a signed legal agreement the application fails to deliver the necessary SAMM and SANG mitigation and as such conflicts with Policy DP17 of the Mid Sussex District Plan.'

10 **DM/20/2899 - LAND TO THE WEST OF FREEKS LANE, FREEKS LANE, BURGESS HILL, WEST SUSSEX**

Stuart Malcolm, Senior Planning Officer, introduced the application which sought planning permission for the installation of a surface water drainage pipe to support SUDS features approved under the Freeks Farm development (DM/19/3845).

The Chairman noted that no Member wished to speak so moved to the recommendation to approve the application, which was proposed by Cllr Coe-Gunnell White and seconded by Cllr Cartwright.

A recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
J. Dabell	Y		
A. MacNaughton	Y		

G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

That planning permission be granted subject to the conditions set out in Appendix A.

11 **DM/20/2937 - KINGSLAND LAINES, REEDS LANE, SAYERS COMMON, HASSOCKS, WEST SUSSEX, BN6 9JG**

Steven King, Planning Applications Team Leader, introduced the report which sought planning permission to amend the provision of dwellings on an approved housing site at Steven King, Planning Applications Team Leader, introduced the report which sought planning permission to amend the provision of dwellings on an approved housing site at Kingsland Laines in Sayers Common to deliver a greater number of two and three bedroom properties and a reduction in the number of four and five bedroom properties. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net increase of 13 dwellings.

Cllr Bob Sampson, Hurstpierpoint and Sayers Common Parish Council, spoke in objection of the application.

Sam Sykes, agent of the applicant, spoke in favour of the application.

A Member stated that it was good to have more two- and three-bedroom houses in the area which young people can afford.

A Member said he was assured that electric vehicle charging points will be put in for the development and the issue with the storage of the properties' waste bins have been addressed. He expressed a serious concern with the sewage of the site as was aware of shortcomings within his own ward from Southern Water.

The Chairman noted the original application which stated that there would be an upgrade to the pump station and hoped that this would be carried out before the houses are constructed.

A Member also expressed concerns about Southern Water and requested concrete commitments that they can cope with the additional sewage as he was aware of shortcomings from Southern Water in Crawley Down.

The Planning Applications Team Leader confirmed that there are 33 proposed electric vehicle charging points. He outlined that regarding surface water, the developer has reassessed drainage calculations for the application. He drew Members attention to the fact that the amount of built form and hardstanding in the replanned area was very similar to the previously approved scheme. He stated that the Councils drainage engineers have looked carefully at the replanned area and are satisfied that the scheme can be properly drained. Regarding foul water, he explained that Southern Water are the statutory body responsible for providing foul drainage and they have stated that they can take the additional demand and the Committee would have to take their commitment at face value. He stated that the Supreme Court has confirmed that developers have an absolute right to connect to

the foul drainage system and that if further works are required then this can be dealt with by a planning condition.

The Member requested that a condition be added to the application to ensure that the improved pumping station be operational before any houses are occupied to prevent sewerage backing-up into people's homes as what occurred in his own ward.

The Planning Applications Team Leader directed Members' attention to P.172 which covers the drainage details. He added that drainage details for the site have already been approved under the existing scheme and the drainage condition requires details of the effect of this proposal.

A Member felt that it was good to see developers providing more realistic houses in their developments.

The Chairman took Members to the vote to approve the application, which was proposed by Cllr Coe-Gunnell White and seconded by Cllr MacNaughton.

A recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
J. Dabell	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

A

That permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary affordable housing and infrastructure contributions and the conditions listed at Appendix A and the additional conditions listed in the Agenda Update Sheet;

and

B

That if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments by the 4th February 2021, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.

12 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.00 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

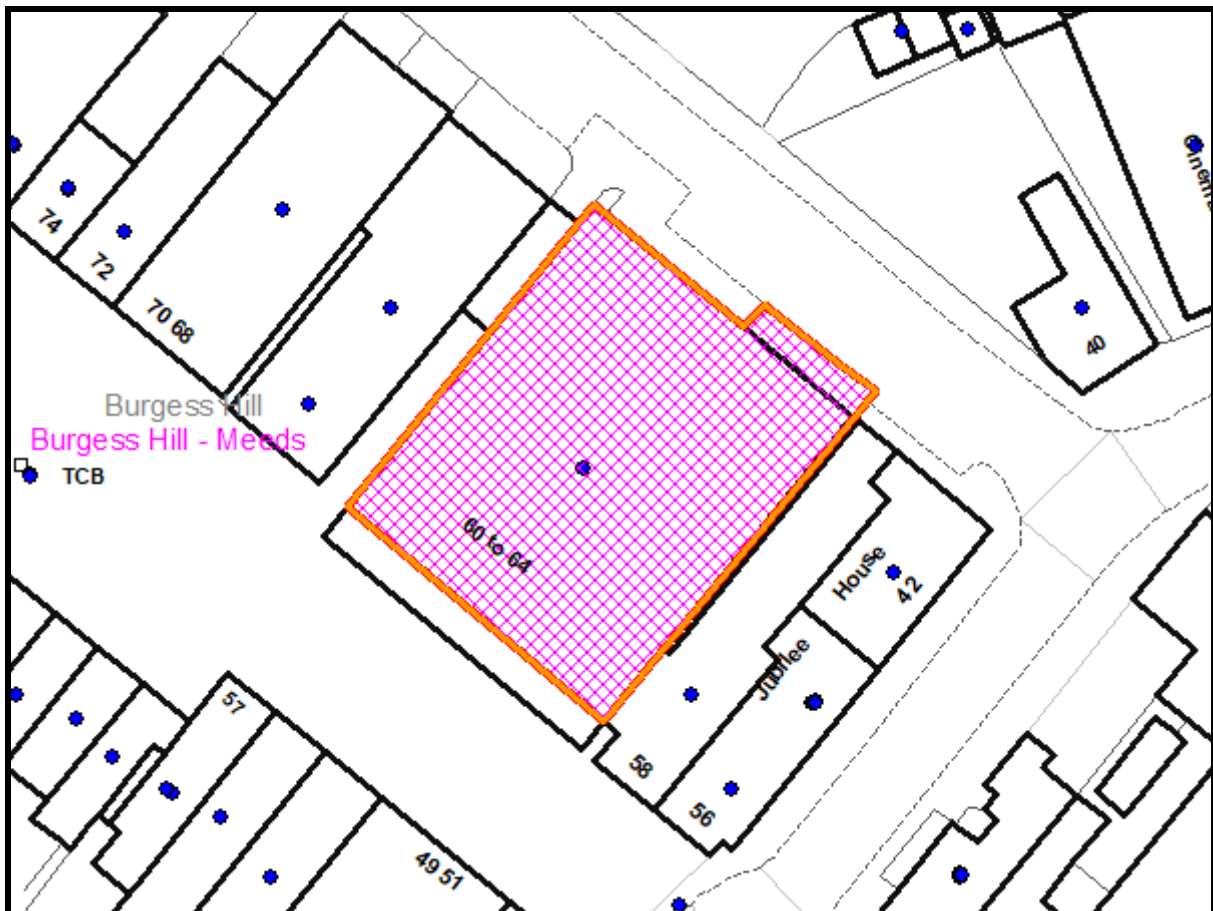
Planning Committee

10 DEC 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/4077



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**60 - 64 CHURCH WALK BURGESS HILL WEST SUSSEX RH15 9AS
CHANGE OF USE OF FIRST FLOOR AND ERECTION OF ROOF
EXTENSION TO CREATE TWO ADDITIONAL STOREYS PROVIDING 15
RESIDENTIAL (USE CLASS C3) APARTMENTS. (AMENDED PLANS
RECEIVED 20/08/2020 WITH SHOWING REVISED DESIGN)
NEW RIVER RETAIL (GP3) LTD**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radon Gas
Safeguarding Zone / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 24th July 2020

