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3 May 2022

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Owing to continuing public health restrictions, very limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 12<sup>TH</sup> MAY, 2022 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

- |    |  |               |
|----|--|---------------|
| 1. | To receive apologies for absence.  |               |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |               |
| 3. | To confirm the Minutes of the meeting of the Committee held on 14 April 2022.            | <b>3 - 10</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |               |

#### **Items Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/22/0803 - Collingwood Batchelor, Unit 34 And 35, The Orchards, Haywards Heath, West Sussex, RH16 3TH. | <b>11 - 18</b> |
| 6. | DM/22/1098 - Hazelgrove Road Car Park, St Josephs Way, Haywards Heath, West Sussex, RH16 3QY.            | <b>19 - 28</b> |

7. DM/22/0860 - Tennis Courts, Victoria Park, South Road, Haywards Heath, West Sussex, RH16 4LR. **29 - 38**
8. DM/22/0782 - 3 Alexandra Road, Burgess Hill, West Sussex, RH15 0EP. **39 - 54**

**Items Recommended for Refusal.**

None.

**Other Matters.**

None.

9. 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, P Brown, R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer, D Sweatman and N Walker.

**Minutes of a meeting of Planning Committee  
held on Thursday, 14th April, 2022  
from 4.00 - 5.40 pm**

**Present:** G Marsh (Chairman)  
B Forbes (Vice-Chair)

P Brown C Phillips  
R Cartwright M Pulfer

**Absent:** Councillors P Coote, J Dabell, R Eggleston, T Hussain,  
D Sweatman and N Walker

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

In the absence of the Vice-Chairman on this occasion, the Chairman, Councillor Gary Marsh invited Councillor Bruce Forbes to be his Vice-Chairman for the duration of the meeting, which the Committee agreed.

Apologies were received from Councillors Coote, Dabell, Hussain, Sweatman and Walker.

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

None.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 10 FEBRUARY 2022.**

The minutes of the meeting of the Planning Committee held on 10 February 2022 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

**5 DM/19/3234 - LITTLE ABBOTSFORD, ISAACS LANE, BURGESS HILL, WEST SUSSEX, RH15 8RA.**

Rachel Richardson, Senior Planning Officer introduced the application which sought the outline planning permission for the demolition of Little Abbotsford and its ancillary buildings to provide 9 dwellings with associated parking, turning areas and new access onto Isaacs Lane. She drew Members attention to further information

contained in the Agenda Update Sheet and noted the detail to be considered at this stage is for access only with all other matters reserved for consideration under a subsequent Reserved Matters application.

The Senior Planning Officer highlighted that the site is within the built up area as defined in the Mid Sussex District Plan and the strategic 'Northern Arc' policy of the District Plan, although this site was not included in the approved Outline Planning Application for the Northern Arc. The 9 dwellings would consist of 5, three bed houses and 4, four bed houses, using functional materials consisting of local stock bricks, through colour rendered boarding or hanging tiles on the upper walls and plain machine tiles covering the roof. These adhere to the Mid Sussex Design Guide.

Finally, in response to the Local Highways Authority, previously requesting further information in the form of a revised Road Safety Audit, to assess the revised access arrangements, the Highway Authority have confirmed the access and parking arrangements were suitable for emergency and refuse vehicles.

The Chairman thanked officers for the report and explained that a full definition of S106 monies expenditure would be provided for applications going forward.

Mr Nigel Alderton, agent for the applicant, spoke in support of the application.

A Member expressed concerns regarding the design layout of parking provision away from the properties on site, which was not practical or easily visible to residents and the site is adjacent to a very busy main road which will become even busier as the Northern Arc development progresses. He also asked what provision was being made for Electric Vehicle charging points and adequate sustainable heating. In response to the parking, the Senior Planning Officer advised the plans showing the internal layout and elevations of the buildings were only indicative and therefore could be revised. They also comply with the Mid Sussex Design Guide. In addition, the dwellings would be 3 storeys with scope to overlook the parking bays. Regarding the latter points, these would form part of the Reserved Matters application, which the Chairman explained would be presented to the Committee when applicable.

A Member asked as a stipulation of the application, for all construction traffic to be stationed at the site with adequate wheel washing facilities. He also raised concerns about the disposal of sewage and surface water and that access to and from the site be more substantial for Waste contractors onto Isaacs Lane. Finally, he noted the lack of pavement provision. The Senior Planning Officer confirmed that as part of the conditions of the application, all construction traffic would be parked on site and wheel washing could be included. Foul water and drainage would form part of the Reserved Matters stage and the application would need to comply with the drainage conditions on the outline consent before development commenced. Regarding the pavements, she advised the walkways, specifically Isaacs Lane, are detailed in the separate Northern Arc plans.

A Member asked for further clarification on the 'Grampian style' condition set out in the report. The Senior Planning Officer advised this was a condition stipulated by West Sussex County Council, where speed restrictions and road safety elements are agreed prior to the houses being built. Steven King, Planning Applications Team Leader emphasised it requires these details to be submitted to the Planning Authority before works can take place.

In response to a query as to why this particular site had not been acquired by Homes England as part of the Northern Arc development, the Chairman advised it did not form part of the four main landowners land allocated in the Northern Arc.

Finally, a Member asked for an update on the Northern Arc development, advising this would be useful for all Members. The Chairman advised he received regular updates from Acom and agreed for these to be sent to all Members.

The recommendation was moved from the Chair and the Chairman took Members to a vote to approve the outline permission as detailed in the report and the conditions set out in Appendix A and Appendix B. The recommendation was approved unanimously with 6 in favour of the application.

## **RESOLVED**

That outline permission be granted subject to the recommendations below and amendments contained in the Agenda Update Sheet.

## **RECOMMENDATION A**

That outline permission be granted subject to conditions listed in the appendix and the satisfactory completion of a Section 106 Agreement to secure financial contributions for infrastructure improvements.

## **RECOMMENDATION B**

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 14 July 2022, 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 policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

## **6 DM/21/3755 - COURT MEADOW SCHOOL, HANLYE LANE, CUCKFIELD, HAYWARDS HEATH, RH17 5HN.**

Joanne Fisher, Senior Planning Officer, introduced the application which sought the demolition of Court Meadow School buildings to provide 13 dwellings with parking and landscaping. She drew Members attention to the further information contained in the Agenda Update Sheet in relation to Appendix A – recommended conditions and updates to conditions 6 and 15. She noted the site is allocated under the Cuckfield Neighbourhood Plan, for approximately 10 dwellings. The proposed design would retain the current boundary shrubs and trees with additional planting and the design of the dwellings would consist of dark grey windows, doors and drainage. She noted that although this design was different to dwellings in close proximity, the properties have been designed to take into account local materials. The Councils Urban Designer has raised no objection to the design of the development. She advised a Fabric First approach was proposed for heating and Electrical Vehicle charging points would be provided. The development would make good use of a brownfield site and benefits from S106 contributions as detailed in the report. The proposal shows that the site would adequately accommodate 13 dwellings without being overdeveloped and would not detract from the adjacent Area of Outstanding Natural Beauty.

Mr Peter Rainier, agent for the applicant, spoke in support of the application.

The Chairman thanked officers for the report and emphasised the application would make very good use of a brownfield site, in particular the allocation of 4 affordable dwellings.

