

MID SUSSEX DISTRICT COUNCIL

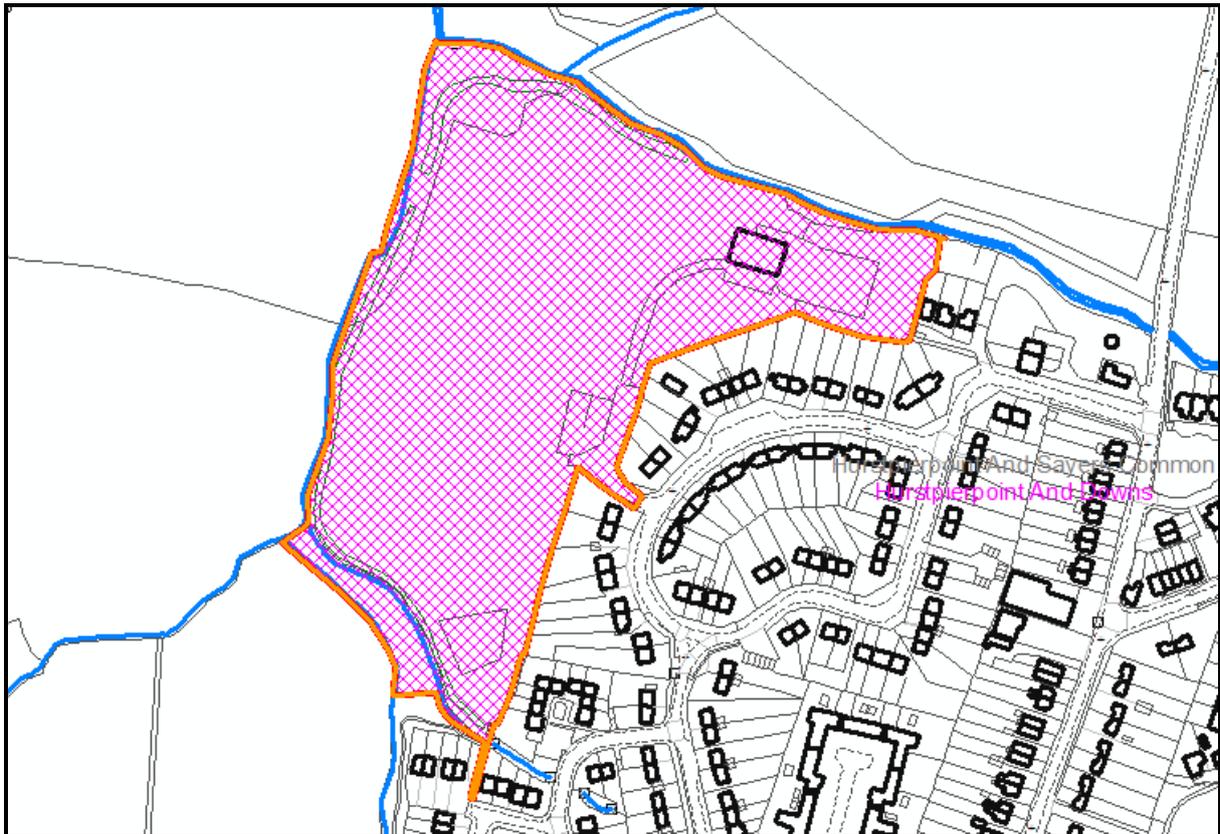
Planning Committee

29 MAY 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/19/0777



© Crown Copyright and database rights 2019 Ordnance Survey 100021794

**HURSTPIERPOINT EX SERVICEMENS AND SOCIAL CLUB WILLOW WAY
HURSTPIERPOINT HASSOCKS
VARIATION OF CONDITION 8 OF PLANNING APPLICATION DM/18/2623
TO SOLELY RELATE TO THE OPENING HOURS OF THE NURSERY.
(AMENDED DESCRIPTION 08/03/2019)
MR PAUL WILLIAMS**

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

ODPM CODE: Minor Other

8 WEEK DATE: 30th May 2019

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission was granted by notice dated 28th September 2018 for the change of use of this ex-serviceman and social club building to a community hall and nursery (D1) (DM/18/2623). This application seeks consent to vary condition No. 8 of that planning permission.