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for a development of 15 residential units above the existing Iceland retail store in Church Walk, Burgess Hill. The scheme consists of a change of use of the existing first floor space and an additional two new storeys of accommodation above.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

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

The principle of development is supported by policy DP2, DP4 and DP6 of the DP and policies TC2, TC4 of the NP.

The proposal would result in the delivery of 15 residential units within a highly accessible and sustainable location, that would boost the Council's housing supply. Additional dwellings in the town centre would also help support local business. These matters should be given significant weight.

It is considered that the scheme proposed is of a scale and form appropriate to its town centre location. The design of the of proposal is such that it is considered to make a positive contribution to the character and appearance of the area and it would not be detrimental in townscape views. In this respect, the application complies with policy DP26 of the DP.

The proposed development would not give rise to any highway network or safety issues and while it does not propose any parking provision for future residents, it is in a highly sustainable location with good access to services and choice of alternative transport modes. It is considered that the application complies with policy DP21 of

the DP.

It is not considered that the proposal would give rise to any likely significant impacts on existing residential amenities and while there are a small number of bedroom windows at first floor they may a limit amount of direct daylight, it is considered as a whole that the scheme will provide acceptable living conditions for future occupiers and as such the application complies with policy DP26 of the DP.

It has been demonstrated through an independently reviewed viability assessment that the scheme is unable to support a policy compliant level of affordable housing, however, an off-site financial contribution equivalent to two affordable units is being secured through a s106 Agreement. In accordance with the Council's adopted Supplementary Planning Documents, a further review clause will be secured through a s106 Legal Agreement to enable a review of the scheme's value at a later point in the development. In addition, the S106 Agreement will secure the required infrastructure contributions to mitigate the developments impact. The application complies with policies DP20 and DP31 of the DP in this regard.

It considered that through the use of conditions matters associated with drainage, accessibility, and noise mitigation can be appropriately controlled and there would be no adverse impacts with respect to these matters.

The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

A New Homes Bonus would be received.

Against the proposal, it has been identified that there is a shortfall in parking provision against the standards set out in the Neighbourhood Plan.

Having regard to all the identified issues, it is considered that the that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended that planning permission be granted for this development subject to the conditions set out in appendix A and the completion of the s106 Legal Agreement to secure the Infrastructure and affordable housing contributions and the viability review clause.

RECOMMENDATION

Recommendation A

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure an affordable housing contribution £126,000, a viability review clause based upon upper quartile build costs and GDV included in DSP's Viability Assessment (and allowing for 7% build contingency necessary), the necessary infrastructure contributions and the conditions listed at Appendix A.

Recommendation B

It is recommended that if a satisfactory legal agreement has not been entered into by 10th March 2021 then the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

The proposal fails to provide the necessary infrastructure to serve the development and fails to provide the required affordable housing. The scheme therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031.

SUMMARY OF REPRESENTATIONS

3 letters of objection received stating the following;

- The town needs more shops.
- Insufficient parking proposed, will lead to pressure on surrounding residential roads.
- Height of building will overshadow Church Walk.
- Lack of infrastructure to support new development.
- Priority should be given to improving the attractiveness of the town centre.

SUMMARY OF CONSULTEES (full comments can be found on the file)

MSDC Urban Designer

This scheme accords with the guidelines in the Design Guide and specifically the provisions of DG32 by demonstrating that the scale, height and massing does not cause significant harm to the amenity of adjacent properties; nor adversely impact on views of the wider townscape and landscape; and does not adversely impact on the quality of the streets and spaces. I therefore raise no objections to this revised planning application but, to secure the quality of the design I suggest suitable conditions.

MSDC Housing Officer

It is recommended that a section 106 agreement includes a requirement for firstly, a commuted payment in the sum of £126,000 to be paid in full at start on site in lieu of 2 x 2 Bed units of affordable housing and secondly, that a viability review clause is included in the section 106 agreement based on the Upper Quartile build costs and GDV included in DSP's Viability Assessment and allowing for the 7% build contingency.

MSDC Community Facilities Project Officer

No objection subject to securing infrastructure contributions to mitigate the impact of the development.

MSDC Drainage Officer

No objection subject to conditions.

MSDC Environmental Protection Officer

No objection subject to conditions.

WSCC Highways

No objection.

WSCC Infrastructure

No objection subject to securing financial contributions to mitigate the impact of development on the local infrastructure.

Southern Water

No objection.

BURGESS HILL TOWN COUNCIL

The Committee reiterated their previous comments on this application. The Committee regretted there seemed to be no scheme put forward for a heat recovery system from the frozen food store in providing energy for the apartments.

Previous comments (14th January 2020)

Recommend Refusal

The application did not meet WSCC guidance on parking at new developments, or the Neighbourhood Plan parking guidelines. The Committee requested enclosed cycle racks, with capacity for 12 bikes. The Committee requested the applicant to provide justification for why there was no affordable social housing.

If Mid Sussex District Council is minded to recommend approval, the Town Council's Planning Committee's recommendations with regard to Section 106 needs associated with this development are as follows:

Section 106 monies should be spent within the town centre. The Committee would request it to be spent on environmental enhancements and a contribution towards community facilities, specifically towards appropriate planters with dwarf bushes (not trees), and any excess to go towards the Beehive Community Centre.

INTRODUCTION

Planning permission is sought for a development of 15 residential units above the existing Iceland retail store in Church Walk, Burgess Hill, consisting of a change of

use of the existing first floor space and an additional two new storeys of accommodation above.

RELEVANT PLANNING HISTORY

There is no directly relevant planning history associated with this site.

SITE AND SURROUNDINGS

The site comprises of a two storey flat roof building that is occupied at the ground floor by Iceland (A1 retail use) with the lawful use of the first floor being ancillary storage associated with the retail use below.

The frontage is rendered at ground floor (shop front), with a brick fascia at first floor level. There are six vertical windows cut into the building at the upper level to provide some limited light into this space.

The site is located on Church Walk, a pedestrianised part of Burgess Hill town centre with commercial uses at ground floor. Above these commercial uses is a mix of office space and some residential units, with buildings predominately three storeys in height.