Members discussed the application in detail. A Member raised concerns (following a site visit) regarding the width of the public footpath adjacent to the site for pedestrians and access for cyclists turning north into the site or onto the main road. He expressed concerns these matters had not been fully addressed or resolved in the report, although officer's advice is there will be a neutral impact in respect of highway safety and safe and suitable access to the site can be achieved for all users. Another Member also raised concerns regarding the speed limits on Hanlye Lane and the need for widening the turning circle on the site and provision of a public footpath. The Senior Planning Officer clarified there is an existing footpath adjacent to the site and that there would be a footpath link from the development to this and that the Highways Authority considered the application acceptable in highway safety terms. In response to a query regarding construction traffic remaining on site and wheel washing to be provided, condition 4 requires details on construction parking, plant, materials, parking of vehicles and wheel washing.

The Chairman reassured Members in his experience the road is fairly safe and acknowledged the footpath is not widely used, however, it provides safe access as it is situated behind a hedge. He was unable to comment on the issue of turning into the site. He highlighted that West Sussex County Council owned and were responsible for the footpath.

Members were pleased the development forms part of the Cuckfield Neighbourhood plan and fully supported the use of the site. A Member also noted that in light of the sustainability challenges, this was a very good application.

The recommendation was moved from the Chair and the Chairman took Members to a vote that planning permission be approved with 5 in favour and 1 against, therefore the application was approved.

## **RESOLVED**

The application was approved subject to the recommendations below and amendments contained in the Agenda Update Sheet.

## **RECOMMENDATION A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and affordable housing and the conditions set in Appendix A.

## **RECOMMENDATION B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 14<sup>th</sup> July 2022, then it is recommended that 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 policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

**7 DM/22/0204 - LITTLE PARK FARM, MARCHANTS CLOSE, HURSTPIERPOINT, HASSOCKS, BN6 9UZ.**

The Chairman gave a brief overview on this application, reminding Members it had already been presented to the Planning Committee, however, due to a slight material change it was being resubmitted for transparency.

Anna Tidey, Planning Officer, introduced the application which sought permission for removal of a former dairy, mobile home and other outbuildings to construct 2 dwellings (revisions to approved scheme DM/21/2367) now including garages and alterations to eastern unit to accommodate rooms with the roof space, following approval by the Planning Committee in September 2021 under DM/21/2367. She drew Members attention to further information contained in the Agenda Update Sheet, to include an update to condition 18. The Planning Officer advised the site is smaller than described in the initial application and highlighted the addition of garages to Units b and C and extension of Unit C, as the significant changes.

Peter Rainier, agent for the applicant, spoke in favour of the application.

A Member expressed disappointment that the barn conversion from the original application had been removed and reinforced local resident's objections as the proposal has changed substantially since the previous application. He questioned why the application has come before the Cttee and questioned if the application was for works that are permitted development. In response to this, the Chairman advised that for transparency the application was resubmitted, and the Planning Officer advised the changes were substantially significant to present to the Committee and permitted development could not be granted until a dwelling was constructed

In response to a query from a Member about permitted development rights, the Planning Applications Team Leader explained that permitted development rights for dwellings only become available once a dwelling has been completed. In this case the buildings being discussed were not yet completed and therefore they have no permitted development rights at this point in time.

The recommendation was moved from the Chair and the Chairman took Members to a vote that planning permission be approved with 5 in favour and 1 against, therefore the application was approved.

**RESOLVED**

That permission be granted subject to the conditions listed at Appendix A and in the Agenda Update Sheet.

**8 DM/22/0220 - THE HAVENS SPORTSFIELD CAR PARK, THE HAVEN CENTRE, HOPHURST LANE, CRAWLEY DOWN, RH10 4LJ.**

The Chairman briefly reminded Members that Mid Sussex District Council were the landowners of the site hence its submission to the Planning Committee.

Joseph Swift, Senior Planning Officer, introduced the report which sought permission for variation of condition 2 relating to the Planning Application DM/20/3296 – to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduce the space between the car parking rows. He advised there were no further updates to the Agenda Update Sheet. He provided Members with drawings of the revised design plans for the roof and reduced tarmac surface between car parking spaces for context. He explained the reduction in height of the building will result in the building being approximately 1.6 metres lower than previously approved. He confirmed the application is deemed to comply with the Development Plan in the report and therefore is considered acceptable.

The Chairman thanked officers for the report and reminded Members the revised application is supported by the Parish Council.

A Member noted the design was more sensible and realistic on this application and was pleased it had been resubmitted.

A Member asked for clarity on whether the Hall would still be able to accommodate badminton under the new conditions and given the reduction in car parking space, was there adequate space for turning vehicles? The Senior Planning Officer confirmed the design of the roof still obtains the height for badminton now being a crown pitched roof and the proposal would still provide sufficient turning space for vehicles.

A Member asked for clarification as to whether the footprint of the building was the same as that of the previous building and has it moved on the plot. He expressed his concern that there was no provision for cyclists and asked what parking provision was available at the Football pitches. The Senior Planning Officer confirmed the footprint had not changed or moved and that parking was a consideration of the original application, this application was to only consider the change to condition 2.

The recommendation was moved from the Chair and the Chairman took Members to a vote that the application be approved with 6 in favour, the application was approved unanimously.

## **RESOLVED**

The application was approved subject to the conditions set out in Appendix A.

## **9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

### **1. Question from Councillor Paul Brown**

Referring to the Minutes of the Planning Committee Meeting on 13<sup>th</sup> January 2022

Agenda Item 10. DM/21/4173

COMMUNITY CENTRE, 124 WYVERN WAY BURGESS HILL, WEST SUSSEX RH15 0GB

“The Chairman noted Burgess Hill Town Council’s comments that it would be desirable to have covered bike racks and electric vehicle charging points. The need for cycle parking was reiterated by a Member of the committee. The Planning Team



Leader noted that there is sufficient space to place cycle racks and these would not require planning permission. It was agreed that the Planning Team Leader would write to the applicant to express desire for cycle parking on site to be taken forward. As the building is in Council ownership it would be something for the Council as Landlord to consider separately.”

Will the planning team leader provide copy of the correspondence with the applicant, the applicants reply and the status of any recommendation made?

## **2. Question from Councillor Paul Brown**

Referring to Agendas of Planning Committee Meetings including this meeting's agenda 14<sup>th</sup> April 2022, it will be noted that the site address does not include the post code. In the minutes the agenda item number is followed by the site address **and** post code.

Agenda Item 6. DM/21/3755

“COURT MEADOW SCHOOL HANLYE LANE CUCKFIELD HAYWARDS HEATH DEMOLITION OF BUILDINGS AND ERECTION OF 13 DWELLINGS ALONG WITH PARKING AND LANDSCAPING. AMENDED PLANS RECEIVED 21/2/2022 SHOWING RETENTION OF TREES 6, 15,21, 23 AND 25, RE-POSITIONING OF PLOT 9, AMENDMENTS TO BOUNDARY OF PLOTS 1-3, CHANGES TO INTERNAL LAYOUT OF PLOTS,RELOCATION OF HOME OFFICE TO PLOT 7, AMENDED FENCE LINE, REMOVAL OF SHARED FOOTPATH TO SECONDARY ROAD AS WELL AS SUBMISSION OF ADDENDUM TO TRANSPORT STATEMENT, UPDATED ROAD SAFETY AUDIT AND LANDSCAPE MASTERPLAN. MR. JAMES TURNER”

In the interests of transparency and assisting locating application sites, can the post code be included in the Agenda of future Planning Committee Report Packs?