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

Condition No. 8 of planning consent DM/18/2623 requires the opening times of the building to be restricted to 07:30 to 18:30 hours Monday to Friday excluding Public Holidays, which was required by the Environmental Protection Team in relation to the use of the nursery. The wording of the condition, however, restricted the use of the entire building and not just the specific use, therefore the application seeks the amendment of the condition to solely relate to the nursery.

The Environmental Protection have been consulted on the proposal and have no objection as their comment for the original application related to the nursery use, which the opening times would still be restricted.

The proposed variation to the condition is considered acceptable and would not cause significant harm to the amenities of the surrounding properties.

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

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

MSDC Environmental Protection

No objection.

HURSTPIERPOINT PARISH COUNCIL OBSERVATIONS

Recommend permission is granted.

Introduction

The application seeks permission to vary condition No. 8 of planning permission DM/18/2623. The planning permission concerns the former Ex Servicemen's and Social Club within the Court Bushes Sports Ground, which is accessed from the western side of Willow Way, outside the built up area of Hurstpierpoint.

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

Relevant Planning History

DM/18/2623 - (Amended description 30.07.2018) Change of use of part of the Ex Serviceman and Social Club (sui generis) to a community hall and nursery (D1). Remodel of the internal layout and alterations to the fenestration. granted

Site and Surroundings

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

The works for the previous approval for the change of use of the building have already been completed. The building has a pitched gabled roof and is constructed in brick with interlocking roof tiles.

Application Details

The application is made under S.73 of the Town and Country Planning Act and seeks to vary the wording of Condition 8 of the planning permission.

When planning permission was granted for the change of use under planning permission DM/18/2623, the Environmental Protection Team requested an opening times restriction in relation to the proposed nursery use, which was to ensure that the proposed use did not cause significant harm to the amenities of the neighbouring properties. The following planning condition (No. 8) was imposed:

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

Reason: To safeguard the amenity of neighbouring residents.

Due to the wording of this approved condition the restricted opening times apply to the entire building, not just the nursery use. Permission is therefore sought to vary the condition to allow the other uses within the building to operate outside the opening restrictions required by the Environmental Protection for the nursery use. Therefore the Condition 8 would be amended to solely relate to the nursery use.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

HURSTPIERPOINT AND SAYERS COMMON NEIGHBOURHOOD PLAN (made March 2015)

Policy Countryside HurstC1 - Conserving and enhancing character

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 80, 84, 103, 124, 127 and 180 are considered to be relevant to this application.

Assessment

Impact on the amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The proposed variation to the wording of Condition No. 8 would restrict the opening hours of the nursery use and allow the other uses within the building to operate outside these hours.

The Council's Environmental Protection Service has been consulted on the current application and considers that the variation to the condition would accord with the hours recommended in the original application and have no objection. It was considered in the original application that the creation of a nursery has the potential to harm the amenities of neighbouring properties on Willow Way, by way of noise and disturbance. To ensure the impact on the neighbouring properties is minimised conditions were required, including the time restriction. As this is still the case it is considered that opening time restrictions are still necessary for the nursery use.

The opening times of the original Ex Serviceman's and Social Club did not have any planning conditions restricting the opening times of the building. Because of this it is considered appropriate to just restrict the opening hours of the new element, the nursery.

It is therefore considered that the variation of condition No. 8 would not cause significant harm the amenities of the neighbours.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore

necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

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

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP21, DP5, DP26 and DP29, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the 12.09.2018, the date of the original permission.

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

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
4. Noise Management: The nursery hereby approved shall not come into use until measures to protect neighbouring premises from noise caused by nursery activities have been implemented in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.
5. Soundproofing: The nursery hereby approved shall not come into use until evidence is provided that the perimeter of the outdoor play area is fenced/enclosed in such a manner as to minimise transmission to neighbouring premises of noise caused by the use of the nursery. Such evidence shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.
6. No more than 42 children shall be permitted to attend the nursery at any one time.

Reason: To preserve the amenity of neighbouring residents.

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

Reason: To safeguard the amenity of residents.

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

Reason: To safeguard the amenity of neighbouring residents.

9. No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours.

Reason: To safeguard the amenity of neighbouring residents.

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

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

INFORMATIVES

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

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

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

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

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

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

APPENDIX B – CONSULTATIONS

Parish Consultation

Permission is granted

MSDC Environmental Health:

With regard to the above, I can confirm that this application is in accordance with the hours recommendations made by me previously under ref DM/18/2623.

Accordingly Environmental Protection has no objection to this application.