Immediately to the south of the building is a pedestrian walkway linking Church Walk with the Cyprus Road car park.

Service access to the site is provided by Crescent Way to the rear of building.

APPLICATION DETAILS

Full planning permission is sought for the development of the 15 residential units above the existing Iceland retail food store in Church Walk, Burgess Hill.

The proposal will consist of the change of use of the existing first floor storage space to form 3 residential units, with 12 further units provided across two new additional floors of accommodation.

At the existing first floor level the proposed three units will front onto Church Walk, with the associated plant for the retail unit and located at the rear, with a landscaped area in between. The upper two new floor will be open to this central open space.

The proposed upward extension will be in match brick work, apart from the upper floor that will set in slightly and faced in standing seam metal effect cladding. Juliet balconies will be provided to all units.

The proposed accommodation will be made up of the following;

- 3 x 1 bed (2 person) units
- 3 x 2 bed (3 person) units
- 9 x 2 bed (4 person) units

It is proposed that the development will not provide for any affordable housing, with all the 15 apartments being open market units. To support their case the applicants have submitted a full viability assessment.

No parking provision is being made for proposed residential, although cycle provision is being made at the rear of the site.

LIST OF POLICIES

Mid Sussex District Plan

DP2 - Town Centre Development
DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing infrastructure
DP21 - Transport
DP23 - Communication Infrastructure
DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure & the Water Environment

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on the 28th January 2016 and forms part of the Development Plan for the district. It can be given full weight.

Relevant policies include;

TC2 - The Leisure and Entertainment Quarter
TC4 - The Retail Quarter
TC6 - Urban Realm and Access in the Town Centre
S4 - Parking Standards for New Development

Other Material Considerations and Relevant Legislation

Mid Sussex Design Guide

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of

planning applications. The SPD is a material consideration in the determination of planning applications.

In particular principles DG31 (focus development in sustainable locations) and DG32 (managing increased density in town centres) are of relevance to this application.

SPD Development Infrastructure and Contributions (2018)

SPD Affordable Housing (2018)

SPD Viability Assessments (2018)

National Planning Policy Framework (2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. 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 service; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing'.

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

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on the proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permissions 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.

Paragraph 85 of the NPPF states that planning policies and decision should support the role the town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

National Planning Policy Guidance (NPPG)

SPD Development Infrastructure and Contributions (2018)

SPD Affordable Housing (2018)

SPD Viability Assessments (2018)

Technical Housing Standards

Habitat Regulations

ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Transport / Parking
- Housing and Affordable Housing
- Residential Amenity
- Infrastructure and Deliverability
- Ashdown Forest
- Air Quality and Noise
- Other Issues
- Planning Balance and Conclusion

Principle of Development

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

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

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

- a) The provisions of the development plan, so far as material to the 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.'

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Burgess Hill Neighbourhood Plan (BHNP).

With regard to the policy context within the DP, policy DP2 deals with town centre development and states, inter alia;

'To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- *Is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- *Has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.'*

Policy DP4 sets out the overall housing need for the plan period and the DP6 (Settlement Hierarchy) states;

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale with particular regard to DP26: Character and Design), and cause harm to the character and function of the settlement.'

The site lies within the built-up area of Burgess Hill, a category 1 settlement as defined in the District Plan.

With regard to the NP, the town centre is identified within a specific study area where five separate quarters are identified, each with different characteristics, and each with their own policy.

NP policies TC2 (the Leisure and Entertainment Quarter) and TC4 (the Retail Quarter) both apply to the site in whole or part and promote developments including retail and entertainment uses, amongst others. Paragraph 5.6 of the Neighbourhood Plan states;

'It is recognised that in regenerating the town centre over a period of time it will be necessary to be able to approach opportunities for redevelopment in a flexible way across the Quarters to secure a successful regeneration.'

The above demonstrates that a flexible approach needs to be taken when considering the redevelopment proposals across the 'Quarters' as a whole.

Having regard to the above policy position within the Development Plan as whole and given that the proposed uses consistent with those identified for the town centre, the principle of the proposed development should be supported.

With this established, consideration needs to be given to the detailed matters associated with the proposal and these will be assessed in the remainder of the report.

Design and Visual Impact

Policy DP26 of the District Plan requires developments to demonstrate high quality design and layout, which includes appropriate landscaping and greenspace. Furthermore, it states that development should positively contribute to public and private realms and create a sense of place, while addressing the character and scale of the surrounding area.

In respect of the MSDC Design Guide, principle DG31 promotes the opportunity for greater concentration of development in the District's town centres, while DG32 identifies opportunities to intensify development (height and massing) within town centres to between four and six storeys, providing that it does not adversely impact on views of the wider townscape and the quality of the streets and spaces, amongst other things.

Paragraph 117 of the NPPF states in part:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

Paragraph 122 of the NPPF states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

Paragraph 124 of the NPPF states that:

'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

The scheme has been carefully considered by your Urban Designer and has been amended during the course of the application to respond to issues and it is this amended scheme that is presented to committee. The comments of your Urban Designer can be found in full in appendix B of this report.

In respect of the design of the scheme your Urban Designer has stated;

'The revised drawings feature a much-improved design with a Church Walk elevation that features a sub-divided façade that responds to the narrower bay widths that are a feature of the older properties in Church Road and Church Walk. This has been achieved by externally reflecting the internal arrangements of the flats that naturally generate a consistent rhythm of larger and smaller windows (that respectively serve the living rooms and bedrooms) alternately replicated. With the application of vertical articulation in terms of both the window grouping and the vertical shadow line that clearly divides the frontage into three parts (and skilfully coordinates with the shopfront pilasters below), the impression is given of a three-house terrace rather than a block of flats. This and the differently articulated top floor (which also benefits from a modest set-back) significantly reduces the building's apparent scale and works much better with the rhythm of the existing frontages than the squat proportions of the existing two storey building.'

There is no overall prevailing character, in respect of building design, within Church Walk and it is considered that the proposal presents a coherent and restrained response to increasing the height of the building and the view of your Urban Designer are supported.

In terms of impact, it is recognised that the building will be taller than the predominately 3 storey buildings within Church Walk, however the slight set back of the top floor (and the use of differing materials for this element) will ensure that the building will not be unduly prominent. It is considered that the proposal is of an appropriate scale in relation to its function within the town centre and it is not considered that it would adversely impact on the character and appearance of the area, or views within the townscape.

It is considered that the scheme will make a positive contribution to the character and appearance of the area and conditions are suggested to cover points of detail raised by your Urban Designer. As such, it is considered that the proposal complies with policy DP26 of the DP and principles DG31 and DG32 of the Mid Sussex Design Guide.

Transport

Looking at the policy context, policy DP21 of the DP states, inter alia,

'decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel ...*
- *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 avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians.'*

Policy S4 of the NP requires new residential developments to comply with the parking standards set out in appendix D of the document.

The application has been considered by the Local Highway Authority and their full comments can be found in appendix B of this report.