The Chairman on this occasion, confirmed that as the 10.2 questions were administrative rather than on planning policy matters, Councillor Brown would receive written responses from officers for both questions.

The meeting finished at 5.40 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

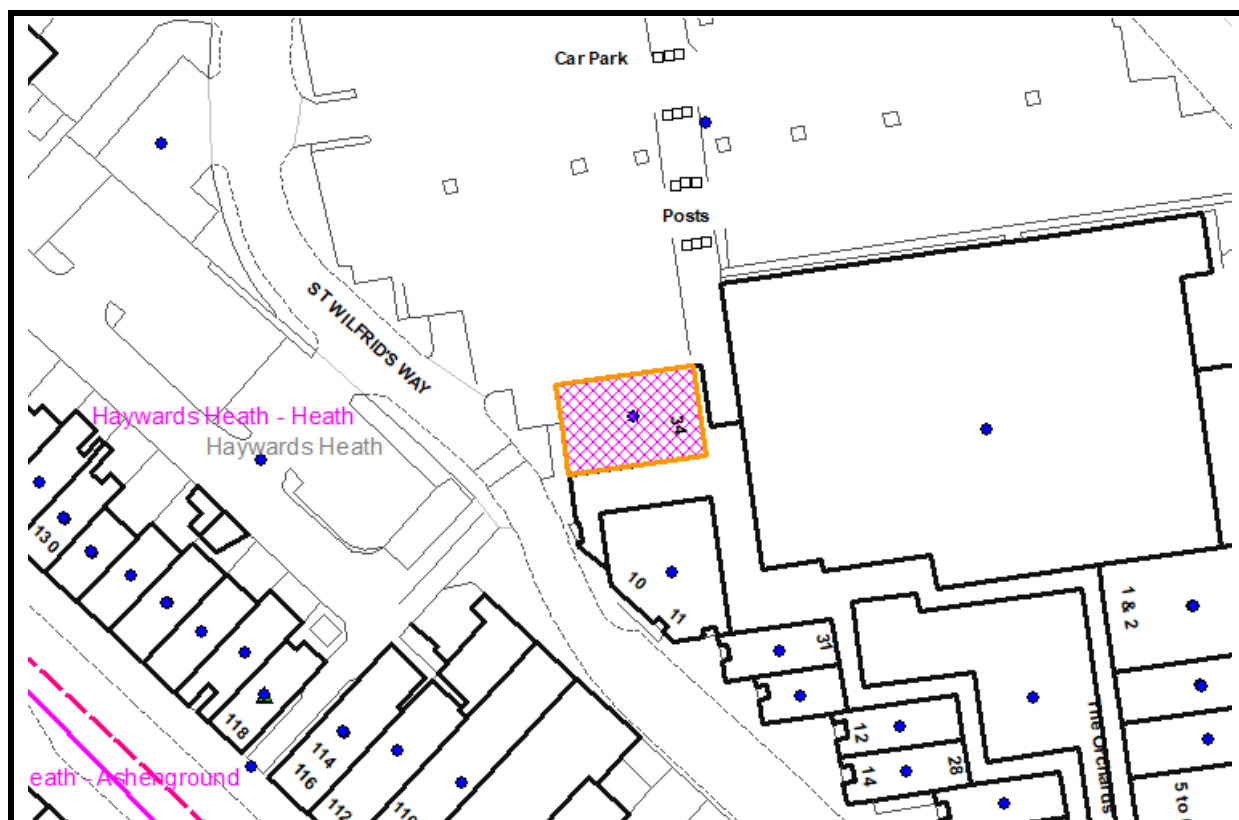
Planning Committee

**12 MAY 2022**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/22/0803**



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**COLLINGWOOD BATCHELOR UNIT 34 AND 35 THE ORCHARDS  
HAYWARDS HEATH WEST SUSSEX RH16 3TH  
AMENDMENTS TO FENESTRATION  
COLLINGWOOD BATCHELOR**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Trees subject to a planning condition / Trees subject to a planning condition /

ODPM CODE: Minor Other

8 WEEK DATE: 13th May 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Andrew Horrell

**PURPOSE OF THE REPORT**

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

**EXECUTIVE SUMMARY**

Planning Permission is sought for amendments to the fenestration of shopfronts at Unit 34 and 35 the Orchards. The application has been referred to Committee because the building is on land owned by the District Council.

The proposed amendments to the shopfronts are considered to be of a design, size and scale appropriate to the site and character of the area.

The proposed development is therefore deemed to comply with policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

**RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

None received

## **SUMMARY OF CONSULTATIONS**

### **Haywards Heath Town Council:**

*No Comment*

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## **INTRODUCTION**

The application seeks planning permission for amendments to the fenestration of shopfronts at Unit 34 and 35 the Orchards.

## **RELEVANT PLANNING HISTORY**

HH/198/97 - Refurbishment of public areas of shopping centre, including new canopies and entrance treatment. Extension of one shop unit. (approved)

00/02079/FUL - Demolition of Unit 34/35, creation of larger shop unit incorporating units 32/33; new mezzanine level, external glazed covered way (withdrawn)

## **SITE AND SURROUNDINGS**

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre.

The ground floor units are occupied by Collingwood Batchelor, with an existing fascia on three sides (northern, southern and eastern elevations). Externally the walls have a red brick finish, with regularly spaced windows that have grey aluminium frames.

The site is located within Hayward Heath Town Centre, on the primary shopping frontage. Adjacent facing units are located to the south and east of the site (Units 32 and 33 - Also Collingwood Batchelor and Marks and Spencer). To the west is the public highway whilst the car park serving The Orchards is to the north.

## **APPLICATION DETAILS**

The two new shop windows on the southern rear elevation facing units 32 and 33 measures 4.9m and 4.192m in width and 2.982m in height. The width is to match the existing windows, with the height increased from 2.1m.

The new shop window on the eastern side elevation facing Marks and Spencer measures 3.722m in width and 2.8m in height. The width is to match the existing windows, with the height increased from 1.944m. A new front door, to match the existing is also proposed.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

DP26 (Character and Design)

## Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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.

## National Policy

National Planning Policy Framework (July 2021)

## ASSESSMENT

The main issues are considered to be the design and scale of the scheme and resulting impact on the character and appearance of the area.

### Scale, design and character impact

DP26 of the 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;*
- *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 E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and states:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.*

Section 6.3.1 of the Mid Sussex Design Guide SPD states: *'a contemporary design typically incorporates a higher proportion of glazing with large windows and greater variety of fenestration which can make it appear light and airy'.*

It is noted that the opposite western elevation of Marks and Spencer's is characterised by full height windows.

The use of enlarged windows are considered to be appropriate in terms of the resulting appearance and is consistent with the evolving, modernising contemporary character of the shopping centre. It is considered that the proposal will be of a high standard of design that would comply with the above policy requirements.

## **CONCLUSION**

The proposed development complies with policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.



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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### Approved Plans

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

### 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.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing and Proposed Floor Plan	EP01	-	10.03.2022
Existing and Proposed Elevations	EP02	-	10.03.2022
Block Plan	BP	-	10.03.2022
Location Plan	SLP	-	10.03.2022

### **APPENDIX B – CONSULTATIONS**

#### **Parish Consultation**

No Comment.

