

MID SUSSEX DISTRICT COUNCIL

Planning Committee

25 JUL 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/2069



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

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

ODPM CODE: Change of Use

8 WEEK DATE: 29th July 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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

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

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

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

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTATIONS

West Sussex County Council

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

There is no objection to the application.

BURGESS HILL TOWN COUNCIL

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

INTRODUCTION

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

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

RELEVANT PLANNING HISTORY

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

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

SITE AND SURROUNDINGS

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

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

APPLICATION DETAILS

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

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

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

LIST OF POLICIES

Mid Sussex District Plan

Relevant policies include;

DP2 - Town Centre Development

DP7 - General Principles for Strategic Development at Burgess Hill

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

Burgess Hill Neighbourhood Plan

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

Relevant policies are;

Policy TC4 - The Retail Quarter

Policy S4 - Protect and enhance existing Community and Medical Facilities

National Policy and other Legislation

National Planning Policy Framework (NPPF)

ASSESSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

Plans Referred to in Consideration of this Application

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

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

APPENDIX B – CONSULTATIONS

Burgess Hill Parish Consultation

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