The proposal does not provide any parking provision for future occupiers. The supporting Transport Statement sets out that the site is well located to provide a choice of travel modes, other than the private car and the proposed 'car free' development will help reduce the reliance on the car, which is consistent with national and local policy. It determines that the development will have a negligible effect on the local road network and no material effect on local road safety.

While no parking provision is being made, a total of 12 cycle parking spaces are being proposed that will be located at the rear of building.

The application has been considered by the Local Highway Authority who state;

'The proposals will have a nil car parking provision. The TS puts forward the case for the nil parking provision based on the sites accessible location. The LHA would concur that the site is well located within this area of Burgess Hill. It is acknowledged that the level of accessibility by sustainable travel and public transport is available within the location of the proposal site. Much of this is directly within the Town Centre, which is accessible by foot or cycle. On that basis the proposals for a nil parking provision would not cause a concern from a highway safety perspective.'

The comments of the Town Council in respect of the proposed parking provision are noted.

The Local Highway Authority use their 'Guidance of Parking for New Developments' as a means of determining the likely demand of a development dependent upon its location. Policy S4 of the NP sets out its own parking standards for new residential developments, which pre-date the WSSC standards. It is worth noting that within Appendix D of the NP the following is stated;

'In some areas within Burgess Hill, particularly those in the Town Centre it may be appropriate to constrain levels of parking further, although in these areas it would be realistic to promote lower levels of car ownership and therefore the following must be provided: Travel Plan measures, high level of public transport accessibility and comprehensive parking controls.'

The proposed development would give rise to approximately 14 spaces using either of the above standards.

It is worth noting that section 9 of the NPPF promotes sustainable transport and paragraph 103 sets out that *'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*.

It is accepted that the proposal does not provide for any parking provision and it is a fact that the site is physically incapable of providing any. Given the NP and NPPF statements regarding sustainable transport and constraints in town centre locations, it is appropriate to allow development within a town centre to have reduced parking facilities to serve residential units. These units will be very accessible to services and alternative transport modes and no objection has been raised by the Local Highway Authority.

It is not considered that the short fall would have any significant knock effect on the availability of on-street parking in nearby residential streets given the relatively low level of development and the proximity of a public car park, where overnight parking could take place.

Having regard for the above, it is considered that the application complies with policy DP21 of the DP, it should be recognised that there is a conflict with policy S4 of the Neighbourhood Plan due to the lack of parking proposed.

Housing and Affordable Housing

Policy DP30 of the DP deals with housing mix and requires housing developments to provide a mix of dwelling types and sizes that reflects current and future needs. Policy DP31 deals specifically with the provision of affordable housing and requires developments to provide a minimum of 30% affordable housing on schemes of 11 no. dwellings or more. The policy goes on to state;

'Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties., including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.'

Policy DP27 requires all development to meet the nationally described space standard and policy DP28 deals with accessibility and requires developments of 5 or more dwellings to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M requirements M4(2), unless proposals meet one of the exceptions listed.

The Council's SPD 's entitled 'Affordable Housing ' (2018) and 'Development Viability' (2018) are relevant in this instance as they provide further guidance on matters associated with the provision of affordable housing in light of identified viability issues.

The proposed mix of one- and two-bedroom units is considered acceptable and it is noted that all the dwellings comply with the national space standards in relation to their proposed occupancy rate.

A development of this nature would, in accordance with policy DP31 give rise to the need to provide affordable housing. Based upon 30% provision, this would equate to five units.

The applicants have set out that they consider the scheme to be unviable to provide affordable, in addition to other infrastructure contributions, and the application has been subject to an independent viability assessment by suitable qualified consultants instructed by the Council, at the cost of the applicant.

As a result of this process your officer are of the view that the scheme is capable of viably providing for two affordable units and the applicant has agreed to provide an off-site contribution of £126,000 to reflect this.

Under the terms of the Council's agreed SPDs, as referred above, the Council will seek a review clause to re-assess the viability of the scheme again, at a later stage in the project, and should there be additional value in the scheme then monies may be reclaimed in-line with the terms of the clause.

The comments of the Housing Officer are available in full in Appendix B to this report but on the basis of the above they have not raised an objection to the scheme and in this regards it can be considered that the application complies with policy DP31 of the DP.

The applicant's submissions confirm that the *'proposed development has been designed to fully accord with the requirements of policy DP28 relating to accessibility. The residential scheme will be provided with 20% units that meet M4(2)'*. These units can be secured through an appropriately worded condition.

Having regard to the above it is considered the application complies with policies DP27, DP28, DP30 and DP31 of the District Plan.

Residential Amenity

Policy DP26 states;

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

Policy DP29 sets out that the quality of people's lives will be protected from unacceptable levels of noise, light and air pollution by controlling development. The policy then sets out criteria for each issue separately.

Section 12 of the NPPF is deals design matters and paragraph 127 (f) sets out that decisions should ensure developments *'create places that are safe, inclusive and*

accessible and which promote health and well-being, with a high standard of amenity for existing and future users', amongst other things.

It is also worth paragraph 123 (c) of the NPPF, which relates to achieving appropriate densities, that states;

'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In respect of existing residential amenities, the nearest properties are located above commercial units on the opposite side of Church Walk and it is not considered, given the separation distance that the proposal would give rise to any likely significant impact in respect of loss of light or privacy.

The residential amenity of future residents is also relevant and given the location within a town centre, and above an existing commercial unit that has associated plant, there is the potential for future residents to be affected by noise. The application has been considered by your Environmental Protection Officers who are satisfied that such issues can be controlled through condition and they have not raised an objection in this regard.

Setting-a-side the issue of noise, it is also relevant to consider living considerations of future residents in respect of light. The proposed scheme involves the creation of flats around an internal landscaped area and while all properties will be dual aspect, there are there bedroom windows on the first floor level, which are a concern in respect of possible light levels. These windows are north facing and while they will look out directly onto the courtyard landscaped area, the amount of light will be reduced by the upper two storeys of the building. While no evidence has been provided to clarify the exact level of light that these rooms will benefit from, it is acknowledged that the NPPF does state that in *'considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'*.

Having regard to the scheme as whole, it is considered that the proposals will not give rise to any likely significant impact on amenities to either existing or future occupiers and as such the application complies with Policy DP26.

Infrastructure and Deliverability

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

'54 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:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) 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 proposal would give rise to following infrastructure contributions;

- Primary Education (WSCC) - £14,659 to be spent on additional equipment at Manor Field primary School.
- Secondary Education (WSCC) - £15,777 to be spent on additional equipment at Burgess Hill Academy.
- 6th Form Education (WSCC) - £3,696 to be spent on supporting the National Curriculum at St Paul's Catholic College
- Libraries (WSCC) - £4,313 to be spent on additional stock for the Burgess Hill Library.
- TAD (WSCC) - £18,770 to be spent on public realm and connectivity improvements in Burgess Hill Town Centre.
- Formal Sport (MSDC) - £14,525 required to make improvements to the tennis facilities at St Johns Park.
- Children Play space (MSDC) - £19,927 required towards improvements to Queen Crescent play area and the St Johns Park kickabout provision.
- Community Buildings (MSDC) - £8,330 required towards the redevelopment of the former Royal British Legion Club, Cyprus Road and / or the Park Centre, 60 Park Road.