#### **Haywards Heath Town Council:**

*No Comment*

MID SUSSEX DISTRICT COUNCIL

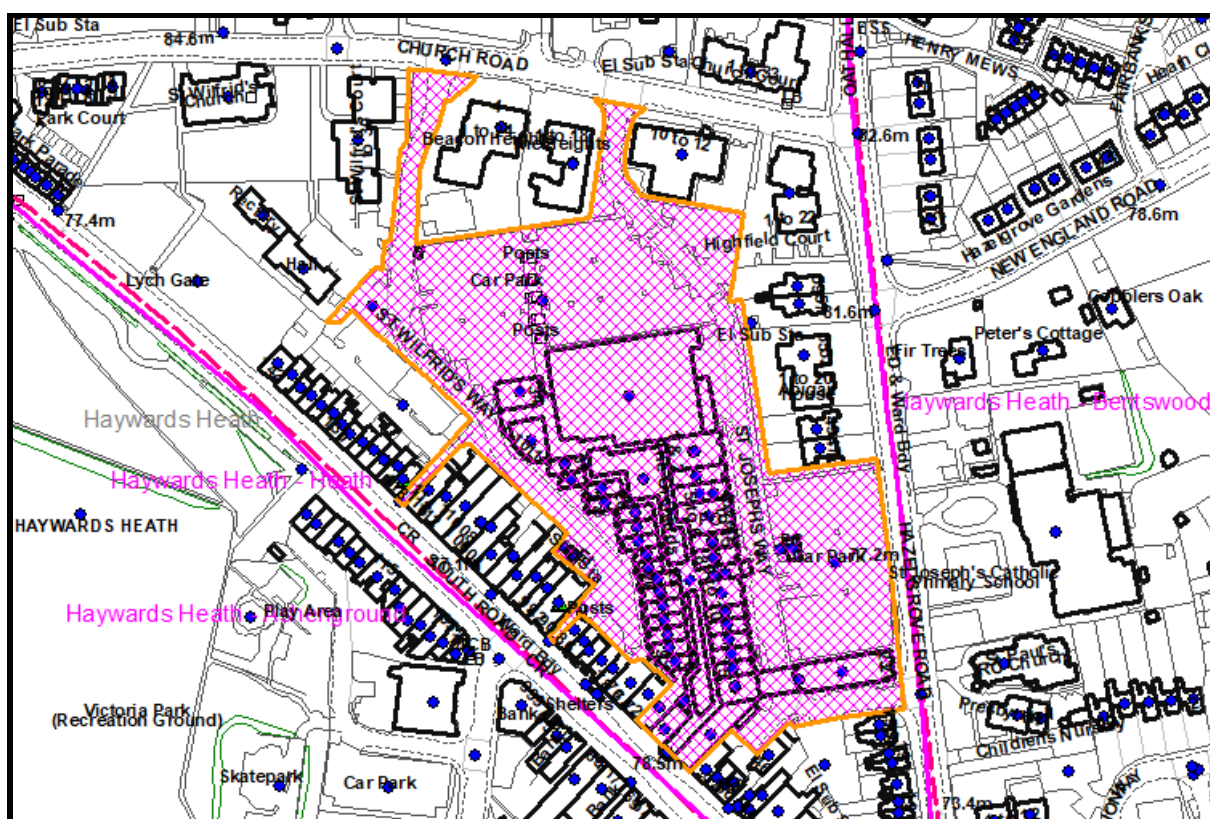
Planning Committee

12 MAY 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/1098



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**MID SUSSEX DISTRICT COUNCIL HAZELGROVE ROAD CAR PARK ST JOSEPHS WAY HAYWARDS HEATH WEST SUSSEX**

**TO DEMOLISH THE EXISTING TOILET BLOCK AND BUILD A NEW TOILET BLOCK CONSISTING OF A CHANGING PLACES TOILET, A MALE TOILET AND FEMALE TOILET.**

**MR PAUL WILLIAMS**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order / Tree Preservation Order Points / Trees subject to a planning condition / Highways Agreement (WSCC) /Miscellaneous Archived Charges (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 2nd June 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Deborah Lynn

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

This application seeks planning permission to demolish the existing toilet block in Hazelgrove Road Car Park, Haywards Heath and erect a new block consisting of a changing places toilet, a male toilet and female toilet.

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

The proposed replacement toilet block will improve upon existing facilities and is considered acceptable both in terms of its design and impact upon the character of the area.

The application therefore accords with policies DP25, DP26 and DP28 of the Mid Sussex District Plan and policies E9 and L5 of the Haywards Heath Neighbourhood Plan.

**RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

One letter received in support of application:

- It can only be good for the shopping centre
- May I strongly suggest that you consider a car wash which would make the centre even more attractive, previous car wash did good business with a real demand for this service.

## **HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS**

No comments yet received.

---

## **INTRODUCTION**

This application seeks planning permission to demolish the existing toilet block and erect a new block consisting of a changing places toilet, a male toilet and female toilet.

The application has been referred to Committee as the site is located on land owned by Mid Sussex District Council.

## **RELEVANT PLANNING HISTORY**

CU/026/82 - Construction of male, female and disabled persons public convenience. Permission granted 23.03.1982.

## **SITE AND SURROUNDINGS**

The application site is a toilet block located to the east of The Orchards shopping centre on St. Josephs Way. The toilet block lies on the western side of Hazelgrove Road car park which is owned by MSDC; the existing building is constructed from brick with a tile hipped roof.

The entrance and exit to the car park lie to the south of the toilet building, with parking bays located to the north, east and further south. The Orchards shopping centre lies to the west, with residential flats above.

A two storey building occupied by Tesco Express and Switch Gym adjoins the car park to the south. The northern boundary of the car park is lined with an established hedge, with the semi-detached building at no. 47 Hazelgrove Road adjoining the car park.

In terms of planning policy, the site lies within the built up area of Haywards Heath and Haywards Heath town centre.

## **APPLICATION DETAILS**

Plans show that the existing toilet building, which measures 9.58 metres long by 4.3 metres wide and 4.45 metres high will be replaced with a modern flat roofed building, manufactured off site, that measures 10.2 metres long by 3.4 metres wide and approximately 2.8 metres high. The walls will be clad with white coloured fibre cement boarding with a GRP roofing system with 3 no. skylights.

The new toilet block will consist of a ladies toilet with 3 no. cubicles, a men's toilet with 1 no. cubicle and 2 no. urinals, and a changing places toilet, for people with learning or physical disabilities, who may require additional equipment and space in order to use the toilets safely and comfortably.

The building will be mounted on six concrete block foundation pads, with an insitu concrete ramp at a gradient of 1:15 built between the unit and existing pavement.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

DP25 community facilities and local services  
DP26 character and design  
DP28 accessibility

### **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan for Haywards Heath was 'made' on the 15th December 2016. It forms part of the development plan and carries full weight.

Relevant policies:

E9 design  
L5 community and sporting facilities

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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.

### National Planning Policy Framework (NPPF) (July 2021)

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

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning*

*authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

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

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

### National Planning Practice Guidance

#### *National Design Guide*

### **ASSESSMENT**

The main issues deemed relevant to the consideration of this application are:

- Principle of development
- Design and impact on character of the area.