The additional population from this development will impose additional burdens on existing infrastructure and the contributions identified above will mitigate these

impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

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.

The application complies with policy DP17 of the District Plan.

Sustainability

Policy DP39 of the 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 application is supported by an Energy and Sustainability Statement that considers an energy strategy for the development. It sets out the following;

- Fabric first approach in accordance with Building Regulations
- Provision of energy efficient lighting
- Installation of sanitary fittings to achieve 110 litres per person per day water consumption.

Having regard to the above, officers are satisfied that the proposal has been sought to improve the sustainability of the development and the application is therefore in accordance with Policies DP39 of the DP.

Other Matters

In terms of drainage, policy DP41 of the DP deals with this seeks to ensure that development does not increase flooding elsewhere and Sustainable Drainage Systems (SuDS) are implemented, unless it is demonstrated to be inappropriate. The applicants indicate that that water will be discharged into an existing surface water sewer and while your Drainage Officer has not raised an objection a condition has been suggested to secure satisfactory details. There are no objections from any statutory consultee and the details of the and it is considered that the application complies with policy DP41 of the DP.

Policy DP42 deals with water infrastructure and water environment and in particular the water consumption requirements for new developments. The applicants have confirmed in their submissions that all the proposed dwellings will meet the water consumption standard of 110 litres per person per day through the use of water saving and flow restricting fittings, in line with policy DP42.

Planning Balance and Conclusion

Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

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

The principle of development is supported by policy DP2, DP4 and DP6 of the DP and policies TC2, TC4 of the NP.

The proposal would result in the delivery of 15 residential units in a highly within a highly accessible and sustainable location, that would boost the Council's housing supply. Additional dwellings in the town centre would also help support local business. These matters should be given significant weight.

It is considered that the scheme proposed is of a scale and form appropriate to its town centre location. The design of the of proposal is such that it is considered to make a positive contribution to the character and appearance of the area and it would not be detrimental in townscape views. In this respect, the application complies with policy DP26 of the DP.

The proposed development would not give rise to any highway network or safety issues and while it does not propose any parking provision for future residents, it is in a highly sustainable location with good access to services and choice of alternative

transport modes. It is considered that the application complies with policy DP21 of the DP.

It is not considered that the proposal would give rise to any likely significant impacts on existing residential amenities and while there are a small number of bedroom windows at first floor they may a limit amount of direct daylight, it is considered as a whole that the scheme will provide acceptable living conditions for future occupiers and as such the application complies with policy DP26 of the DP.

It has been demonstrated through an independently reviewed viability assessment that the scheme is unable to support a policy compliant level of affordable housing, however, an off-site financial contribution equivalent to two affordable units is being secured through a s106 Agreement. In accordance with the Council's adopted Supplementary Planning Documents, a further review clause will be secured through a s106 Legal Agreement to enable a review of the scheme's value at a later point in the development. In addition, the S106 Agreement will secure the required infrastructure contributions to mitigate the developments impact. The application complies with policies DP20 and DP31 of the DP in this regard.

It considered that through the use of conditions matters associated with drainage, accessibility, and noise mitigation can be appropriately controlled and there would be no adverse impacts with respect to these matters.

The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

A New Homes Bonus would be received.

Against the proposal, it has been identified that there is a shortfall in parking provision against the standards set out in the Neighbourhood Plan.

Having regard to all the identified issues, it is considered that the that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended that planning permission be granted for this development subject to the conditions set out in appendix A and the completion of the s106 Legal Agreement to secure the Infrastructure and affordable housing contributions and the viability review clause.

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. No development shall take place, including any works of demolition, until Construction Management Plan(s) have 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 and should include, and not be restricted to, the following matters;

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the method of access and routing of vehicles during construction,
- (c) the parking of vehicles by site operatives and visitors,
- (d) the loading and unloading of plant, materials and waste,
- (e) the storage of plant and materials used in construction of the development,
- (f) details of both construction working hours and construction delivery times
- (g) the erection and maintenance of security hoarding,
- (i) measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

3. No development, in each respective phase of the agreed programme, shall be carried out unless and until samples of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by 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 building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

4. 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 DP41 of the Mid Sussex District Plan.

5. The development hereby permitted shall not commence unless and until the following details have been submitted to and approved in writing with the Local Planning Authority;

- a 1:20 section and elevation (vignette of the vertically grouped first to third floor living room windows in context with the surrounding façade including the roof and the Juliet balconies on the Church Walk façade
- a 1:20 section drawing that shows the depth of the vertical niche / shadow line.

The scheme shall only be implemented in accordance with the approved details.

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.

6. The development hereby permitted shall not commence until a soundproofing scheme, for the protection of the residential units adjacent to or above the commercial use, has been submitted to and approved in writing by the Local Planning Authority and the scheme as approved has been implemented. The scheme shall be in accordance with the recommendations of the submitted Sharps Redmore Environmental Noise Assessment ref 1918977 dated 20 Sept 2019 and shall include alternative means of ventilation and measures to reduce the impact of structural noise.

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

7. Prior to the occupation of any of the residential units hereby approved full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority.

The works shall be carried out prior to the occupation of the first residential 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

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

Reason: To provide alternative travel options to the use of the car in accordance with policy DP21 of the Mid Sussex District Plan.

9. Units (to be inserted); and (to be inserted) hereby permitted shall be Part M4(2) (Adaptable and Accessible) compliant and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the local planning authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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. The submitted Odour Control Scheme should include an odour "risk assessment" and should be in line with current best practice.

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
Existing and Proposed Elevations	0306		04.10.2019
Location Plan	0200		30.09.2019
Proposed Site Plan	0204		04.10.2019
Existing Floor Plans	0201		30.09.2019
Existing Roof Plan	0202		30.09.2019
Existing Elevations	0203		30.09.2019
Proposed Floor Plans	0300		04.10.2019
Proposed Floor Plans	0301		30.09.2019
Proposed Roof Plan	0302		30.09.2019
Proposed Elevations	0305		30.09.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Refusal

The application did not meet WSCC guidance on parking at new developments, or the Neighbourhood Plan parking guidelines. The Committee requested enclosed cycle racks, with capacity for 12 bikes. The Committee requested the applicant to provide justification for why there was no affordable social housing.

If Mid Sussex District Council is minded to recommend approval, the Town Council's Planning Committee's recommendations with regard to Section 106 needs associated with this development are as follows:

Section 106 monies should be spent within the town centre. The Committee would request it to be spent on environmental enhancements and a contribution towards community facilities,

specifically towards appropriate planters with dwarf bushes (not trees), and any excess to go towards the Beehive Community Centre.

Parish Consultation

OBSERVATIONS: The Committee reiterated their previous comments on this application. The Committee regretted there seemed to be no scheme put forward for a heat recovery system from the frozen food store in providing energy for the apartments.

MSDC Urban Designer

This site falls within the part of Burgess Hill town centre which has been identified in chapter 5 of the Council's adopted Design Guide as having the potential for change as set out in design principles DG31 and DG32. These principles specifically promote the scope for greater concentration of development in town centres as they provide much needed homes and jobs in the most accessible and sustainable locations. An underlying benefit of this scheme is that the proposed flats and retained ground floor shop will create a mixed-use building that provides a night time population and helps to enliven the town centre.

The predominant building height in Church Walk is three storeys. The addition of two storeys on top of the existing building will result in a four-storey frontage that will make this the tallest building in the street. Because of its position towards the top of the slope, it will stand out to some extent when viewed from the junction with Civic Way. However, at just one storey higher and with the top floor treated in a different material, it should not unduly impose on the streetscape because of the quality of the elevations.

The revised drawings feature a much-improved design with a Church Walk elevation that features a sub-divided façade that responds to the narrower bay widths that are a feature of the older properties in Church Road and Church Walk. This has been achieved by externally reflecting the internal arrangements of the flats that naturally generate a consistent rhythm of larger and smaller windows (that respectively serve the living rooms and bedrooms) alternately replicated. With the application of vertical articulation in terms of both the window grouping and the vertical shadow line that clearly divides the frontage into three parts (and skilfully coordinates with the shopfront pilasters below), the impression is given of a three-house terrace rather than a block of flats. This and the differently articulated top floor (which also benefits from a modest set-back) significantly reduces the building's apparent scale and works much better with the rhythm of the existing frontages than the squat proportions of the existing two storey building.

The standing seam metal-effect finish of the top floor also helpfully articulates the north-west flank return which would otherwise appear austere if it was all brick. This façade also benefits from the creation of three apertures at first floor level that helpfully provides natural surveillance of the pedestrian link between Church Walk and the Cyprus Road car park; and provides the internal courtyard area with some natural light and connection with the outside.

When viewed westwards from Church Road, the front elevation will be unobtrusive because the building line of 60-64 is set-back in relation to the adjacent 56-58 Church Walk and consequently it should not adversely impose upon the viewing corridor towards the listed St John's Church. The south-east elevation will also largely be screened by no.56/58.

The rear/north-east elevation is less sensitive as it faces a more fragmented townscape including the Cyprus Road car park and a similar sized 4 storey mixed use building currently under construction. This elevation is also more difficult to resolve as there is little scope to change the existing ground and first floors as they provide the service area for the shop. Nevertheless, the revised drawings benefit from a better ordered façade.

In conclusion, this scheme accords with the guidelines in the Design Guide and specifically the provisions of DG32 by demonstrating that the scale, height and massing does not cause significant harm to the amenity of adjacent properties; nor adversely impact on views of the wider townscape and landscape; and does not adversely impact on the quality of the streets and spaces. I therefore raise no objections to this revised planning application but, to secure the quality of the design I would recommend conditions requiring the approval of the following drawings / materials:

- Details of the facing materials
- A 1:20 section and elevation (vignette) drawings of the vertically grouped first to third floor living room windows shown in context with the surrounding façade including the roof and the Juliet balconies on the Church Walk façade; and a 1:20 section drawing that shows the depth of the vertical niche / shadow line.
- The detailed landscape design of the courtyard

MSDC Housing Officer

The applicant is proposing a scheme involving the change of use of the first floor and the erection of a roof extension to create two additional storeys. The resulting scheme will provide 15 residential apartments in total comprising 3 x 1B/2B flats, 3 x 2B/3P flats and 9 x 2B/4P flats and gives rise to a policy compliant requirement of 5 affordable housing units. A viability appraisal was submitted with the application to support the applicants position that the scheme could not viably support the provision of any affordable housing. This has been assessed by an independent firm of valuers, DSP, and as a result it is felt that 2 affordable units could viably be provided. It is understood that rather than providing 2 x 2B/4P units on site, it is the applicant's preference to make an equivalent commuted payment in the sum of £126,000. This payment will need to be made in full at start on site and this requirement will need to be written into the section 106 agreement. A review of the upper quartile build costs and GDV included in DSP's Viability Assessment (and allowing for an increase in the build contingency from 5% to 7% as confirmed in DSP's e-mail of 8th October and my response to the applicants e-mail of 26th October) will also be required. This review will be carried out at a later stage in the project when more up to date and accurate information about costs and values will be able to be provided. It will establish whether, as a result of increased values or reduced costs, there is a requirement for any additional payment towards affordable housing for a scheme where policy requirements are not being met in full at the time planning permission is granted. This is in line with the Development Viability SPD and the requirement will also need to be included in the S106 agreement.

MSDC Environment Protection

This application is to convert ancillary first floor space to residential and add 2 additional storeys for residential units. The ground floor will remain as a commercial unit, currently Iceland Foods.

There is potential for the new residential units to be adversely affected by noise from the commercial use below, in particular, deliveries and plant noise, and also from late night town centre noise e.g. from the public house opposite.

These issues can be dealt with by way of a soundproofing condition, as recommended below.

Conditions:

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- Soundproofing: The development hereby permitted shall not be brought into use as Class C3 until a soundproofing scheme, for the protection of the residential units adjacent to or above the commercial use, has been submitted to and approved in writing by the Local Planning Authority and the scheme as approved has been implemented. The scheme shall be in accordance with the recommendations of the submitted Sharps Redmore Environmental Noise Assessment ref 1918977 dated 20 Sept 2019 and shall include alternative means of ventilation and measures to reduce the impact of structural noise.

MSDC Community Facilities Project Officer

Thank you for the opportunity to comment on the plans for the development of 15 residential dwellings at 60 - 64 Church Walk Burgess Hill West Sussex RH15 9AS on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Queens Crescent, owned and managed by the Council, is the nearest locally equipped play area approximately 350m from the development site. This facility will face increased demand from the new development and a contribution of £10,830 is required to make improvements to play equipment. St Johns Park, approximately 550m from the development site, will also face greater demand and a contribution of £9,097 is required to make improvements to kickabout provision for older children. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £14,525 is required to make improvements to the tennis facilities at St Johns Park.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £8,330 is required toward the redevelopment of the former Royal British Legion Club, Cyprus Road and / or the Park Centre, 60 Park Road.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Drainage

The proposed development is for the change of use and extension of the existing commercial unit at 60 - 64 Church Walk. All extensions are above ground level and there are no proposed changes to the site at ground level.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. However, the site is surrounded by areas of increased surface water 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

The existing building drains surface water via traditional guttering and downpipes before discharging surface water into a public surface water sewer. It is proposed that the development will connect any new surface water drainage into this existing surface water drainage system.

FOUL WATER DRAINAGE

It is proposed that the development will connect new foul water drainage into the existing foul drainage system on site. It is assumed by the applicant that the foul drains drain to ground floor level where it connects to the public foul sewer network.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS

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 dwelling 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.