#### **Principle of development**

Policy DP25 of the District Plan relates to community facilities and local services and states in part that 'the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

Policy DP28 relates to accessibility and states in part that 'all development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

At neighbourhood plan level, policy L5 states that 'the provision of new community service buildings including medical and educational services in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents.'

The replacement toilet block will include a changing places toilet, which is significantly larger than the existing disabled toilet on site. This will allow people with learning or physical disabilities to use the toilets safely and comfortably.

As such, it is considered that the development will represent an improvement upon existing facilities, providing greater accessibility for all users.



The principle of development is therefore supported by the above policies.

### **Design and impact on character of area**

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

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *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;'*

At neighbourhood plan level, policy E9 relates to design and states in part that:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*

- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.'*

The proposed building has a similar sized footprint to the existing building and is of a reduced height. The design, form and scale of the building is considered appropriate to its setting and should not detract from the appearance and character of the area. Plans show that the building will be clad with white coloured fibre cement weatherboarding; this colour has been chosen as it is easier to clean and therefore considered to be more hygienic, and also allows the building to stand out for the partially sighted. Whilst it is considered that a brown colour would blend in better against the backdrop of The Orchards shopping centre, it is not considered that the colour would be out of keeping or harmful to the visual amenity of the area.

The proposal is considered to accord with policy DP26 of the District Plan and policy E9 of the Neighbourhood Plan.

### **Other matters**

At 10.2 metres long, the proposed building will be slightly longer than the existing building, indicating that the building will encroach onto an adjoining parking bay to the north. The loss of 1 parking space to accommodate the replacement building is not considered to represent a highways issue in terms of a reduction in parking provision within the car park.

Whilst comments received in respect of a car wash facility are noted, these are not deemed pertinent to the consideration of this planning application, which concerns a replacement toilet block.

### **PLANNING BALANCE AND CONCLUSION**

The proposed replacement toilet block will improve upon existing facilities and is considered acceptable both in terms of its design and impact upon the character of the area.

The application therefore accords with policies DP25, DP26 and DP28 of the Mid Sussex District Plan and policies E9 and L5 of the Haywards Heath Neighbourhood Plan.

Accordingly, the application is recommended for approval subject to the conditions listed in Appendix A.

---

## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### Approved Plans

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

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

3. No external materials shall be used other than those specified on the approved plans 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 2014 - 2031 and policy E9 of the Haywards Heath Neighbourhood Plan.

## 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.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan			04.04.2022
Location and Block Plan	PL002	-	04.04.2022
Existing Floor and Elevations Plan	PL 003	-	04.04.2022
Proposed Site Plan	PL004	-	04.04.2022
Proposed Floor and Elevations Plan	PL005	-	04.04.2022

### **APPENDIX B – CONSULTATIONS**

#### **Haywards Heath Town Council**

*No comments received as yet*

MID SUSSEX DISTRICT COUNCIL

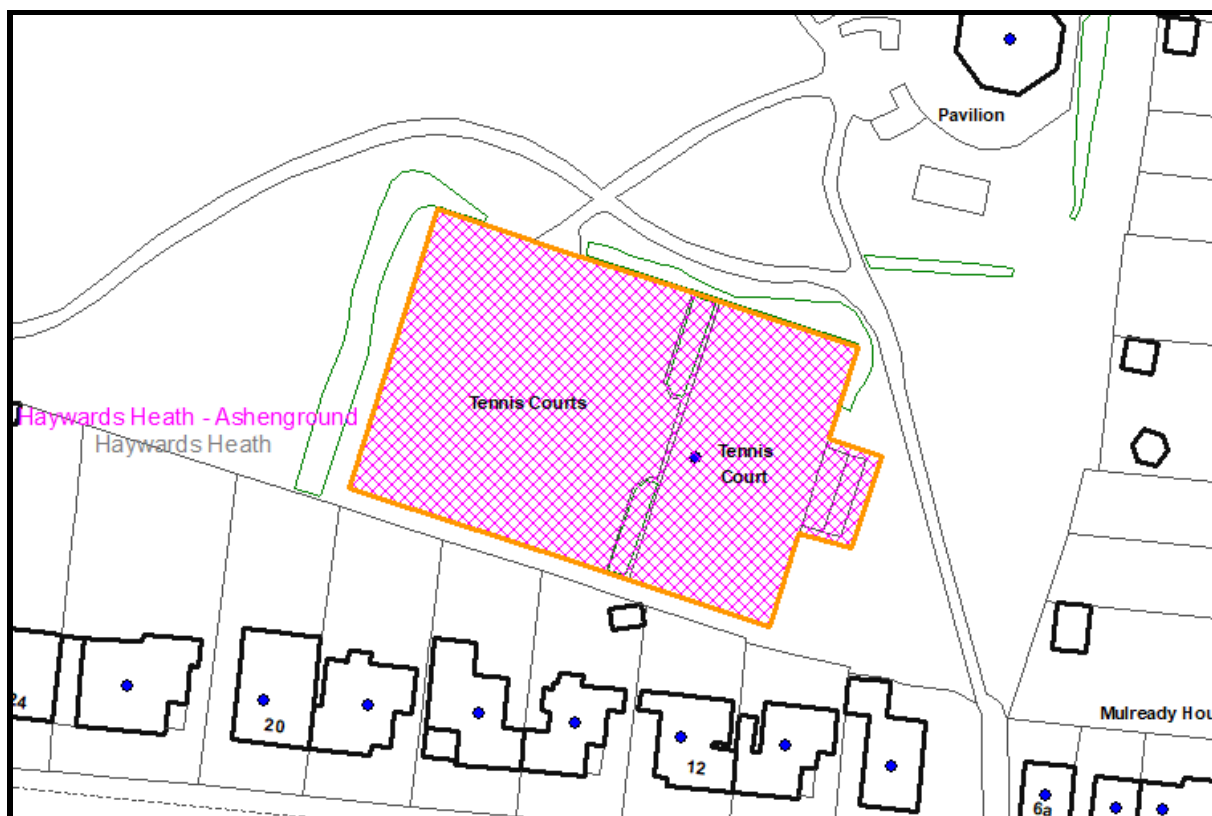
Planning Committee

**12 MAY 2022**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/22/0860**



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**TENNIS COURTS VICTORIA PARK SOUTH ROAD HAYWARDS HEATH  
WEST SUSSEX**

**PROPOSAL IS TO RETAIN THE EXISTING TIMBER FRAMED  
CLUBHOUSE WITH MINOR ELEVATIONAL CHANGES TO  
INCORPORATE NEW WINDOWS AND DOORS.  
MR DAVID TREHARNE**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Other

8 WEEK DATE: 17th May 2022

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Andrew Horrell

**PURPOSE OF THE REPORT**

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

**EXECUTIVE SUMMARY**

Planning Permission is sought for the refurbishment of the existing clubhouse.

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

The proposed refurbished clubhouse is considered to be of a design, size and scale appropriate to the site and would not cause significant harm to the amenities of neighbouring amenities.