WSCC Highways

The site is located within Burgess Hill Town Centre. The site is currently occupied by an Iceland foodstore of approximately 1,000 sq.m. The proposals will be a nil parking provision residential development on top of the existing Iceland store, with a site composition including a total of 15 residential flats, of which three will be one bedroom flats and 12 will be two bedroom flats. The highway elements of the proposals are supported by way of a Transport Statement (TS).

Comments

The proposals will have a nil car parking provision. The TS puts forward the case for the nil parking provision based on the sites accessible location. The LHA would concur that the site is well located within this area of Burgess Hill. It is acknowledged that the level of accessibility by sustainable travel and public transport is available within the location of the proposal site. Much of this is directly within the Town Centre, which is accessible by foot or cycle. On that basis the proposals for a nil parking provision would not cause a concern from a highway safety perspective. The Local Planning Authority (LPA) may wish to consider any potential amenity impacts to on-street parking however. In terms of highway impact the proposals are therefore unlikely to have a 'Severe' impact on the adjoining network.

The applicant has committed to providing 6 communal cycle parking storage facilities. These will include 12 cycle parking spaces which will be secure and covered.

Conclusion

Based on the information within the TS the LHA would not raise an objection to the proposals. In accordance with paragraph 109 of the National Planning Policy Framework the proposals are not considered to result in a 'severe' impact.

WSCC Infrastructure

Summary of Contributions

See over page for 'Summary of Contributions' table –

WSCC Infrastructure

Summary of Contributions (Cont')

Education			
School Planning Area	Burgess Hill		
Population Adjustment	26.7		
	Primary	Secondary	6th Form
Child Product	0.1140	0.1140	0.0616
Total Places Required	0.7980	0.5700	0.1231
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£4,313		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	26.7		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	15		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	26.7		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£14,659
Education - Secondary	£15,777
Education - 6th Form	£3,696
Libraries	£4,313
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£18,770
Total Contribution	£57,215

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public 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.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

All TAD 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 15 Net dwellings, with no additional car parking spaces.

Please see below for a Breakdown and explanation of the WSCC 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>).

5. 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 contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace 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 additional equipment at Manor Field Primary School.

The contributions generated by this proposal shall be spent on additional equipment at Burgess Hill Academy.

The contributions generated by this proposal shall be spent on supporting the National Curriculum at St. Paul's Catholic College.

The contributions generated by this proposal shall be spent on providing additional stock at Burgess Hill Library.

The contributions generated by this proposal shall be spent on public realm and connectivity improvements in Burgess Hill town centre.

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 such as libraries 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, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school: 7 year groups (aged 4 to 11)
- Secondary School: 5 year groups (aged 11 to 16)
- Sixth Form School Places: 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,370 per child
- Secondary Schools: £27,679 per child
- Sixth Form Schools: £30,019 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,384 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 period.

3. 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 Cost multiplier

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.

Southern Water

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

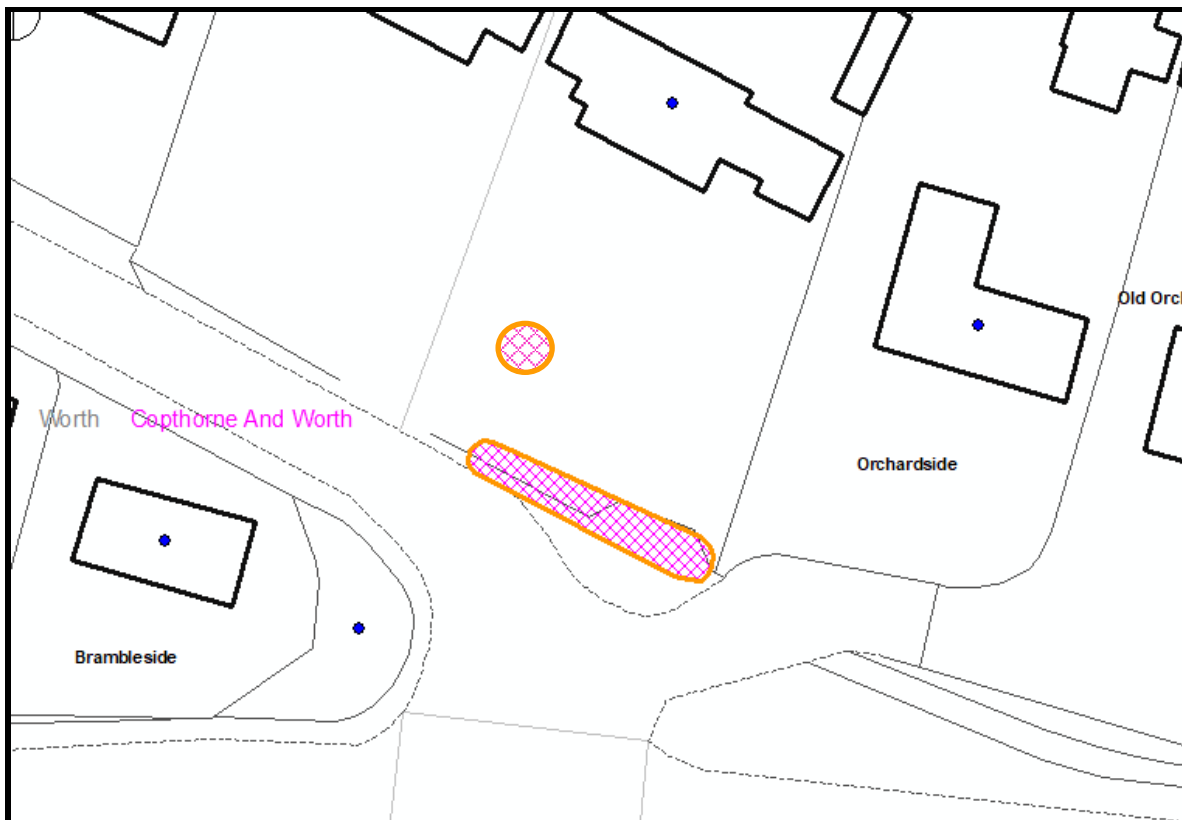
MID SUSSEX DISTRICT COUNCIL

Planning Committee

10 DEC 2020

OTHER MATTERS

TP/20/0002



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Ayrton House, Borers Arms Road, Cophorne

REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/20/0002 refers, for a group Order and an individual Order. The trees comprise a mixed group of oak, ash, sycamore, and understory holly, while the individual tree is a semi mature Cedar. It is considered that the Order should be confirmed. This matter is before members as an objection by the owner of the trees has been received.

BACKGROUND

The group of trees are located close to the perimeter of the property known as Ayrton House, Borers Arms Road, Copthorne. They are in an elevated position above the road and provide screening of the property and softening of views from the road and contribute to the semi-rural character of the area. The individual tree is semi mature and, although within the garden itself, has high public visibility, again due to its elevated position and also its height and form.