The proposed development is therefore deemed to comply with policies DP24 and DP26 of the Mid Sussex District Plan and policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

**RECOMMENDATION**

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

**SUMMARY OF REPRESENTATIONS**

None received

## **SUMMARY OF CONSULTATIONS**

### **Haywards Heath Town Council:**

*'The Town Council SUPPORTS this application, and obviously shares the applicants' disappointment that their original aspiration to deliver a larger, improved clubhouse could not be delivered for financial reasons.'*

### **MSDC Estates:**

*No comment*

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## **INTRODUCTION**

The application seeks planning permission for the refurbishment of the existing timber framed clubhouse.

## **RELEVANT PLANNING HISTORY**

CU/218/80 - Proposed Pavilion (approved)

CU/277/81 - Replacement of existing wooden club hut for use as pavilion and changing rooms. (approved)

CU/145/82 - Prefabricated building as club pavilion. (approved)

DM/20/0883 - Demolition of existing timber framed Tennis Clubhouse. Reconstruct in brickwork with pitched roof. (approved)

## **SITE AND SURROUNDINGS**

The existing clubhouse is in the southern end of Victoria Park. The clubhouse is a timber clad flat felt roofed building running parallel to the tennis courts with timber doors and windows.

To the north of the site is Victoria Park, to the south of the park is Close boarded fencing to dwellings No.6-12 Park Road beyond, to the east of the site is a footpath with woodland to the rear gardens of Haywards Road dwellings beyond and to the west of the site is the existing Tennis Courts.

The site is within the built-up area of Haywards Heath.

## APPLICATION DETAILS

The existing clubhouse is to be modernised.

External alterations include:

- new doors suitable for disabled access and windows
- new roof coverings and guttering
- timber cladding to the building to be replaced with Cedral shiplap cladding.
- the replacement of external new paved spectator area to the front to provide level threshold access at doorways for wheelchairs.

Internal alterations to include:

- the provision an electricity supply for lighting and power internally and for water heating
- Install a unisex and disabled compliant W.C. for use by members and visitors
- Renewal of selected internal finishes and relocation of the existing kitchen
- Minor drainage alterations to allow for the proposed internal changes.

## LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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



Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

DP24 (Leisure and Cultural Facilities and Activities)  
DP26 (Character and Design)

### **Haywards Heath Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)  
L9 (Playing fields and sporting facilities)

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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.

### **National Policy**

National Planning Policy Framework (July 2021)

### **ASSESSMENT**

The main issues are considered to be the design and scale of the scheme and resulting impact on the character and appearance of the area and neighbouring amenities.

### **Scale, design and character impact**

DP26 of the 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;*
- *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 E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and states:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.*

The proposal is to be set within the public park and would be seen in context with the tennis courts. The proposal is for a refurbishment of the existing building and therefore it is considered that the proposal would not cause harm to the character of the area. The changes to the building are modest and there is no conflict with Principle DG38 in the Design Guide SPD.

Policy DP24 of the Mid Sussex District Plan is deemed relevant to development to leisure facilities. It states:

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

*The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.*

*Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council. Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:*

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.*

A similar ethos is found in Policy L9 of the Haywards Heath Neighbourhood Plan which states:

*'Existing playing fields and sporting facilities within the Plan area shall be retained and where possible enhanced to the benefit of the Town'.*

The nature of the proposal is to modernise the existing clubhouse, this means the proposed complies with DP24 of the Mid Sussex District Plan and policy L9 of the Haywards Heath Neighbourhood Plan.

In terms of impact on neighbouring amenities, policy DP26 of the District Plan states that it must be demonstrated that any 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.

Given the nature of the proposal, significant harm to neighbouring amenities would not be caused.

## CONCLUSION

The proposed development complies with policies DP24 and DP26 of the Mid Sussex District Plan as well as policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### Approved Plans

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

## 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.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location and Block Plan	-	B	15.03.2022
Existing Floor and Elevations Plan	-	-	15.03.2022
Proposed Floor and Elevations Plan	-	-	15.03.2022
Planning Layout	-	-	15.03.2022
Planning Statement	-	-	15.03.2022

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council SUPPORTS this application, and obviously shares the applicants' disappointment that their original aspiration to deliver a larger, improved clubhouse could not be delivered for financial reasons.

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

**12 MAY 2022**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/22/0782**



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### **3 ALEXANDRA ROAD BURGESS HILL WEST SUSSEX RH15 0EP**

#### **CHANGE OF USE FROM PREVIOUSLY UNDESIGNATED TO GARDEN LAND.**

**MR PHIL CROSS**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Change of Use

8 WEEK DATE: 12th May 2022

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Lesley Westphal

#### **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**

Permission is sought for the change of use of this modest sized piece of land within a residential area from informal open space previously owned by the original developer of the surrounding area to private garden land, to form part of the garden of the adjoining bungalow.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development 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 and the Burgess Hill Neighbourhood Plan.

The applicant advises that the sale of the site has taken place and some cutting back of boundary shrubs has taken place and the land has been partially fenced off, although public access is still available. The change of use to garden land would not result in a materially harmful loss of public open space nor harm the general spatial character or visual amenities of the surrounding area.

It is considered that subject to appropriate conditions it would comply with the provisions of policies DP21, DP24, DP26, DP29 and DP38 of the Mid Sussex District Plan and policies G1 and G3 of the Burgess Hill Neighbourhood Plan.

#### **RECOMMENDATION**

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



## **SUMMARY OF REPRESENTATIONS**

Six Letters of support have been received raising the following issues:

- The scheme would represent a visual improvement to the site which has been overgrown and uncared for
- There is ample informal green open space nearby
- The change of use would be acceptable as long as no buildings are placed on it.

Seven letters of objection have been received raising the following issues:

- It would result in a loss of informal open space used for play and general informal use by the surrounding community
- Loss of outlook to surrounding residents
- Harm to neighbours amenities through the residential use of this site
- Loss of wildlife habitat
- Significant overbearing impact upon local residents
- Harm to neighbours amenities including from loss of outlook if the space is enclosed or built upon and noise and disturbance arising from a residential use of the garden
- Fundamental change to the character of this part of the surrounding area
- Concern that it could be used in a manner ancillary to the adjacent bungalow that would be visually harmful to the character of the surrounding area, ie for a building or extension, storage of ancillary domestic goods and clutter that would be untidy and detract from the site
- Concern about the potential for a private access into the site
- The space has been well kept by the County Council
- Potential highways safety concerns as a result of boundary fencing/hedgerow, reducing sightlines around this part of Alexandra Road
- Contrary to those policies in the Neighbourhood Plan, District Plan, Design Guide and National Planning Policy Framework that protect open space,, visual amenities, design quality, trees, wildlife, highways safety and neighbours amenities.

## **SUMMARY OF CONSULTEES**

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

### **WSCC Highways Authority:**

Do not consider that this proposal would have an unacceptable impact on highways safety nor result in 'severe' cumulative impacts on the operation of the highway network. There are no transport grounds to resist the proposal.

The following informative is recommended: The applicant is advised to contact the DFT National Transport Casework Team to commence the 'stopping up' process.

Officer Note: The Stopping Up application has been made.

## **TOWN COUNCIL OBSERVATIONS**

Recommend refusal. The Committee expressing concerns believing it to be detrimental to the streetscene, as well as concerns regarding the loss of green space.

It would be contrary to the following policies:

District Plan Policies DP24, DP26 and DP29

Burgess Hill Neighbourhood Plan Key Issues:

- C03: Ensure access to facilities including informal recreational space
- CO5: Protect and improve areas of existing landscape value and open space identified by local communities
- CO6: Promote new open spaces particularly where there are deficiencies and encourage new opportunities to protect and enhance bio diversity as part of proposed developments
- Policy G1: Areas of Open space: All areas of formal and informal open space ... as listed in Appendix E and identified on the proposal map will be protected from development and appropriate access to these areas will be maintained. Development that would result in a loss of open space must be either supported by an open space assessment that demonstrates the open space is no longer needed or proposal for equivalent or better alternative provision.
- District Design Guide: Principle DG25 Enhance the Environment and Sense of Place through Open Space
- NPPF Section 2: Existing open spaces should not be built on

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## **INTRODUCTION**

Permission is sought for a change of use from informal open space to residential garden land.

The application is before Committee at the request of Cllr Henwood to considers matters relating to the loss of open space and impacts upon the character and amenities of the area and nearby residents.

## **RELEVANT PLANNING HISTORY**

None relevant

## **SITE AND SURROUNDINGS**

The site comprises a broadly triangular piece of land which abuts the public highway along the west/southwest edges of the site and the private gardens of neighbouring dwellings along the east and northern boundaries. It has until recently been in the ownership of the developer of the surrounding area and been in use as informal public open space.

The site lies within a residential area where pieces of informal open space, such as this, of varying sizes are scattered randomly around the neighbourhood. Indeed immediately opposite the site lies more such land and approximately 75m to the south lies another area of land sited between the public highway and the garden boundaries of the two nearest dwellings.

The site has been partially fenced off although public access is still available.

The boundaries with the adjacent gardens are planted although the shrubs appear to have been recently pruned, but otherwise the site is grassed over. The map of the site suggests footpaths parallel to the northern and eastern edges of the site, but these appear to be largely obscured now by grass.

The surrounding area is residential in character with a generally reasonably open and spacious feel to the area facilitated by open front gardens to most dwellings with low boundary walls which open up the individual plots to view. Corner properties nearby have a variety of boundary treatments including some with close boarded fencing - although this is not the predominant character of the area.

## **APPLICATION DETAILS**

The application seeks permission to change the use of the site to a private garden effectively forming a side garden to 3 Alexandra Road which lies to the east of the site.

The land has until recently been owned by the original developer of the neighbourhood and been used as informal open space, albeit no facilities are provided on the land. However residents advise that previously it has been used by children to play on and as a green open space for local residents to view as part of the wider streetscene.

Following the purchase of the land a wire fence was erected along the back edge of the pavement including a gate. The fence does not need planning permission, being permitted development due to its low height. Although the gate did need planning permission that has now been removed and public access is still available to the site.

In addition to the need for planning permission for the change of use, a formal application also needs to be made for the 'stopping up' of public access to the land and that application has been submitted. If successful this would extinguish public access rights to the land. That application will be determined after this application has been determined.

## LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan (made in October 2015)

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

Policy DP21: Transport

Policy DP24: Leisure and Cultural Facilities and Activities

Policy DP26: Character and Design

Policy DP29: Noise, Air and Light Pollution

Policy DP38: Biodiversity

## Neighbourhood Plan - Burgess Hill Neighbourhood Plan

Relevant policies:

G1 - Areas of OpenSpace

G3 - Nature Conservation and Bio-diversity

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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.

Principle:

DG4: Establish a landscape and green infrastructure network

DG6: Design to enhance biodiversity

DG25: Enhance the environment and sense of place through open spaces

### National Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. It identifies as a social objective support for amongst others accessible services and open spaces that reflect current and future needs.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

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

With specific reference to decision-taking paragraph 47 states: 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.

Paragraphs 98-103 address the issue of open space and recreation. They recognise the benefits of high quality open spaces and opportunities for sport and physical activity advising that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the space is surplus to requirement, would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision and the benefits of the development proposed outweigh the loss of the current use.

## **ASSESSMENT**

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

- Loss of Informal Open Space
- Impact upon Character of Streetscene
- Neighbours Amenities
- Highways Impacts
- Biodiversity

### **Loss of Informal Open Space**

Policy DP24 seeks to provide and protect the necessary infrastructure to encourage a healthy and enjoyable lifestyle by the provision of cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. It advises that sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan document produced by the District Council. Proposals that result in the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields will not be supported unless they can be shown to be surplus to requirements, subject to replacement by equivalent or better facilities or the need for the development proposed would outweigh the loss of the facility.

This policy applies to Open Space, parks and nature conservation sites, amongst other types of space. The site forms a grassed informal area of open space, along with other such nearby spaces and grass verges alongside the highway, but which are not specifically identified within the Leisure and Cultural Strategy for Mid Sussex: Assessment of Open Space, Sport and Recreation, nor the Neighbourhood Plan. When considering the harm caused by this proposal, it is clear that the site would represent a loss of informal open space. However, the site is not identified in the evidence base to the Local Plan and the loss of this site would not be quantifiable therefore against the assessments that have been carried out for Local Plan provision.

Whilst Policy DP24 identifies the evidence base to the policy being the Leisure and Cultural Strategy for Mid Sussex, the policy does not confine itself specifically and solely to space identified within that document. So the potential harm arising from the loss of this space has to be considered. The town has spaces that are specifically identified and protected by Policy DP24 as well as other open spaces in the vicinity of this site that are publicly accessible. Additionally, the general character of the surrounding area is one of reasonable spaciousness with properties with good sized private gardens. Officers do not consider that it would be possible to demonstrate specific and identifiable harm to local resident's health or amenities arising from the loss of this modest space to public use.

The supporting text to Policy G1 of the Neighbourhood Plan advises that *'protecting area of open space is of the utmost importance to the local community in Burgess Hill. Green open space that can be accessed by the public for formal and informal recreation contributes to the wellbeing of residents and the enjoyment of their town.'* Such spaces can also contribute to wildlife and biodiversity of the area. Policy G1 advises that *'all existing areas of formal and informal open space as listed in Appendix E of the Neighbourhood Plan and identified on the proposals map will be protected from development and appropriate access to these areas will be maintained. Development that would result the loss of open space must either be supported by an open space assessment that demonstrates the open space is no longer needed or proposals for equivalent or better alternative provision. Proposed new areas of open space will be supported.'* This site, along with the other modest spaces lying alongside the highway nearby are not identified in the Appendices or on the map and that policy would not therefore appear applicable to this particular space.

The other aspect of the value of this land to the local community is the visual benefit derived from the openness and green appearance of this parcel of land.

Policy DP26 supports development that is sensitive to the character of the District's towns and villages. The character of the surrounding area is one of green open garden space interspersed with some publicly accessible space such as this site. The change of use of this site, subject to appropriate conditions, for instance relating to the use only of low level fencing or boundary walls would protect the general open character of the site. It would be visible just as many other gardens are visible to the surrounding area. It is noted of course that the planting of hedging/trees would not require planning permission and could be used to provide higher boundary screening to create some privacy to this area of garden. This has been done in some other gardens nearby whose rear gardens are close to the public highways and this would not appear out of character with the area.

Overall, the spatial character of the wider area would not change significantly as a result of this scheme although it is acknowledged that this would represent a change of outlook to those immediately adjacent to the site. It would be a different outlook but would not be harmful to the general character and visual amenities of the area. The scheme would comply with the approach of Policy DP26.