A TPO request was received some time ago, shortly after the current owner moved in. The site was visited by the tree officer, who also spoke to one of the owners of the property. It was noted that a large amount of trees and shrubbery had been removed from the land. However, reassurance was received from the owner that frontage trees would be retained.

The tree officer, at the time, did not consider that it was expedient to issue an Order and informed the owner and the person who had requested it, that the Council would not be issuing an Order at that time.

Since then, fencing has been erected within root protection areas and a number of relevant planning applications have been received as follows:

DM/18/3369 - Erection of a garage to the front of the property - Withdrawn

DM/20/1678 - Included a number of extensions to the property and a garage to the front. The garage element was removed following an objection by the tree officer and a request to set the garage further back from the trees.

DM/20/3265 – A current application for the erection of detached three car garage which is not yet determined. Amended plans are being considered following a request to set the garage further back from the trees to avoid future pressure on the trees.

Your Tree Officer also noted that some rather excessive pruning had been carried out to the oak tree on the frontage and considers that a TPO would allow greater control over any future work to the trees.

THE OBJECTION

A number of objections to the order have been received from the owner of the trees and may be summarised as follows;

- The Order has dates that do not correspond and question the validity of the Order
- The quality, condition and expected longevity of the trees does not justify a TPO

- If the quality of the trees in terms of visual amenity is high, why have they not been individually preserved based on individual merit, rather than a group?
- The grouping is unjustified as all trees encompassed by the TPO are not of the same value or condition
- The dysfunctional understorey holly should not be included in the order. It has limited visual amenity and is insignificant in the group of subject trees. We have already tried to advise the council of plans for its removal and what plans we have to replace it. This was ignored
- It is not considered expedient of the LPA to make a TPO in respect of trees which are under good arboricultural management. Numerous attempts have been made to contact the council without any response having been received. It was perceived that the LPA had no arboricultural interest in the property.
- TPO appears to have been made without justified reason. With the exception of visual amenity, there is no further justification.
- The TPO map appears to be outdated (failing to show the dividing boundary). We question if the oak is actually protected as it appears to be outside the annotated black dashed line.
- It is not expedient for LPA to make the Order as the trees have not been cut down or pruned in ways which would have a significant impact on the amenity of the area.
- The TPO ignores the long term management considerations and poses an unacceptable obstacle to the implementation of regular maintenance
- The trees have always been considered for retention
- Given the severe lack of engagement by the council, it is our view that the TPO is not justified and that a solution through constructive dialogue should be found.

A number of other points have been made, however, these do not directly relate to the TPO.

The confirmation relates to two matters only, the expediency of making the Order and the visual amenity value of the trees.

On the point of the legality of the Order, the council's legal department has confirmed that the notice incorrectly states that the Order provisionally took effect on the 17th September, as opposed to 15th September, when it was actually served. They have confirmed that there is nothing wrong with the Order and the Order itself is clear when it came into effect. Further, the owner has not been prejudiced in any way, as he has replied with his representations soon after, and so did not miss any deadlines.

With regard to the objections, these are addressed, in order, as follows:

The tree officer considers that the quality, life expectancy etc of the trees is sufficient to justify the making of a TPO. It should be remembered that a number of adjacent trees were removed, and this will not have benefitted the group. The oak has been heavily pruned by the applicant.

The trees are considered to be appropriate for a group Order and one individual Order. Government guidance advises, para 024, that *'The Order must specify the trees or woodlands as being within 4 categories (individual, area, group and woodland)'*. There is nothing unusual in making an Order in this way. Your officer did not consider that the group of trees have high individual merit, thus they are protected for their group value, as they grow as a group and appear as a group from public views. Furthermore, the group category means that individual trees may not be removed as this is likely to damage others in the group. The cedar, protected as an individual specimen, grows as a single specimen, there are no other adjacent trees.

It should be noted that there is no requirement for trees protected as a group to be of the same age or condition. Often, groups will contain understorey trees and trees of different ages.

Understorey holly is frequently included within TPOs. It is one of the characteristic understorey plants within the district. Removal of the holly is likely to expose the trees further and disturb the roots. The trees, with the exception of the sycamore, are native trees and the holly contributes greatly to their biodiversity value. There is no reason to replace the holly, as it is the natural understorey plant. It is accepted that holly often becomes drawn and, it is likely that, should an application be made in the normal way to reduce the holly, then this would be supported by the tree officer. This may encourage stronger, more bushy growth.

It is considered, for the reasons stated above that clear expediency exists to protect the trees. It is accepted that there was some overgrowth close to the highway which has been removed, however, the oak tree has been inappropriately reduced and now mostly exhibits top growth only at the ends of the branches.

As set out in the National Planning Policy Guidance *'an Order is made by a Local Planning Authority to protect specific trees, groups of trees or woodlands in the interest of amenity'*. As such the only justifiable grounds for an Order is on amenity grounds, and that forms the basis of the Order in this instance.

Your Tree Officer has been concerned about aspects of the arboricultural management of the trees, e.g. the pruning of the Oak and removal of the holly

understorey and replacement with mixed garden shrubs, which lead to the issuing of the Order in the first instance.

The TPO map is considered accurate and is not intended to accurately show boundaries. It is intended to show which trees are protected. With regard to the oak, it is considered that this is clearly shown as included in the group Order. There could be no confusion, as no other oaks are adjacent. Furthermore, government guidance referred to above, states, para 025 that '*The legislation does not require authorities to ..plot them (trees) on the map with pinpoint accuracy* '

Your officers accept that the trees may require long term management, particularly if there is an adjacent garage, however, the TPO is no obstacle to future works, as long as the works are considered appropriate and reasonable.

There is no dispute that the applicant may wish to retain the trees. They provide screening to his land and property, as well as visual amenity and biodiversity. The Order enables the Council to control future works to the trees for the benefit of public amenity and, it should be remembered at a TPO covers the land, not the landowner, and therefore these trees will be retained in the longer term, should land ownership change. There is no fee to make an application and reasonable works to trees are always approved.

With regard to the final point, whilst not strictly relevant to the making of the Order, a number of officers have separately engaged with the owner following various complaints and allegations, including the Tree Officer. It would not be normal practice to advise the owner that they were making an Order on his trees. Furthermore, it should be noted that the Tree Officer did not issue the Order when it was first requested, due to lack of expediency. Careful consideration is always given to the making of an Order and in this case, it was made after an escalation of factors which were considered harmful or potentially harmful to the trees.

ASSESSMENT

It is considered that the tree forms part of a line/group of important frontage trees along Borers Arms Road, consistent with the character of the area and providing screening and biodiversity.

A TEMPO assessment was carried out on the trees with a score of the group of 18, and the individual cedar scoring 23, definitely meriting the making of a TPO.

The trees are of high public visibility value and contribute to the semi-rural quality of the street scene.

With regard to the report, different arboricultural perspectives are common in this field and it is not accepted that the trees are of insufficient quality to merit a TPO.

Officers are content that the trees merit the making of a TPO.

RECOMMENDATION

It is recommended that the Order is confirmed