## Impact upon Character of Streetscene

Policy DP26 seeks development that is well designed and that reflects the District's distinctive towns and villages. Of particular relevance to this application are those parts of Policy P26 which refer to:

- Being of high quality design and layout and including appropriate landscaping and greenspace
- Creating a sense of place whilst addressing the character and scale of the surrounding buildings and landscape
- The protection of open spaces, trees and gardens that contribute to the character of the area.

Principle DG25 of the Design Guide recognises the important contribution to the character of an area made by open spaces providing physical and visual amenity and a focus for social, play and sporting activities and events. Such space should be provided as an integral part of a development and be designed with a specific role or function as part of the wider open space network.

The area within which this site lies is generally one of relative spaciousness and openness with views across the many nearby front gardens adding to the character, whilst rear gardens visible in the public realm are generally protected by boundary fencing or hedging.

If the loss of this space is not considered to materially harm the levels of open space within the area overall, then consideration must be given to the visual impacts of that loss. It is considered that the boundary treatment of this site should not include a fence or wall above 1m in height to maintain views across the site. A standard 1.8-2m fence would be quite obtrusive in this location where the extent and curve of the site boundary would be quite prominent if a standard height fence were erected. The Town and Country Planning (General Permitted Development) (England) Order 2015 would not however allow a treatment above 1m in height without express planning permission so there is no need to attach a condition to achieve this. It is acknowledged that the applicant may wish to treat this land as a private space, rather than a more public front garden and hedging could be planted, which would not require planning permission, but which would provide a softer more visually attractive boundary treatment. This could in due course reach a height of 2m or more and would thus prevent views into the garden. There are other examples of side/rear gardens that are visible from the public realm which are either fenced or have planted boundaries that prevent garden views. The nearest example of a planted boundary is adjacent to the site where an evergreen hedge screens off the rear garden of 1 Alexandra Road. The nearest fenced boundaries lie on the corner of Churchill Way and Marlborough Crescent where two corner properties have fenced off their rear gardens. Both boundary treatments form part of the character of this area and such an approach on this site would be acceptable.

The site lies between the bungalow at number 3 Alexandra Road and the highway and therefore development normally permitted by Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of The Town and Country Planning (General Permitted Development) (England) Order 2015 would require express planning



permission. Likewise, any other applications to extend the bungalow and affecting this land would be subject to the usual planning controls, when impacts upon the streetscene and character of the area would form a material consideration.

Overall, it is not considered that the inclusion of this land within the domestic curtilage of 3 Alexandra Road would be out of character with the character of the surrounding area and nor would the screening of the site with planting adversely affect the character and visual amenities of the area.

### **Neighbours Amenities**

Policy DP26 requires that new development does not cause significant harm to the amenities of the existing nearby residents.

A number of objections have been received to this application including concerns about the impact of the scheme upon neighbours amenities. The use of the land as a garden would not be expected to cause any adverse impact upon the nearby residents.

### **Highways Impacts**

Policy DP21 in this instance requires that new development does not adversely affect highways safety nor the free flow of traffic.

The Highway Authority has assessed the application and raise no objections.

Concern has been raised by residents regarding the potential for boundary fencing/hedging to adversely affect highways safety. Fencing above 1m in height of the boundary will require planning permission when such issues could be assessed, but this issue has not been raised by the Highway Authority.

Overall no highways objections are raised to this scheme.

### **Biodiversity**

Policy DP38 requires development to take opportunities to improve enhance manage and restore biodiversity so that there is a net gain and to protect existing biodiversity, so that there is no net loss of biodiversity.

The neighbourhood plan at Policy G3 requires appropriate improvements to the habitat network in development proposals wherever possible.

The site itself comprises grass that is regularly mown with boundary planting along the shared boundaries with the two adjacent gardens to the north and east (3 Alexandra Road) which has been recently pruned. This is likely to be removed to allow the site to be included within the adjacent garden. The land has been treated similarly to a domestic garden and there is no reason to anticipate that it hosts any protected species. It will be subject to normal domestic use and such planting as desired by the applicant and it is not anticipated that the change of use would result in a loss of bio diversity within the area.

A condition is suggested to address the need to provide a bio diversity enhancement as part of any new development.

### **Planning Balance and Conclusion**

An assessment of relevant planning policies and planning guidance, together with other material considerations, has resulted in a recommendation to approve this proposal.

The site comprises informal open space which has been identified as having been sold to the owner of 3 Alexandra Road who wishes to change the use of this land to a private garden.

Whilst being informal open space, the site is not formally identified as open space in any of the evidence base associated with the District Plan or the Neighbourhood Plan. Its loss would not therefore contribute to a quantifiable loss of open space identified as important by these documents. Policy G1 of the Neighbourhood Plan is more specific about which land it protects than the District Plan and this site is not on the list of protected sites identified in the Plan.

It is not considered possible to demonstrate harm to the local community resulting from the loss of this space, when it is not specifically identified and when other space lies nearby for informal use.

The form of boundary treatment used could be controlled to try to ensure the land remains open but it would be possible to plant hedging that does not require permission and which could in time block views of the land from ground level at least. Even in this event it is not considered that this would cause unacceptable and demonstrable harm to the visual amenities and character of the local area: there being other gardens nearby which form part of the character of the area and are screened from public view by fencing and hedging.

There are not anticipated to be any harms to bio diversity and a suitably worded condition could ensure works to provide some enhancements to ensure policy compliance.

The site would not cause any adverse highways impacts nor harm to the amenities of nearby residents amenities.

In light of the above it is recommended that the application is approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

3. Prior to the commencement of use of the land, details shall be submitted to and be approved in writing by the District Planning Authority of proposed bio diversity enhancements. The scheme shall be carried out in accordance with the approved details during the next available planting season where necessary or otherwise within 1 month of the grant of permission and shall thereafter be retained.

Reason: To ensure that the scheme provides a bio diversity gain in accordance with the provisions of Policy DP38 of the Mid Sussex District Plan 2014-2031 and the National Planning Policy Framework.

### INFORMATIVES

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

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	-	-	09.03.2022
Other	-	-	09.03.2022
Planning Statement	-	-	09.03.2022

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Recommend Refusal. The Committee expressed concerns believing it to be detrimental to the street scene, as well as concerns of the loss of green space. The application contravened the following policies:

District Plan 24; District Plan 26, and District Plan 29.

Burgess Hill Neighbourhood Plan 3, 5 and 6 and policy G1 policy of open space

District Council Design Guide ' 25

National Planning Policy Framework section 2 ' existing open spaces should not be build on.

The Committee decided that Councillors Henwood and Allen would initiate the call-in process.

### WEST SUSSEX COUNTY COUNCIL CONSULTATION

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSSCC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments. The proposal is located within the Highway Boundary but is not anticipated to obstruct any footways or visibility splays.

The applicant should be made aware that alongside this planning application, the applicant will need to apply for stopping up of the highway boundary. Please see informative below.

#### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following informative:

#### Informative

The LHA advises the applicant to contact the DFT Nation Transport Casework Team to commence the 'Stopping Up' process.

National Transport Casework team  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

Email: [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk)

Phone: 0207 944 4115

#### Websites:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

<https://www.gov.uk/government/groups/national-transport-casework-team>

Stephen Garrard  
West Sussex County Council - Planning Service

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